



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

Tuesday, 8 October 2019

TO: THE MAYOR AND COUNCILLORS

Dear Councillor,

You are summoned to a meeting of the **COUNCIL** to be held in the **COUNCIL CHAMBER, 52 DERBY STREET, ORMSKIRK L39 2DF** on **WEDNESDAY, 16 OCTOBER 2019** at **7.30 PM** at which your attendance is requested.

Yours faithfully

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

Kim Webber
Chief Executive

AGENDA
(Open to the Public)

PAGE(S)

1. **PRAYERS**

2. **APOLOGIES**

3. **DECLARATIONS OF INTEREST**

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

753 - 754

4.	MINUTES To receive as a correct record, the minutes of the previous meeting held on Wednesday, 17 July 2019	755 - 766
5.	ANNOUNCEMENTS BY THE MAYOR AND/OR THE CHIEF EXECUTIVE	
6.	TO ANSWER ANY QUESTIONS UNDER THE PROVISIONS OF COUNCIL PROCEDURE RULE 10.2	
7.	MINUTES OF COMMITTEES To receive the minutes of the following meetings, to confirm, if appropriate, such of the minutes as require confirmation and to pass such resolutions as the Council may deem necessary:	
a)	Licensing & Gambling Committee - Tuesday, 2 July 2019	767 - 768
b)	Licensing & Appeals Committee - Tuesday, 2 July 2019	769 - 772
c)	Chief Officers Committee - Thursday, 18 July 2019	773 - 776
d)	Planning Committee - Thursday, 25 July 2019	777 - 780
e)	Audit & Governance Committee - Tuesday, 30 July 2019	781 - 784
f)	Chief Officers Committee - Wednesday, 14 August 2019	785 - 786
g)	Planning Committee - Thursday, 5 September 2019	787 - 790
h)	Standards Committee - Tuesday, 17 September 2019	791 - 794
i)	Chief Officers Committee - Wednesday, 18 September 2019	795 - 798
8.	PUBLIC SPACE PROTECTION ORDER RENEWAL To consider the report of the Director of Leisure & Environment.	799 - 814
9.	COUNCIL HOUSING ASSET MANAGEMENT STRATEGY & CAPITAL PROGRAMME PROCUREMENT APPROACH To consider the report of the Director of Housing & Inclusion.	815 - 838
10.	TREASURY MANAGEMENT AND PRUDENTIAL INDICATORS MONITORING 2019-20 To consider the report of the Borough Treasurer.	839 - 846
11.	TAWD VALLEY DEVELOPMENTS LIMITED - OFFICER DIRECTOR APPOINTMENTS To consider the joint report of the Chief Executive and the Interim Chief Operating Officer (Designate).	847 - 852
12.	OVERVIEW AND SCRUTINY ANNUAL REPORT 2018/19 To consider the report of the Borough Solicitor.	853 - 868

13. **APPOINTMENT OF AUDIT & GOVERNANCE COMMITTEE CHAIRMAN** 869 - 870
To consider the report of the Borough Solicitor.
14. **PUBLIC SPEAKING PROTOCOL** 871 - 884
To consider the report of the Borough Solicitor.
15. **EXCLUSION OF PRESS AND PUBLIC**
It is recommended that members of the press and public be excluded from the meeting during consideration of the following item(s) of business in accordance with Section 100A(4) of the Local Government Act 1972 on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 3 (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.

PART 2 - NOT OPEN TO THE PUBLIC

16. **MART LANE HALL, BURSCOUGH** 885 - 892
To consider the Joint Report of the Director of Development and Regeneration and the Director Leisure and Environment.
17. **SKELMERSDALE TOWN CENTRE REDEVELOPMENT** 893 - 922
To consider the report of the Director of Development and Regeneration

PART 3 - OPEN TO THE PUBLIC

18. **MOTIONS**
To consider the following Motions included on the agenda at the request of the Members indicated:
19. **On-Street Parking In Ormskirk - Motion Included On The Agenda By Councillor A Owens On Behalf Of Our West Lancashire Group**
"This council notes with concern the extensive and often dangerous and illegal on-street car parking at certain times of the year in parts of Ormskirk resulting from the operation of Edge Hill University. This council also supports the principle of resisting inappropriate development in the green belt and, where possible, a reduction in car journeys to reduce carbon emissions, air pollution and traffic congestion.
This council requests that senior representatives of West Lancashire Borough Council, Lancashire County Council and Edge Hill University meet to discuss long term solutions to the problem of extensive and often dangerous and illegal on-street car parking close to the University and that the ideas that arise from the meeting(s) are taken forward in the forthcoming Local Plan Review.
To this end, the council instructs the Chief Executive to write to the Chief Executive of Lancashire County Council and the Vice Chancellor

of Edge Hill University requesting such a meeting/meetings."

20. New Housing Car Parking Provision And Domestic Garage Size - Motion Included On The Agenda By Councillor D Evans On Behalf Of The Labour Group

"This Council believes that the needs of people with disabilities need to be taken into account in the design of new houses including parking provision.

This Council resolves to review our current car parking standards including the size and number of car parking spaces per dwelling including the internal size of domestic garages as part of a future Local Plan review. This review will form part of a wider review of Council planning policy relating to the design of houses and accessibility."

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

FIRE EVACUATION PROCEDURE: Please see attached sheet.

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

For further information, please contact:-
Jacky Denning on 01695 585384
Or email jacky.denning@westlancs.gov.uk

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

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

IF YOU DISCOVER A FIRE

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

ON HEARING THE FIRE ALARM

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

NOTES:

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

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

CHECKLIST FOR PERSON IN CHARGE

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

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

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

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

NOTE:

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

CHECKLIST FOR ZONE WARDEN

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

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

INSTRUCTIONS FOR DOOR WARDENS

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

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

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

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

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

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

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

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

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

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

'a connected person' means

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

'body exercising functions of a public nature' means

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

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

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

Agenda Item 4

COUNCIL

HELD: Wednesday, 17 July 2019

Start: 7.30 pm

Finish: 9.17 pm

PRESENT:

Councillors:

G Owen (Mayor)

T Aldridge (Deputy Mayor)

I Ashcroft

Mrs M Blake

C Cooper

C Coughlan

S Currie

N Delaney

T Devine

Mrs C Evans

S Evans

N Furey

J Gordon

G Johnson

Mrs J Marshall

K Mitchell

I Moran

P O`Neill

A Owens

A Pritchard

Mrs D Stephenson

J Thompson

D Westley

D Whittington

K Wright

Mrs P Baybutt

A Blundell

R Cooper

V Cummins

I Davis

C Dereli

G Dowling

D Evans

J Finch

Y Gagen

G Hodson

K Lockie

M Mills

J Monaghan

M Nixon

D O`Toole

E Pope

I Rigby

A Sutton

D West

Mrs M Westley

J Witter

A Yates

Officers:

Kim Webber, Chief Executive

Jacqui Sinnott-Lacey, Director of Housing and Inclusion

John Harrison, Director of Development and Regeneration

Heidi McDougall, Director of Leisure & Environment

Marc Taylor, Borough Treasurer

Terry Broderick, Borough Solicitor

Jacky Denning, Member & Executive Services Manager

16 PRAYERS

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

17 APOLOGIES

Apologies for absence were received on behalf of Councillors T Blane, J Cairns, J Mee, N Pryce-Roberts, J Wilkie and K Wilkie.

18 DECLARATIONS OF INTEREST

The following declarations were received:

1. Councillors Aldridge and O'Toole declared a non pecuniary interest in relation to Agenda Item 11 'Council Plan Annual Report 2018/19' and item 18 (b) 'Fracking – Motion' as Members of Lancashire County Council (LCC) as did Councillors Coughlan and Gagen as employees of LCC, and indicated that they would not participate in any detailed discussions which affected LCC. Councillors Aldridge and O'Toole advising that they would leave the meeting during consideration of item 18(b) 'Fracking – Motion'.
2. Councillors Ashcroft, Mrs Blake, Dereli, Gordon, Lockie, Mrs Marshall, Mee, Moran, Owen, Pope and Whittington declared a non pecuniary interest in relation to Agenda Item 11 'Council Plan Annual Report 2018/19' in relation to Parish Council matters in view of their membership of a Parish Council and indicated they would not participate in any detailed discussions which affected the finances of those bodies specifically.
3. Councillor Coughlan declared a pecuniary interest in relation to Agenda Item 17. 'Leisure Contract Extension and New Leisure and Wellbeing Facility Tender Documentation' in respect of his appointment to West Lancashire Community Leisure.
4. Councillors Delaney, Devine, Owen, Nixon and West (Tenant of a Council flat/house) Aldridge and Coughlan (Tenant of a Council garage) declared disclosable pecuniary interests in relation to item 15 'Housing Account – Revenue and Capital Outturn' for the reasons indicated but were entitled to speak and vote by virtue of an exemption (nothing in these reports relates particularly to their respective interests arising from the tenancy or lease).
5. Councillors Aldridge, C Cooper, R Cooper and Wright declared non-pecuniary interests in relation to item 15 'Housing Account – Revenue and Capital Outturn' as they have a connected person who is a tenant of rented Council accommodation. Insofar as that interest becomes a pecuniary interest (as it would affect the financial position of their relative and a member of the public with knowledge of the relevant facts would reasonably regard this as so significant that it is likely to prejudice their judgement of the public interest) they declared that interest but considered that they were entitled to speak and vote by virtue of an exemption as nothing in these reports relates particularly to the relevant tenancy or lease.
6. Members of the Council's Planning Committee (with the exception of Councillor Dowling), in relation to agenda item 18(b) 'Fracking Motion', reminded the meeting that they may, at a future date, consider planning applications relating to fracking, as the Council will be a consultee in relation to West Lancashire fracking proposals considered by the County Council. Accordingly, they advised the meeting that they would approach any such planning applications without a closed mind and that any views expressed by them in relation to this motion should not be seen as committing them as to

how they may vote at the appropriate time. In this respect, Councillors Ashcroft, Baybutt, Blundell, Pope, Mrs Westley and Witter advised that they would leave the room during consideration of this item.

19 **MINUTES**

RESOLVED: That the minutes of the following meetings be approved as a correct record and signed by the Mayor:

- A. Wednesday 10 April 2019
- B. Wednesday 15 May 2019 (Annual meeting)
- C. Wednesday 10 July 2019 (Extraordinary meeting)

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

The Mayor paid tribute to Eleanor Maddocks MBE, who had recently died. The Mayor advised that Eleanor was the founder of the West Lancashire Women's Refuge in Skelmersdale and received an MBE in the New Year's Honours List for services to Victims of Domestic Violence and Abuse in West Lancashire and that for the last three decades Eleanor, following her own life experiences, was the driving force of the Liberty Centre, providing valuable services to West Lancashire residents.

The Mayor advised that in relation to her own fund raising activities this year, in addition to the cake being raffled following the meeting, her first fund raising event would be held on Saturday, 27 July, a Summer Fete being held in Crawford Village Hall.

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

The following Question was received:

"Weed control on Highways - Question from Councillor Adrian Owens on behalf of the Our West Lancashire Group

"Annual plants form an important part of our biodiversity in our local countryside including highway verges. However, when they grow in road channels and around traffic islands and between paving they can cause damage to the structure and affect normal water flow potentially causing further damage. They also give our Borough an uncared for appearance.

Therefore, Our West Lancashire are concerned that the annual weed spraying programme for 2019 will take place with two sprays in July 2019 and September 2019. We understand from a professional contractor who works in this area that the first weed spray of channels should ideally take place in late March or early April, depending on the presence and stage of any growth with a second spray some 6-8 weeks later. The purpose of spraying road channels is to prevent excessive weed

growth, not to kill excessive weed growth which has already occurred. Spraying much later as is proposed this year, once weed growth has taken hold, means that even though the weeds are killed, the detritus remains and this can still inhibit water flow if not removed by mechanical sweeping which obviously adds to the overall cost of weed control.

Can the Council Leader provide an explanation as to why the decision was taken to change the timing of the weed spraying in 2019 and whether delaying the first spray until July will be continued in 2020?"

The Leader advised that the response would be provided following the meeting and published on the Council's website.

22 **MINUTES OF COMMITTEES**

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

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

- A. Licensing and Appeals Committee held on Tuesday, 2 April and 4 June 2019.
- B. Planning Committee held on Thursday, 25 April, 22 May and 20 June 2019.
- C. Audit and Governance Committee held on Tuesday, 28 May 2019.

23 **REVIEW OF POLLING DISTRICTS AND POLLING PLACES 2018/19 - FINAL PROPOSALS**

Consideration was given to the report of the Borough Solicitor, as contained on pages 569 to 640 of the Book of Reports, which reviewed all Parliamentary Polling Districts and Polling Places and all Local Government Polling Districts and Polling Places at the same time, to comply with the Council's statutory duty.

The Mayor advised that a revised page 582 (Page 8 of Appendix 1) Bickerstaffe had been circulated separately.

The Leader gave an undertaking to consider a targeted campaign to increase the use of postal voting, whilst recognising the initial requirement for electors to complete registration forms.

RESOLVED: That the Final Schedule of Proposals as set out in Appendix 1 to the report, as revised on page 8 as circulated, be approved.

24 FORMATION OF WEST LANCASHIRE INTEGRATED COMMUNITY PARTNERSHIP/MULTI SPECIALITY COMMUNITY PROVIDER

Consideration was given to the report of the Director of Leisure and Environment, as contained on pages 641 to 650 of the Book of Reports, which provided information on the emerging priorities and proposals for formation of an Integrated Community Partnership (ICP) / Multi Speciality Community Provider (MCP) for West Lancashire.

A Motion, that had been circulated prior to the meeting, was moved and seconded.

A vote was taken the Motion was CARRIED.

- RESOLVED:
- A. 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.
 - B. That the overall approach towards the formation of an ICP/MCP in West Lancashire be endorsed.
 - C. That the Director of Leisure & Environment, or her nominee, be nominated as the lead Officer to represent the Council on the West Lancs ICP/MCP.
 - D. That the Portfolio Holder (Health & Community Safety) be nominated as the lead Member to represent the Council on the West Lancashire ICP/MCP.
 - E. That the Director of Leisure & Environment 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.

25 FIXED PENALTY AMOUNTS

Consideration was given to the report of the Director of Leisure and Environment, as contained on pages 651 to 656 of the Book of Reports, which advised of changes to the use of Fixed Penalties and sought approval for the level of fixed penalty fines to be applied to certain waste offences.

- RESOLVED:
- A. That the use of fixed penalties to enforce against the householder duty of care offences be authorised and the level of the fixed penalty be set at the default amount of £200.
 - B. That the default fixed penalty amount for littering and for the related offences of unauthorised distribution of free printed material in a designated area, graffiti and fly-posting be reduced and set at the default level of £100.

- C. That the new fixed penalty amounts set out in Appendix 1 be adopted.

26 **COUNCIL PLAN ANNUAL REPORT 2018/19**

Consideration was given to the report of the Director of Housing and Inclusion, as contained on pages 657 to 682 of the Book of Reports, which presented the Council Plan Annual Report 2018/19.

RESOLVED: A. That the Council Plan Annual Report 2018/19 (attached at Appendix 1 to the report) be approved.

- B. That authority be given to the Director of Housing and Inclusion Services in consultation with the relevant Portfolio Holder to make any minor final amendments to the document, prior to publication.

27 **HEALTH & SAFETY STRATEGIC PLAN UPDATE**

Consideration was given to the report of the Director of Leisure and Environment, as contained on pages 683 to 698 of the Book of Reports, which provided an update on the progress made in relation to the 2017/20 Health and Safety Strategic Plan.

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

28 **TREASURY MANAGEMENT AND PRUDENTIAL INDICATOR PERFORMANCE 2018-19**

Consideration was given to the report of the Borough Treasurer, as contained on pages 699 to 706 of the Book of Reports, which set out the Treasury Management performance and Prudential Indicators for the year ended 31 March 2019.

The Portfolio for Resources and Transformation gave an undertaking to provide a written response to a question raised in relation to the changes each year in respect of the GRA (General Revenue Account) / HRA (Housing Revenue Account) split.

RESOLVED: That the performance for the 2018-19 financial year be noted.

29 **GENERAL REVENUE ACCOUNT OUTTURN**

Consideration was given to the report of the Borough Treasurer, as contained on pages 707 to 710 of the Book of Reports, which provided a summary of the revenue and capital outturn position on the General Revenue Account (GRA) for the 2018/19 financial year.

RESOLVED: A. That the revenue outturn position be noted and the proposed budget allocation set out in paragraph 4.5 be approved.

- B. That the following new capital schemes be approved:

<u>NEW PROPOSALS</u>	£000
<u>Development and Regeneration</u>	
Planning / Land Charges ICT upgrade	40
Alder Lane / Bramble Way Landfill site - update / replace equipment	75
Wheatsheaf Walks Improvement	30
Skelmersdale Highway / Gateway Improvements	50
Replacement of Trash Screen in Culvert	10
 <u>Legal and Democracy</u>	
Replacement time recording system (Etarmis)	17
 <u>Leisure and Environment</u>	
Long Term Provision of CCTV Cameras	240
Burscough Racquets and Fitness Centre - invest to save proposal	321
 Total funding requirement	<hr/> 783 <hr/>

30 HOUSING ACCOUNT - REVENUE AND CAPITAL OUTTURN

Consideration was given to the joint report of the Director of Housing and Inclusion and the Borough Treasurer, as contained on pages 711 to 718 of the Book of Reports, which provided a summary of the Housing Revenue Account (HRA) revenue and capital outturn positions for the 2018/19 financial year.

RESOLVED: That the financial outturn position of the 2018/19 HRA and Capital Investment Programme be noted and that the budget allocations set out in paragraphs 4.3 and 5.4 be approved.

31 EXCLUSION OF PRESS AND PUBLIC

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

32 LEISURE CONTRACT EXTENSION AND NEW LEISURE & WELLBEING FACILITY TENDER DOCUMENT

Consideration was given to the report of the Director of Leisure and Environment, as contained on pages 719 to 734 of the Book of Reports, which provided an update on progress in relation to the extension of the existing leisure contract and the preparation of tender documentation for the new leisure and wellbeing hubs and sought necessary delegations.

RESOLVED: A. That the Director of Leisure and Environment Services, in consultation with the Portfolio Holder for Leisure & Human Resources, be granted delegated authority to enter into a leisure contract extension and to agree any associated variations and lease arrangements, as detailed in paragraphs 5.0-5.12 of the report.

B. That the Director of Leisure and Environment Services, in consultation with the Portfolio Holder for Leisure & Human Resources, be granted delegated authority to finalise the tender documentation for the new leisure and wellbeing facilities, as detailed in 6.1-6.7 of the report and to issue and assess tenders.

(Note: Councillor Coughlan declared a pecuniary interest in this item and left the room whilst the item was being considered.)

33 MOTIONS

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

34 CLIMATE CHANGE EMERGENCY - MOTION INCLUDED ON THE AGENDA BY COUNCILLOR CYNTHIA DERELI ON BEHALF OF THE LABOUR GROUP

The following Motion was moved and seconded:

"Council notes that:

- The economic system is enriching a minority while leading humanity towards climate catastrophe.
- The Country's political system is leaving many to feel powerless and excluded from the key decisions that affect them.
- In 2018, the world's leading climate scientists—the IPCC—warned that humanity has only 12 years left in which to cap temperature rises at 1.5C or face a sharply higher risk of drought, floods and heatwaves.
- The UK Parliament has approved a motion to declare an environment and climate emergency, and all governments (national, regional and local) have a duty to limit the negative impacts of climate breakdown.
- Local government organisations should recognise that they cannot wait for national government to provide more money and support to reduce emissions, and that they should commit to the ambition of carbon neutrality by 2030 at the latest.

- Our emissions as an organisation are a small proportion of our area's CO2 emissions and that we can achieve more for our environment by working co-operatively than we do alone.
- Every year, our area spends significant amounts on energy, which goes out of the local economy to the big energy companies, when we believe that it could be retained through community energy, a fundamentally important part of the national energy transition we are undergoing right now.

In light of the above, Council therefore resolves:

That this Council will:

1. Join with other Councils in declaring a Climate Emergency, and have a vision of, and aspire to carbon neutrality by 2030 at the latest.
2. Continue to call on Westminster to provide the necessary powers and resources to make local action on climate change easier.
3. Work to explore the expansion of community energy to keep the benefits of our local energy generation in our local economy.
4. Continue to work with partners anchored in West Lancashire to deliver carbon reductions and grow the local economy.
5. Encourage local councillors to take action in their communities, with a view to establishing a Citizens Assembly made up of a range of representatives from our local citizens to establish the facts and make recommendations for our council."

An Amendment to the Motion, as circulated prior to the meeting, was moved and seconded.

The Amendment was altered with the agreement of the mover and seconder and with the consent of the meeting.

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

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

RESOLVED: A. That this Council notes:

- The economic system is enriching a minority while leading humanity towards climate catastrophe.
- The Country's political system is leaving many to feel powerless and excluded from the key decisions that affect them.
- In 2018, the world's leading climate scientists—the IPCC—warned that humanity has only 12 years left in which to cap temperature rises at 1.5C or face a sharply higher risk of drought, floods and heatwaves.
- The UK Parliament has approved a motion to declare an

environment and climate emergency, and all governments (national, regional and local) have a duty to limit the negative impacts of climate breakdown.

- Local government organisations should recognise that they cannot wait for national government to provide more money and support to reduce emissions, and that they should commit to the ambition of carbon neutrality by 2030 at the latest.
- Our emissions as an organisation are a small proportion of our area's CO₂ emissions and that we can achieve more for our environment by working co-operatively than we do alone.
- The UK's Independent Committee for Climate Change states that 18% of UK carbon emissions come from buildings – most of them homes – with a further 15% of emissions coming from electricity consumed in buildings and that therefore the council's role as a housing and planning authority will be key in this co-operative effort.
- That large warehouses used by the likes of Amazon and other internet retailers typically have high energy demands requiring additional electrical sub-stations and other infrastructure
- The UK's independent Committee of Climate Change estimates that 1.5bn new trees will be required for the next 30 years to increase woodland cover from 13 to 17 per cent in this country.
- Every year, our area spends significant amounts on energy, which goes out of the local economy to the big energy companies, when we believe that it could be retained through community energy, a fundamentally important part of the national energy transition we are undergoing right now.

B. That in light of the above, this Council will:

1. Join with other Councils in declaring a Climate Emergency, and have a vision of, and aspire to carbon neutrality by 2030 at the latest.
2. Continue to call on Westminster to provide the necessary powers and resources to make local action on climate change easier.

3. Work to explore the expansion of community energy to keep the benefits of our local energy generation in our local economy.
4. Continue to work with partners anchored in West Lancashire to deliver carbon reductions and grow the local economy.
5. Encourage local councillors to take action in their communities, with a view to establishing a Citizens Assembly made up of a range of representatives from our local citizens to establish the facts and make recommendations for our council.
6. That the following comments be forwarded to the Local Plan Cabinet Working Group for consideration:
 - (i) As part of the current local plan review, consider the new housing numbers planned to reflect only the numbers required each year for local need.
 - (ii) Consider, through the new local plan, all new homes built to be built to zero carbon home design codes.
 - (iii) Consider, through the new local plan, all new commercial properties including warehouses to be built to the highest carbon reduction design codes and to offset through, e.g. tree planting, any remaining carbon emissions
 - (iv) Encourage through policies in the new local plan, additional planting of woodland in West Lancashire
7. That the Housing Portfolio Holder be asked to consider initiating through the council's housing capital account, a multi-year programme of insulation and other energy efficiency measures to the Borough's council housing stock.

35 **FRACKING - MOTION INCLUDED ON THE AGENDA BY COUNCILLOR MAUREEN MILLS ON BEHALF OF THE LABOUR GROUP**

The following Motion was moved and seconded:

"This Council notes the announcement by Aurora Energy to submit a planning application to Lancashire County Council as the local Mineral Planning Authority to frack at a site in Altcar.

This Council reiterates its opposition to fracking in West Lancashire due to health

and safety concerns and the impact of fracking on the environment.

This Council resolves that the relevant Portfolio Holder and Council Leader co-sign a letter to Lancashire County Council and Aurora Energy to reiterate this view.

Invitation be extended to Opposition Leaders and relevant spokespersons to co-sign shall also be made."

A vote was taken on the Motion, which at the request of a Member, was recorded as follows:

FOR: Councillors: Aldridge, C Cooper, R Cooper, C Coughlan, V Cummins, I Davis, N Delaney, C Dereli, T Devine, G Dowling, D Evans, S Evans, J Finch, N Furey, Y Gagen, G Hodson, G Johnson, K Lockie, M Mills, K Mitchell, J Monaghan, I Moran, M Nixon, P O'Neill, G Owen, A Owens, A Pritchard, I Rigby, J Thompson, D West, K Wright and A Yates.
(THIRTY TWO)

AGAINST: NONE

ABSTENTIONS: Councillors: Mrs M Blake, S Currie, J Gordon, Mrs J Marshall, Mrs D Stephenson, Miss A Sutton, D Westley and D Whittington.
(EIGHT)

The Motion was CARRIED.

- RESOLVED:
- A. That this Council notes the announcement by Aurora Energy to submit a planning application to Lancashire County Council as the local Mineral Planning Authority to frack at a site in Altcar.
 - B. That this Council reiterates its opposition to fracking in West Lancashire due to health and safety concerns and the impact of fracking on the environment.
 - C. That the relevant Portfolio Holder and Council Leader co-sign a letter to Lancashire County Council and Aurora Energy to reiterate this view.
 - D. That an invitation be extended to Opposition Leaders and relevant spokespersons to co-sign.

(Note: Councillors Ashcroft, Baybutt, Blundell, O'Toole, Pope, Mrs Westley and Witter left the meeting prior to the consideration of this item.)

.....
THE MAYOR

LICENSING & GAMBLING COMMITTEE

HELD: Tuesday, 2 July 2019

Start: 7.00 pm

Finish: 7.15 pm

PRESENT:

Councillor: N Delaney (Chairman)
T Devine (Vice Chairman)

Councillors: M Mills J Forshaw
J Gordon G Hodson
G Johnson K Lockie
J Mee D West
P O'Neill A Owens

In attendance: Councillor J Monaghan

Officers: Kirsty Breakell, Member Services / Civic Officer
Paul Charlson, Commercial, Safety and Licensing Manager
Michaela Murray, Senior Licensing Officer
Kay Lovelady, Principal Solicitor

1 APOLOGIES

No apologies were received.

2 MEMBERSHIP OF THE COMMITTEE

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

3 URGENT BUSINESS

There were no urgent items of business.

4 DECLARATION OF PARTY WHIP

There were no declarations of Party Whip.

5 DECLARATION OF INTEREST

There were no Declaration of Interest.

6 MINUTES

RESOLVED: That the minutes of the meeting held on 4 December 2018 be received as a correct record and signed by the Chairman.

7 MINUTES OF SUB- COMMITTEES

There were no minutes to receive.

**8 APPROVAL OF REVISED DRAFT STATEMENT OF LICENSING POLICY
REQUIRED BY THE LICENSING ACT 2003**

Considerations was given to the report of the Director of Leisure and Environment as contained on pages 5 to 64 of the Book of Reports, the purpose of which was to approve the revised draft Statement of Licensing Policy as required by the Licensing Act 2003, prior to public consultation.

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

RESOLVED: A. That the revised draft statement of Licensing Policy attached at appendix 2 to the report, be approved subject to minor amendments.
B. That the Director of Leisure and Environment be given delegated authority to publish the draft Statement of Licensing Policy and conduct a period of public consultation prior to returning the final policy for approval by the Licensing and Gambling committee and Council before 7 February 2020.

.....
Chairman

LICENSING & APPEALS COMMITTEE

HELD: Tuesday, 2 July 2019

Start: 7.30 pm

Finish: 8.30 pm

PRESENT:

Councillor: T Devine (Chairman)
N Delaney (Vice Chairman)

Councillors: S Currie
Mrs C Evans G Hodson
G Johnson J Mee
M Mills J Monaghan
P O'Neill J Witter

Officers: Paul Charlson, Commercial, Safety and Licensing Manager
Michaela Murray, Senior Licensing Officer
Kay Lovelady, Principal Solicitor
Kirsty Breakell, Member Services / Civic Officer

12 APOLOGIES

There were no apologies for absence received.

13 MEMBERSHIP OF THE COMMITTEE

There were no changes to the Membership of the Committee.

14 URGENT BUSINESS

There were no urgent items of business.

15 DECLARATION OF PARTY WHIP

There were no declarations of Party Whip.

16 DECLARATION OF INTEREST

There were no Declarations of Interest received.

17 MINUTES OF SUB - COMMITTEES OR WORKING GROUPS

There were no minutes to receive.

18 MINUTES

Resolved: That the minutes of the meeting held on 4 June 2019 be received as a correct record and signed by the Chairman.

19 HEALTH AND SAFETY REGULATORY SERVICE PLAN 2019/20

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

contained on pages 205 to 218 of the Book of Reports which sought Members agreement of the Health and Safety Regulatory Service Plan 2019/20

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

RESOLVED: That the Health and Safety Regulatory Plan for 2019/20, as attached at appendix 2 to the report, is approved.

20 **EXCLUSION OF PRESS AND PUBLIC**

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

21 **PRIVATE HIRE DRIVER - DETERMINATION OF EXISTING LICENCE:
WK/000251234**

Members were asked to consider an existing Private Hire Driver Licence Number WK/000251234, which the Director of Leisure and Environment was mindful of revoking, having regard to the offences on the Driver's DVLA licence.

The Applicant attended the meeting and was interviewed by the Committee, during which he was advised of his right to appeal to the Magistrates Court if he was aggrieved by the decision.

RESOLVED: That Private Hire Driver Licence WK/000251234 continue and that a warning letter be sent regarding future conduct and reminding him to disclose any future convictions.

(Note: The Officers from the Leisure and Environment Services left the meeting as Members considered their decision in this case)

22 **PRIVATE HIRE DRIVER - DETERMINATION OF EXISTING LICENCE:
WK/000251286**

Members were asked to consider an existing Private Hire Driver Licence Number WK/000251286, which the Director of Leisure and Environment was mindful of revoking, having regard to the offences on the Driver's DVLA licence.

The Applicant attended the meeting and was interviewed by the Committee, during which he was advised of his right to appeal to the Magistrates Court if he was aggrieved by the decision.

RESOLVED: That Private Hire Driver Licence WK/000251286 continue and that a

warning letter be sent regarding future conduct and reminding him to disclose any future convictions.

(Note: The Officers from the Leisure and Environment Services left the meeting as Members considered their decision in this case)

.....
Chairman

CHIEF OFFICERS COMMITTEE

HELD: Thursday, 18 July 2019

Start: 2.45 pm

Finish: 7.15 pm

PRESENT:

Councillors: Y Gagen (Chairman)
I Moran I Ashcroft
I Davis

Officers: Kim Webber, Chief Executive
Sharon Lewis, Head of Human Resources and Organisational
Development
Jacky Denning, Member & Executive Services Manager

1 APOLOGIES

There were no apologies for absence.

2 MEMBERSHIP OF THE COMMITTEE

The Committee was advised of a permeant change to the membership of the Committee - Councillor I Davis to replace Councillor A Owens.

3 URGENT BUSINESS, IF ANY, INTRODUCED BY THE CHAIRMAN

There were no items of urgent business.

4 DECLARATIONS OF INTEREST

There were no declarations of interest.

5 TERMS OF REFERENCE OF THE COMMITTEE

RESOLVED: That the terms of reference for the Committee be noted as follows:

Functions

1. To deal with all matters in respect of the appointment of chief officers and deputy chief officers and to make recommendations to full Council in respect of the appointment of the head of paid service in accordance with the Officer Employment Procedure Rules set out in Part 4 of this Constitution.
2. To consider and determine all grievances lodged by the Head of Paid Service, chief officers and deputy chief officers.
3. To hear and determine Job Evaluation appeals from Chief Officers employed on JNC Conditions.

Delegations

This Committee shall exercise the full power, duties and functions of

the Council, except in the case of the appointment of the head of the paid service as set out above."

6 EXCLUSION OF PRESS AND PUBLIC

RESOLVED: That under Section 100A(4) of the Local Government Act 1972, the public be excluded from the meeting during consideration of the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraph(s) 1 & 2 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.

7 CHIEF OFFICER RECRUITMENT TO THE STRUCTURAL OPTION AGREED UNDER THE SORP REVIEW 2019

Consideration was given to the report of the Chief Executive, as contained on pages 3 to 100 of the Book of Reports, which outlined the process for the Redeployment Interviews, for the posts of Corporate Director of Place and Community and Corporate Director of Transformation and Resources and the internal interviews for the post of Interim Chief Operating Officer.

The Head of Human Resources and Organisational Development provided a training session on the interview process.

The Committee was advised that, as approved by Council on 10 July 2019, as their previous posts had been deleted from the new organisational structure and at risk of redundancy, the Director of Housing and Inclusion (JSL) and the Director of Leisure and Environment (HMc), had been offered ring-fenced interviews to the posts of Corporate Director of Place and Community and Corporate Director of Transformation and Resources, via the Chief Officers Committee, including the post of Interim Chief Operating Officer, pending the recruitment of a Chief Operating Officer.

The Committee considered a schedule of suggested interview questions prepared by the Chief Executive and the Head of Human Resources and Organisational Development and agreed that these would be used during the interviews for the Corporate Director of Place and Community, the Corporate Director of Transformation and Resources and the Interim Chief Operating Officer and noted that the Council's policy required that the same questions be put to all candidates during their interview.

The Committee was informed that each of the candidates for interview had prepared a presentation for the Interim Chief Operating Officer post.

The Committee conducted the Redeployment Interviews for the Corporate Director of Place and Community and the Corporate Director of Transformation and Resources and the interviews for the Interim Chief Operating Officer.

The Committee assessed both candidates interviewed to determine their respective performances during interview, the quality of their presentation and their relative abilities and against the Job Description and Person Specification relating to each position.

- RESOLVED:
- A. That the Head of Human Resources and Organisational Development be authorised to offer the post of Corporate Director of Transformation and Resources to Ms J Sinnott-Lacey with effect from 4 November 2019.
 - B. That the Head of Human Resources and Organisational Development be authorised to offer the post of Corporate Director of Place and Community to Ms H McDougall with effect from 4 November 2019.
 - C. That the Head of Human Resources and Organisational Development be authorised to offer the Corporate Director of Transformation and Resources, Ms J Sinnott-Lacey, as set out in A above, the post of Interim Chief Operating Officer for the period from 4 November 2019 until the appointment of a permanent Chief Operating Officer, following external recruitment, subject to Council approval on 16 October 2019.

.....
Chairman

PLANNING COMMITTEE

HELD: Thursday, 25 July 2019

Start: 7.00pm

Finish: 8.15pm

PRESENT:

Councillor: G Dowling (Chairman)
A Pritchard (Vice-Chairman)

Councillors: I Ashcroft
Mrs P Baybutt
A Blundell
C Coughlan
V Cummins
N Delaney
C Dereli
T Devine
D Evans
S Evans
J Finch
D O'Toole
I Rigby
Mrs M Westley
D Westley
Mrs J Witter

Officers: John Harrison – Director of Development and Regeneration
Ian Gill – Deputy Director of Development and Regeneration
Catherine Thomas – Head of Development Management
Matthew Jones- Deputy Borough Solicitor
Ann Veevers – Principal Planning Officer
Jill Ryan – Member Services/Civic Officer

27 APOLOGIES

There were no apologies for absence received.

28 MEMBERSHIP OF THE COMMITTEE

In accordance with Council Procedure Rule 4, the Committee noted the termination of Councillors Pope and Thompson and the appointment of Councillors D Westley and Rigby for this meeting only, thereby giving effect to the wishes of the Political Groups.

29 URGENT BUSINESS, IF ANY INTRODUCED BY THE CHAIRMAN

There were no items of urgent business.

30 DECLARATIONS OF INTEREST

There were no Declarations of Interest received.

31 DECLARATIONS OF PARTY WHIP

There were no Declarations of Party Whip.

32 MINUTES

RESOLVED: That the minutes of the meeting held on the 20 June 2019 be approved as a correct record and signed by the Chairman.

33 PLANNING APPLICATIONS

The Director of Development and Regeneration submitted a report on planning applications (all prefixed 2019 unless otherwise stated) as contained on pages 181 to 234 of the Book of Reports and on pages 235 to 237 of the Late Information Report.

(Notes:

1. Parish Cllr John Tribe spoke on behalf of Burscough Parish Council in respect of planning application 0438/FUL relating to Land to the East of Tollgate Road, Burscough.
2. Two Objectors spoke in connection with planning application 0201/FUL relating to Shireoaks, Wigan Road, Lathom.
3. The Parish Council Clerk, Liz Broad spoke on behalf of Lathom South Parish Council in respect of planning application 0201/FUL relating to Shireoaks, Wigan Road, Lathom.
4. An Objector and the Applicant spoke in connection with planning application 0422/FUL relating to 179 Long Lane, Aughton.

34 2019/0089/FUL - 33-35 & 37 CHURCH STREET, ORMSKIRK, L39 3AG

RESOLVED: That planning application 0089/FUL relating to 33-35 & 37 Church Street, Ormskirk be approved subject to the conditions as set out on pages 192 to 194 of the Book of Reports.

35 2019/0311/ARM - LAND TO THE EAST OF TOLLGATE CRESCENT, BURSCOUGH INDUSTRIAL ESTATE, BURSCOUGH

RESOLVED: That the reserved matters application relating to Land to the East of Tollgate Crescent, Burscough Industrial Estate, Burscough be approved subject to the conditions as set out on pages 203 to 207 of the Book of Reports.

36 2019/0438/FUL - LAND TO THE EAST OF TOLLGATE ROAD, BURSCOUGH

RESOLVED: That planning application 0438/FUL relating to Land to the East of Tollgate Road, Burscough be approved subject to the conditions as set out on pages 217 to 220 of the Book of Reports but subject to the amendment to Condition 7 as set out on page 236 of the Late Information Report.

37 2019/0201/FUL - SHIREOAKS, WIGAN ROAD, LATHOM, ORMSKIRK

RESOLVED: That planning application 0201/FUL relating to Shireoaks, Wigan Road, Lathom be approved subject to the conditions as set out on pages 228 to 229 of the Book of Reports together with the additional condition as set out on page 236 of the Late Information Report.

38 2019/0422/FUL - 179 LONG LANE, AUGHTON, ORMSKIRK

RESOLVED: That planning application 0422/FUL relating to 179 Long Lane, Aughton be approved subject to the conditions as set out on pages 233 to 234 of the Report.

.....
Chairman

AUDIT & GOVERNANCE COMMITTEE

HELD: Tuesday, 30 July 2019

Start: 6.37pm

Finish: 7.35 pm

PRESENT:

Councillor: C Cooper (Chairman)

Councillors: N Pryce-Roberts T Blane
C Dereli J Gordon
J Mee M Nixon
P O`Neill E Pope
A Pritchard I Rigby

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

Officers: Terry Broderick, Borough Solicitor
Marc Taylor, Borough Treasurer
Jacqueline Pendleton, Internal Audit Manager
Tom Dickinson, Assistant Solicitor
Kirsty Breakell, Member Services / Civic Officer

16 APOLOGIES

There were no apologies received

17 MEMBERSHIP OF THE COMMITTEE

There were no changes to the Membership of the Committee.

18 DECLARATIONS OF INTEREST

There were no declarations of Interest received.

19 PUBLIC SPEAKING

There were no items under this heading.

20 MINUTES

RESOLVED: That the minutes of the meeting held on the 28th May 2019, be approved as a correct record and signed by the Chairman.

21 GRANT THORNTON - AUDIT FINDINGS REPORT

Consideration was given to the report of the Borough Treasurer as circulated and contained on pages 79-80 and 131-158 of the Book of Reports. The purpose of the report was to receive a report from the Council's External Auditors, setting out their findings on the audit of the accounts and on value for money.

The Chairman invited Andrew Smith and Georgia Jones from Grant Thornton to present their draft Audit Findings Report to the Committee.

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

- The pension fund and the impact of the Court of Appeal ruling of "McCloud".
- How the court ruling is affecting other Councils
- Giving value for money
- Delays to the completion of the audit due to the McCloud pension impact and issues around asset valuation
- Timescales for the completion of the audit

RESOLVED: That the draft Audit Findings Report be noted and that the final version will be circulated to Members of the Committee as soon as it is received

22 **APPROVAL OF STATEMENT OF ACCOUNTS**

Consideration was given to the report of the Borough Treasurer as circulated and contained on pages 81-82 and 159-268 of the Book of Reports. The purpose of the report was to approve a Letter of Representation and the Council's annual Statement of Accounts.

The Borough Treasurer outlined the report and advised that the audit is not yet complete. He advised of a further change to the statement of accounts in relation to the deletion of the last 2 paragraphs in note 38 Contingent Assets and Liabilities, which are no longer required. He confirmed that he would circulate to the Committee a final copy of the statement once the audit is completed, highlighting any further changes.

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

- The impact of the changes made to the draft statement of accounts which had been published at the end of May 2019
- The reason for the increase in expenditure on Financial and HR Services, which was due to the McCloud pension impact
- The expected timescale to complete the accounts and publication of the relevant statutory notice.

RESOLVED: A. That the Letter of Representation set out in Appendix 1 be endorsed.

B. That the Statement of Accounts set out in Appendix 2, amended as above be approved, subject to consideration of any further changes that may be required as a result of the further audit work that will be undertaken.

23 **INTERNAL AUDIT ACTIVITIES - QUARTERLY UPDATE**

Consideration was given to the report of the Borough Treasurer as contained on

pages 83-94 of the Book of Reports. The purpose of the report was to advise of progress against the 2019/20 Internal Audit Plan.

The Internal Audit Manager presented the Internal Audit Activities, Quarterly Update Report.

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

- Home Care Link regarding the recommendations previously made – It was confirmed that a full review will be undertaken in September 2019 and the results reported back to the Committee in October 2019.
- The reporting arrangements for audits outstanding from the 2018/19 financial year.
- Safety issues for refuse and recycling
- Any identified losses in the Caretaking service.
- Systems for staff records and Management responsibility for monitoring these in the Caretaking service.

RESOLVED: That Members note progress in the year to date.

24 **ANTI-FRAUD AND CORRUPTION REVIEW**

Consideration was given to the report of the Borough Treasurer as contained on pages 95-112 of the Book of Reports. The purpose of the report was to provide a summary of the outcome of the review undertaken in respect of the Council's compliance with the CIPFA Code of Conduct on Managing the Risk of Fraud and Corruption.

The Internal Audit Manager presented the Anti-Fraud and Corruption Review.

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

- Any impact from the Internal Audit Manager vacancy in the last financial year.
- Explanation of framework used.
- Areas of partial and non-compliance.

RESOLVED: That the combined self-assessment and action plan set out in Appendix 1 be noted.

25 **WHISTLEBLOWING CODE**

Consideration was given to the joint report of the Borough Solicitor and Borough Treasurer as contained on pages 113-127 of the Book of Reports. The purpose of the report was to provide the updated version of the Council's Whistleblowing Code.

The Borough Solicitor presented the Whistleblowing Code report.

RESOLVED: A. That the updated Whistleblowing Code, as set out in Appendix 1, be considered and endorsed as a completed document (with the tracked

changes accepted into the document).

B. That Council be recommended to approve the updated Whistleblowing Code at Appendix 1 (with the tracked changes accepted into the document).

26 RIPA ACT - REGULAR MONITORING OF USE OF POWERS

In relation to the quarterly monitoring of activity under the Regulation of Investigatory Powers Act 2000 (RIPA), the Borough Solicitor reported that there were no relevant activity to bring to the attention of the Committee since the last meeting.

RESOLVED: That the report be noted.

27 WORK PROGRAMME

Consideration was given to the Committee's work programme as set out on page 129 of the Book of Reports.

Discussion included comments in relation to the sufficiency of the time allocated to the training session ahead of each meeting of the committee and how this fits with the Council's wider training offer for Members.

RESOLVED: In terms of briefing (training) proposed that:

- A) Social Value (in the procurement process) be moved to January 2020
- B) Terms of Reference of the Committee be added for October 2019
- C) Key Features of the Accounts be added for May 2020
- D) Training arrangement for the Committee be referred to the Member Development Commission for consideration.

.....
Chairman

Agenda Item 7f

CHIEF OFFICERS COMMITTEE

HELD: Wednesday, 14 August 2019

Start: 5.00 pm

Finish: 5.30 pm

PRESENT:

Councillors: Y Gagen (Chairman)
I Moran (Vice-Chairman) I Ashcroft
I Davis

Officers: Kim Webber, Chief Executive
Gill Farrimond, Principal Human Resources and Learning and
Development Officer
Jacky Denning, Member & Executive Services Manager

8 APOLOGIES

There were no apologies for absence.

9 MEMBERSHIP OF THE COMMITTEE

There were no changes to the membership of the Committee.

10 URGENT BUSINESS, IF ANY, INTRODUCED BY THE CHAIRMAN

There were no items of urgent business.

11 DECLARATIONS OF INTEREST

There were no declarations of interest.

12 MINUTES

RESOLVED That the minutes of the meeting held on Thursday, 18 July 2019 be received as a correct record and signed by the Chairman.

13 EXCLUSION OF PRESS AND PUBLIC

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

14 RECRUITMENT TO POST OF CHIEF OPERATING OFFICER

Consideration was given to the report of the Chief Executive, as contained on pages

107 to 150 of the Book of Reports, which sought approval to a process and timescale for recruitment to the post of Chief Operating Officer.

The Principal Human Resources and Learning & Development Officer reminded members that the Council had, at its meeting on 10 July 2019, asked the Committee to commence the process.

The report included a proposed candidate's information pack, the Job Description and Person Specification, as agreed at Council on 10 July 2019, a proposed job advert for the post, as well as quotations from four companies for undertaking the recruitment process. The report also set out a draft timetable for actions to be taken leading to the selection and offer of employment of the most suitable candidate and it was noted that this would entail further meetings to finalise the selection process and assessment centre tests, agree a short list of candidates and then conduct interviews.

Comments and questions were raised in respect of the following:

- The Returning Officer role
- The breakdown of costs and the benefits of using an external provider for undertaking the recruitment process
- The benefits of psychometric testing

RESOLVED: A. That the job description, person specification and proposed recruitment pack and advert for the post of Chief Operating Officer at Appendix C be noted.

B. That the process and timescale for recruitment to the post of Chief Operating Officer, as set out in Appendix D, be agreed, subject to the dates of future meetings and any minor changes required to the suggested timetable, being agreed in consultation with the Chairman of the Committee.

C. That North West Employers be appointed to assist the Committee with the recruitment process, as per the summary of services set out in Appendix E.

D. That delegated authority be agreed for the Head of Human Resources and Organisational Development, in consultation with the Chairman of the Committee, to finalise the recruitment pack and finalise the wording of, design and place adverts for the post.

.....
Chairman

PLANNING COMMITTEE

HELD: Thursday, 5 September 2019

Start: 7.00 pm

Finish: 7.22 pm

PRESENT:

Councillor: G Dowling (Chairman)
A Pritchard (Vice-Chairman)

Councillors: I Ashcroft
Mrs P Baybutt
C Coughlan
N Delaney
T Devine
S Evans
D O'Toole
Mrs M Westley

A Blundell
V Cummins
C Dereli
D Evans
J Finch
E Pope
J Witter

In attendance: Councillor M Blake (Parbold Ward)

Officers: Ian Gill, Deputy Director of Development & Regeneration
Catherine Thomas, Head of Development Management
Matthew Jones, Deputy Borough Solicitor
Ann Veevers, Principal Planning Officer
Julia Brown, Member Services / Civic Officer

39 APOLOGIES

There were no apologies for absence received.

40 MEMBERSHIP OF THE COMMITTEE

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

(Note: Councillor A Owens not in attendance)

41 URGENT BUSINESS, IF ANY INTRODUCED BY THE CHAIRMAN

There were no items of urgent business.

42 DECLARATIONS OF INTEREST

There were no declarations of interest received.

43 DECLARATIONS OF PARTY WHIP

There were no Declarations of Party Whip.

44 MINUTES

RESOLVED: That the minutes of the meeting held on 25 July 2019 be approved as a correct record and signed by the Chairman.

45 PLANNING APPLICATIONS

The Director of Development and Regeneration submitted a report on planning applications (all prefixed 2019 unless otherwise stated) as contained on pages 257 to 306 of the Book of Reports and on pages 307 to 308 of the Late Information Report.

(Note: Chairman, Mr Mike Wainwright - Downholland Parish Council spoke in respect of Planning Application LCC/2019/0037 relating to Land at the North – Eastern End of Suttons Lane, Great Altcar.

46 LCC/2019/0037 - LAND AT THE NORTH-EASTERN END OF SUTTONS LANE, GREAT ALT CAR, LANCASHIRE

RESOLVED: That in respect of application no LCC/2019/0037 relating to Land at the North-Eastern End of Suttons Lane, Great Altcar, objections be raised to LCC as set out on page 261 of the Book of Reports and that a covering letter be sent to request that the County Council pay particular attention to the impact of the development on groundwater, water supply and infrastructure in the local area, including the impact on the adopted highway.

47 2019/0387/FUL - TURBURY FARM, 10 SHAW CLOSE, HALSALL, ORMSKIRK

RESOLVED: That planning application 0387/FUL relating to Turbury Farm, 10 Shaw Close, Halsall be approved subject to the conditions as set out on pages 267 to 268 of the Book of Reports.

48 LCC/2019/0028 - FORMER PARBOLD QUARRY, PARBOLD HALL, PARBOLD

RESOLVED: That in respect of application no LCC/2019/0028 relating to the Former Parbold Quarry, Parbold Hill, Parbold, objections be raised to LCC as follows:

The proposed development is inappropriate development within the Green Belt which causes harm to openness and would cause urban sprawl by encroaching into the open countryside contrary to the purpose of the green belt. The Council consider this green belt to be substantial and that the justification for works to be less than compelling as it appears to be carried out to reduce costs to the land owner rather upgrade the landform and landscape quality. In particular Phase 1 works contain little of public benefit. It is not considered that the substantial green belt harm is outweighed by any very special circumstances put

forward by the applicant.

WLBC consider that the development proposed would be detrimental to visual amenity and the character of the landscape and as such would not accord with Policies GN3 and EN2 of the Local Plan.

In absence of sufficient details in respect of noise, dust and odours the Council consider that the applicant has not demonstrated that the development will not adversely affect the amenities of the nearest residents and businesses on Parbold Hill and therefore does not comply with GN3 in this respect.

49 2019/0329/FUL - LAND TO THE SOUTH WEST ADJACENT CAR PARK, THE STILES, ORMSKIRK

RESOLVED: That planning application 039/FUL relating to Land to the South West Adjacent Car Park, The Stiles, Ormskirk be approved subject to the conditions as set out on pages 288 to 294 of the Book of Reports.

50 2018/1239/FUL - JMO SPORTS PARK, LIVERPOOL ROAD, SKELMERSDALE

RESOLVED: That in respect of planning application 2018/1239/FUL relating to JMO Sports Park, Liverpool Road, Skelmersdale:-

1. The decision to grant planning permission be delegated to the Director of Development and Regeneration subject to the receipt of no further issues being raised that have not already been addressed within the body of the report.
2. That any planning permission granted by the Director of Development and Regeneration pursuant to 1 above be subject to the conditions as set out on pages 304 to 306 of the Book of Reports and the additional condition on page 308 of the Late Information Report.

.....
Chairman

STANDARDS COMMITTEE

HELD: Tuesday, 17 September 2019

Start: 5.00pm

Finish: 5.10pm

PRESENT:

Councillor: I Moran (Chairman)

Councillors: D Westley I Davis
D Evans K Wright

In attendance: Mr S Garvey (Reserve Independent Person)

Officers: Terry Broderick, Borough Solicitor
Matthew Jones, Deputy Borough Solicitor
Kay Lovelady, Principal Solicitor
Sue Griffiths, Principal Member Services Officer

1 **APOLOGIES**

Apologies for absence were submitted on behalf of Mr Stuart Ibbs (Independent Person).

2 **MEMBERSHIP OF THE COMMITTEE**

There were no changes to membership of the Committee.

3 **DECLARATIONS OF INTEREST**

There were no declarations of interest.

4 **URGENT BUSINESS**

There were no items of urgent business.

5 **PUBLIC SPEAKING**

There were no items under this Heading.

6 **MINUTES**

RESOLVED That the minutes of the meeting of the Committee held on 19 March 2019 be approved as a correct record and signed by the Chairman.

7 **COMPLAINTS STATISTICS**

The Committee considered the complaints statistics for 2019/20 as set down at pages 11 – 18 of the Book of Reports.

RESOLVED That the Standards Complaints Statistics, attached at Appendix 1 to the report be noted

8 STANDARDS COMMITTEE- ANNUAL REPORT 2018-2019

The Borough Solicitor presented the Standards Committee Annual Report as circulated and contained on pages 19 – 26 of the Book of Reports.

RESOLVED That the Standards Committee Annual Report 2018/19 be noted, endorsed and published on the Council's website.

9 ANNUAL MONITORING OF TRAINING REPORT

Consideration was given to the report of the Borough Solicitor as circulated and contained on pages 27 – 32 of the Book of Reports which detailed training undertaken in 2018/18 and its effectiveness in relation to the Code of Conduct and standards.

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

10 NATIONAL REVIEW OF LOCAL GOVERNMENT ETHICAL STANDARDS

Further to minute no. 19 of the last meeting of the Committee and contained on pages 33 - 155 of the Book of Reports, the Borough Solicitor referred to the best practice recommendations of the Committee on Standards in Public Life and outlined proposed actions in order to ensure that the Council continues to exemplify best practice in local ethical standards.

RESOLVED That the best practice recommendations of the Committee on Standards in Public Life be noted and the actions as set out in Appendix B to the report be implemented.

11 PARISH COUNCIL REPRESENTATION ON STANDARDS COMMITTEE

Consideration was given to the report of the Borough Solicitor as contained on pages 157 – 172 of the Book of Reports which proposed a procedure for the nomination and appointment of two Parish Council representatives to serve on the Standards Committee for a 3 year term of office. It was reported also that the matter of remuneration of the Parish Council representatives would be considered as part of the Independent Remuneration Panel's considerations and reported to Budget Council in February 2020.

RESOLVED A. That the procedure for the nomination and appointment of two

Parish Council representatives to serve on the Standards Committee for a 3 year term of office, attached at Appendix 1 to the report, be agreed.

- B. That the report be submitted to the next meeting of the Parish Clerks Liaison Committee for information.

12 **WORK PROGRAMME**

Consideration was given to the Committee's Work Programme as contained on page 173 of the Book of Reports.

RESOLVED A. That the Work Programme be noted.

.....
Chairman

Agenda Item 7i

CHIEF OFFICERS COMMITTEE

**HELD: Wednesday, 18 September
2019**

Start: 5.00 pm

Finish: 6.15 pm

PRESENT:

Councillors: Y Gagen (Chairman)
I Moran (Vice-Chairman) I Ashcroft
I Davis K Wright

Officers: Sharon Lewis, Head of Human Resources and Organisational
Development
Jacky Denning, Member & Executive Services Manager

In attendance: Sharon Senior, North West Employers

15 **APOLOGIES**

There were no apologies for absence.

16 **MEMBERSHIP OF THE COMMITTEE**

There were no changes to the membership of the Committee.

17 **URGENT BUSINESS, IF ANY, INTRODUCED BY THE CHAIRMAN**

There were no items of urgent business.

18 **DECLARATIONS OF INTEREST**

There were no declarations of interest.

19 **MINUTES**

RESOLVED That the minutes of the meeting held on 14 August 2019 be received as a correct record and signed by the Chairman.

20 **EXCLUSION OF PRESS AND PUBLIC**

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

21 **RECRUITMENT TO POST OF CHIEF OPERATING OFFICER**

The Committee considered the report of the Chief Executive, as contained on pages

155 to 160 of the Book of Reports, which sought approval of the final selection process for recruitment to the post of Chief Operating Officer and provided an update on progress since the last meet of the Committee.

Sharon Senior from North West Employers addressed the meeting and provided an update on the proposed process and timescales. Copies of the sample methods for testing candidates, potential staff panel questions and the draft short listing matrix were circulated, as contained on pages 181 to 238 of the Book of Reports.

Members noted the slightly reduced costs from the initial quotation from North West employers and the closing date for applications as the 30 September 2019.

The Committee agreed that the Long Listing assessment would be undertaken by North West Employers, however the number should not be constrained by 6 candidates and copies of all the applications submitted by candidates should be included in the documents submitted to the Committee at the meeting being held on 31 October 2019, when it considered the short list.

The Committee considered the Staff Panel membership and requested that the officers listed in paragraph 4.4 be approached together with a non-management representative from their respective service areas.

Members advised that a written exercise would not be required and noted that this would then allow for an extension to the face to face interview with the Committee on 26 November 2019.

- RESOLVED:
- A. That the updated process and timescale for the recruitment process, as proposed by North West Employers, be approved, as set out in Appendix A to the report, subject to the comments raised by the Committee above.
 - B. That the documentation and templates provided by North West Employers be agreed as the format for use.
 - C. That delegated authority be given to the Human Resources and Organisational Development in consultation with North West Employers and the Chairman of the Committee, to make changes to, and manage the recruitment process, including designing the interview questions and content of the tests/exercises to be used in the course of the recruitment process for the post, along the lines agreed by the Committee.

22

RECRUITMENT FOR INTERIM DIRECTOR OF TRANSFORMATION AND RESOURCES

Consideration was given to the report of the Director of Housing and Inclusion, as contained on pages 161 to 180 of the Book of Reports, which presented a proposal to appoint an Interim Corporate Director of Transformation and Resources, to progress the implementation and delivery of the SORP programme.

The Head of Human Resources and Organisational Development advised the Committee that the internal ring-fenced candidates would be selected from the Heads of Service appointed under the new structures agreed at Council on 10 July 2019.

The Committee noted the proposed Interview Questions and presentation topic.

- RESOLVED:
- A. That pending the recruitment of the Chief Operating Officer, the Post of Corporate Director of Transformation and Resources be filled on an interim basis and that internal ring-fenced candidates, be invited to be apply for the role via the Chief Officers Committee.
 - B. That the job description, person specification for the post of Interim Corporate Director of Transformation and Resources at Appendix A be noted.
 - C. That the process and timescale for recruitment to the post of interim Corporate Director of Transformation and Resources as set out in section 4.2 of the report, be approved, subject to the dates of future meetings and any minor changes required to the suggested timetable, being agreed in consultation with the Chairman of the Committee.

23 **DATES OF FUTURE MEETINGS**

RESOLVED: That future meetings be held on the following dates at the times indicated:

- A. Tuesday, 8 October 2019 at 10.00am
- B. Thursday, 31 October 2019 at 6pm
- C. Tuesday, 26 November 2019 at 9.30am

.....
Chairman



COUNCIL: 16 October 2019

Report of: Director of Leisure and Environment.

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

SUBJECT: PUBLIC SPACE PROTECTION ORDER RENEWAL

Wards affected: Borough wide

1.0 PURPOSE OF THE REPORT

1.1 To seek approval to undertake a consultation exercise in relation to renewing and amending the Council's existing Public Space Protection Order which details numerous Dog Control provisions for locations across the Borough.

2.0 RECOMMENDATIONS TO COUNCIL

- 2.1 That the proposed amendments to the Public Space Protection Order are approved for public consultation.
- 2.2 That the results of the consultation be reported back to Council and consideration be given to the approval of a final Order.

3.0 BACKGROUND

3.1 On the 1st April 2017, WLBC created a Public Space Protection Order (PSPO) under the Anti-social Behaviour, Crime and Policing Act 2014 (Appendix 1). Further details can be found via <https://www.westlancs.gov.uk/environment/dogs/dog-control.aspx>. The order details restrictions that are in place relating to:

- dog fouling,
- dogs exclusion areas
- areas where dogs should be on a lead, and;
- the number of dogs that can be walked by one person.

- 3.2 There are currently 69 enclosed play areas where dogs are excluded and 5 areas where dogs are required to be kept on leads. The order consolidated numerous pieces of old legislation and has been successful in minimising dog related issues in the areas concerned.
- 3.3 All PSPO's are valid for a period of 3 years unless they are extended before the expiry date. A local authority can extend the lifetime of the Order for a maximum further period of 3 years if satisfied on reasonable grounds that doing so is necessary to prevent an occurrence or reoccurrence of the activities or an increase in frequency or seriousness of those activities. An Order can be extended for up to a further 3 years and there are publication requirements as set down by the Secretary of State.
- 3.4 In addition, a local authority has the power to amend an Order if it satisfies two conditions.

Condition 1: It believes:

- a. activities carried on in a public place within the authority's area have had a detrimental effect on the quality of life of those in the locality, or
- b) it is likely that activities will be carried on in a public place within that area and that they will have such an effect

Condition 2 is that the effect, or likely effect, of the activities—

- (a) is, or is likely to be, of a persistent or continuing nature,
- (b) is, or is likely to be, such as to make the activities unreasonable, and
- (c) justifies the restrictions imposed by the notice.

- 3.5 As the lifetime of the current Order requires extending and there has been further evidence to justify extending the jurisdiction of the Order Council is asked to approve the proposal outlined below be subject to public consultation.

4.0 PROPOSAL

- 4.1 Since the introduction of the current Order a further suggestion was received from a Parish Council in relation to a new area where restrictions could prove useful. In addition officers have noted further areas where there is an increased risk of a dog attack or an issue relating to fouling for example locations where organised sports take place, especially involving children.
- 4.2 It is proposed that the existing PSPO be amended to include the following new restrictions:-
- Ormskirk Rugby Club – dogs to be kept on a lead
 - Tarleton Rugby Club – dogs to be kept on a lead
 - Tarleton Cricket Club – dogs to be kept on a lead
 - Enclosed children's play area, Station Rd, Hesketh Bank – dogs to be excluded
 - Enclosed sports area, Evermore Hub, Digmaor – dogs to be excluded

- 4.3 It is worth noting that where restrictions are proposed relating to keeping dogs on a lead, alternative areas have to be available nearby to allow dogs to be exercised off a lead. Officers are satisfied that this is the case.
- 4.4 The Council is required to consult on the additional new proposed restrictions (i.e. Appendices 2&3). The requirement is that as well as consulting the community, the Police and also the Police and Crime Commissioner are consulted, as the Police potentially have a role in enforcing the Order. The Council's website will contain a questionnaire in relation to the proposals which will allow respondents to support or object to the proposals and add any comments they have. The consultation is set to be undertaken for around 6 weeks and will be promoted via local press, the Council's website and using social media. Officers will also reach out to local interest groups to ensure residents and those likely to use the areas are aware of the proposals and their ability to comment.
- 4.5 In addition to the statistical analysis any comments received will be collated and brought before a meeting of Council for a final decision on whether the new restrictions are to be included within the PSPO.

5.0 SUSTAINABILITY IMPLICATIONS/COMMUNITY STRATEGY

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

6.0 FINANCIAL AND RESOURCE IMPLICATIONS

- 6.1 The resource implications from this report can be met within existing resources.

7.0 RISK ASSESSMENT

- 7.1 Including the play areas and new restrictions will demonstrate some consistency with previous work and assist in the reduction of anti-social behaviour.

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

Appendices

Appendix 1 – Existing PSPO

Appendix 2 - Proposed new areas where dogs are to be excluded.

Appendix 3 – Proposed areas where dogs will be required to be on a lead.



WEST LANCASHIRE BOROUGH COUNCIL
ANTISOCIAL BEHAVIOUR CRIME AND POLICING ACT 2014

PUBLIC SPACE PROTECTION ORDER – (WEST LANCASHIRE BOROUGH
COUNCIL) 2016

West Lancashire Borough Council in exercise of its powers under S59 of the Anti-Social Behaviour, Crime and Policing Act 2014 (the Act), being satisfied that the conditions set out in S59 of the Act have been met hereby makes the following Order:

This Order comes into force on 1st April 2017 for a period of 3 years.

The Order supersedes the following:

- The Fouling of Land by Dogs (West Lancashire) Order 2008
- The Dogs Exclusion Order 2009
- The Dogs of Leads Order 2009
- The Dogs (Specified Maximum) Order 2009
- The Dog on Leads by Direction Order 2009

The Order applies to the land specified in the attached Schedules and maps (where relevant) and should be read in conjunction with the same.

Section 1 – General Provisions

1.1 Where specified, in this Order, “the Council” means West Lancashire Borough Council.

1.2 A person who habitually has a dog in his possession shall be taken to be in charge of the dog at any time unless at that time some other person is in charge of the dog

1.3 In relation to Section 2 and 6 of this Order the offence does not apply to a person who –

1.3.1 - is registered as a blind person in a register compiled under Section 29 of the National Assistance Act 1948; or

1.3.2 – has a disability which affects his hearing, mobility, manual dexterity, physical co-ordination or ability to lift, carry or otherwise move everyday objects, in respect of a dog trained by a prescribed charity and upon which he relies for assistance.

1.3.3 – each of the following is a “prescribed charity” for the purposes of this Order-

- (i) Dogs for the Disabled (registered charity number 700454);
- (ii) Support Dogs (registered charity number 1088281);
- (iii) Canine Partners for Independence (registered charity number 803680)
- (iv) Hearing Dogs for Deaf People (registered charity number 293358)

1.4 An “authorised officer of the Council” means an employee of the Authority who is authorised in writing by the Council for the purposes of giving directions under this Order.

Section 2 – Dog Fouling

2.1 This Section applies to the land specified in Schedule 1

2.2 If a dog defecates at any time on land to which this Order applies and a person who is in charge of the dog at the time fails to remove the faeces from the land forthwith, that person shall be guilty of an offence unless –

- (a) he has reasonable excuse for failing to do so; or
- (b) the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his failing to do so.

2.3 For the purposes of this section –

- (a) placing of faeces in a receptacle on the land which is provided for the purpose, or for the disposal of waste, shall be a sufficient removal from the land;
- (b) being unaware of the defecation (whether by reason of not being in the vicinity or otherwise), or not having a device for or other suitable means of removing the faeces shall not be a reasonable excuse for failing to remove the faeces.

Section 3 – Specified Maximum Number of Dogs

3.1 This Section applies to the land specified in Schedule 1

3.2 A person will be guilty of an offence if, at any time, he takes onto any land in respect of which this Order applies more than six dogs per person, unless

- (a) he has reasonable excuse for doing so; or
- (b) the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his doing so.

Section 4 – Dogs To Be Kept On Leads In Identified Areas

4.1 This Section applies to the land specified in Schedule 2

4.2 A person in charge of a dog shall be guilty of an offence if, at any time, on any land to which this Order applies he does not keep the dog on a lead, unless –

- (a) he has reasonable excuse for doing so; or
- (b) the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his failing to do so.

Section 5 – Dogs To Be Kept On Leads When Directed To Do So By An Authorised Officer

5.1 This Section applies to the land specified in Schedule 1

5.2 A person in charge of a dog shall be guilty of an offence if, at any time on any land to which this Order applies, he does not comply with a direction given to him by an Authorised Officer of the Council to put and keep the dog on a lead unless –

- (a) he has reasonable excuse for doing so; or
- (b) the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his failing to do so.

5.3 an Authorised Officer of the Council may only give a direction under this Order to put and keep a dog on a lead if such restraint is reasonably necessary to prevent a nuisance or behaviour by the dog causes or is likely to cause annoyance or disturbance to any other person on any land to which this Order applies or the worrying or disturbance of any animal or bird.

Section 6 – Dogs To Be Excluded From Designated Areas

6.1 This Section applies to the land specified in 3

6.2 A person in charge of a dog shall be guilty of an offence if at any time he takes a dog onto, or permits a dog to enter or to remain on, any land to which this Order applies unless –

- (a) he has reasonable excuse for doing so; or
- (b) the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his failing to do so.

Section 7 – Penalty

A person who fails to comply with any obligation imposed by this Order is guilty of a criminal offence by virtue of section 67(1) of the Act and liable to a fine on summary conviction not exceeding level 3 on the standard scale.

Fixed Penalty Notices

In accordance with S68 of the Act an Authorised Officer may issue a fixed penalty notice (the Notice) of £75.00 to anyone he has reason to believe has committed an offence under this Order

The fixed penalty notice is a notice offering the person to whom it is issued the opportunity of discharging any liability to conviction for the offence by payment of a fixed penalty to the Council.

When a Notice is issued, no proceedings will be taken in respect of the offence before the end of the period of 14 days following the date of the Notice. If the person issued with the Notice pays the amount due within the 14 day period he may not be convicted of the offence.

Section 8 – Appeal

If any interested person desires to question the validity of this Order on the grounds that the Council has no power to make it or that any requirement of the Act has not been complied with in relation to this Order, he may apply to the High Court within six weeks from the date on which this Order is made.

Dated this day of 2017

The COMMON SEAL of WEST)
LANCASHIRE BOROUGH)
COUNCIL was hereunto affixed)
in the presence of:)

Authorised Officer



WEST LANCASHIRE BOROUGH COUNCIL
ANTISOCIAL BEHAVIOUR CRIME AND POLICING ACT 2014

PUBLIC SPACE PROTECTION ORDER – (WEST LANCASHIRE BOROUGH
COUNCIL) 2017

SCHEDULE 1

This Order applies to all land which is within the administrative area of the Borough of West Lancashire and which the public are entitled or permitted to have access with or without payment. The order will also apply to all Access Land within the Borough of West Lancashire within the meaning of S1(1) Countryside and Rights of Way Act 2000.

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WEST LANCASHIRE BOROUGH COUNCIL
ANTISOCIAL BEHAVIOUR CRIME AND POLICING ACT 2014

PUBLIC SPACE PROTECTION ORDER – (WEST LANCASHIRE BOROUGH
COUNCIL) 2017

SCHEDULE 2

This Order applies to –

- (a) all carriageways in the West Lancashire Borough Council Area (either public or to which the public have access with or without payment) with a speed limit of 40 miles per hour or greater and the adjoining footways, cycle tracks and verges (either public or to which the public have access with or without payment); and
- (b) the areas outlined below and identified in the attached plans:
- Part of Beacon Country Park
 - Part of Coronation Park, Ormskirk
 - Coronation Park, Skelmersdale
 - St Helens Road Park, Ormskirk
 - Alder Lane playing fields, Parbold



WEST LANCASHIRE BOROUGH COUNCIL
ANTISOCIAL BEHAVIOUR CRIME AND POLICING ACT 2014

PUBLIC SPACE PROTECTION ORDER – (WEST LANCASHIRE BOROUGH
COUNCIL) 2015

SCHEDULE 3

The areas outlined below and identified in the attached plans:

Schedule of Borough Council "enclosed play areas" at:

- Coronation Park, Park Road, Ormskirk, West Lancs
- Ennerdale/Tanhouse Park, Skelmersdale, West Lancs
- Cascades, Ormskirk Road, Skelmersdale, West Lancs
- Bracknel Way, Aughton, Ormskirk, West Lancs
- Abrams Fold/Lancaster Gate, Banks, West Lancs
- Appley Playing Fields, Appley Lane South, Appley Bridge, West Lancs
- Banksbarn, Digmaor, Skelmersdale, West Lancs
- Abbeystead, Gillibrands Road, Little Digmaor, Skelmersdale, West Lancs
- Fairhaven, Skelmersdale, West Lancs
- Banks Leisure Centre, Greaves Hall Avenue, Banks, West Lancs
- Hawksclough, Skelmersdale, West Lancs
- Holland Moor, Digmaor, Skelmersdale, West Lancs
- Mawdsley Terrace, Ormskirk, West Lancs
- Priory Close/Vicarage Gardens, Burscough, West Lancs
- Rees Park, Burscough, West Lancs
- Richmond Park, Burscough, West Lancs
- School Lane, Westhead, Ormskirk, West Lancs
- Stanley, Coronation Park, Skelmersdale, West Lancs
- Firbeck, Skelmersdale Town Centre, Skelmersdale, West Lancs
- Trinity Walks, Tarleton, West Lancs
- Broadacre, Upholland, Skelmersdale, West Lancs
- Dewberry Fields, Upholland, Skelmersdale, West Lancs
- Moy Park, Scarisbrick, West Lancs
- Willows, Victoria Park, Skelmersdale, West Lancs
- Southport Road, Scarisbrick, West Lancs
- Poppyfields, Hesketh Bank, West Lancs
- Eavesdale/Edenhurst, Skelmersdale, West Lancs
- White Moss Road, Skelmersdale, West Lancs
- Westhead (School Lane)
- Coronation Park, Ormskirk
- Halsall Lane, Ormskirk
- Westend, Ormskirk
- Mawdesley Terrace, Ormskirk
- Pickles Drive, Burscough
- Rees Park, Burscough
- Richmond Park, Burscough

- Banksbarn, Digmoor
- Beacon Country Park, Up Holland
- Alderley, Little Digmoor
- Belvedere Way, Aughton
- Fairhaven, Birch Green
- Helmsdale, Birch Green
- Inglewhite, Birch Green
- Stanley Coronation Park, Old Skelmersdale
- Tanfields, New Church Farm
- Evington, Tanhouse
- Ennerdale, Tanhouse
- Abbeystead, Little Digmoor
- Daisy Way, Scarisbrick
- Greenhill, Old Skelmersdale
- Chequer Lane
- Beacon Park
- Hilldale Playing Field
- Bickerstaffe Playing Field

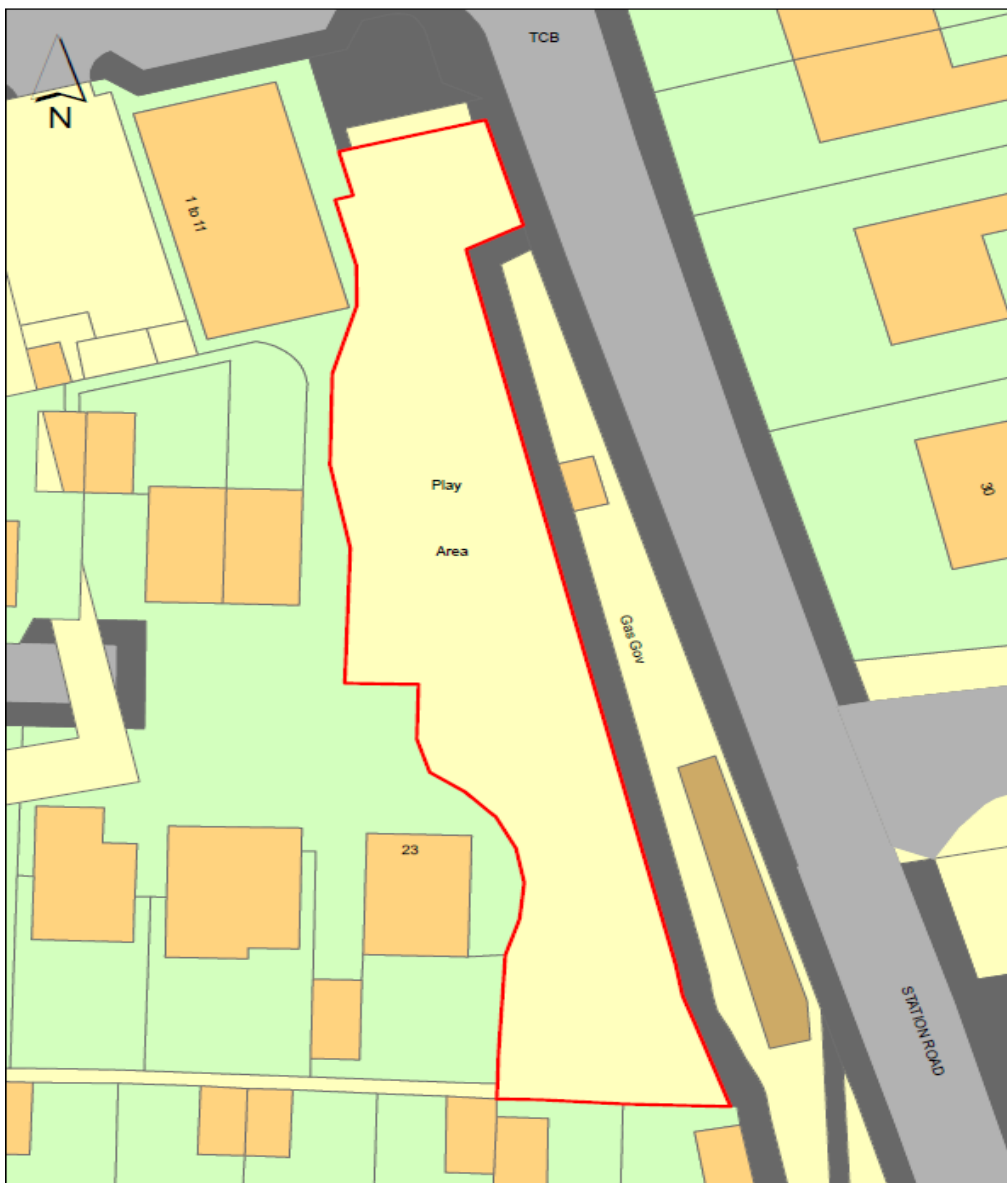
Schedule of Parish Council "enclosed play areas" at:

- Winifred Lane, Aughton, West Lancs
- Redsands, Aughton, West Lancs
- Holt Green, Aughton, West Lancs
- Mere Avenue, Burscough, West Lancs
- Engine Lane, Great Altcar, West Lancs
- Memorial Hall, Halsall Road, Halsall, West Lancs
- Shore Road, Hesketh with Beconsall, West Lancs
- Glen Park Drive, Hesketh with Beconsall, West Lancs
- Schwartzmans Drive, North Meols, West Lancs
- Village Hall, The Green, Parbold, West Lancs
- Burnside, Parbold, West Lancs
- Village Hall, Smithy Lane, Scarisbrick, West Lancs
- Carr Lane, Tarleton, West Lancs
- Mill Lane, Up Holland, West Lancs
- Lawns Ave, Up Holland, West Lancs

Appendix 2

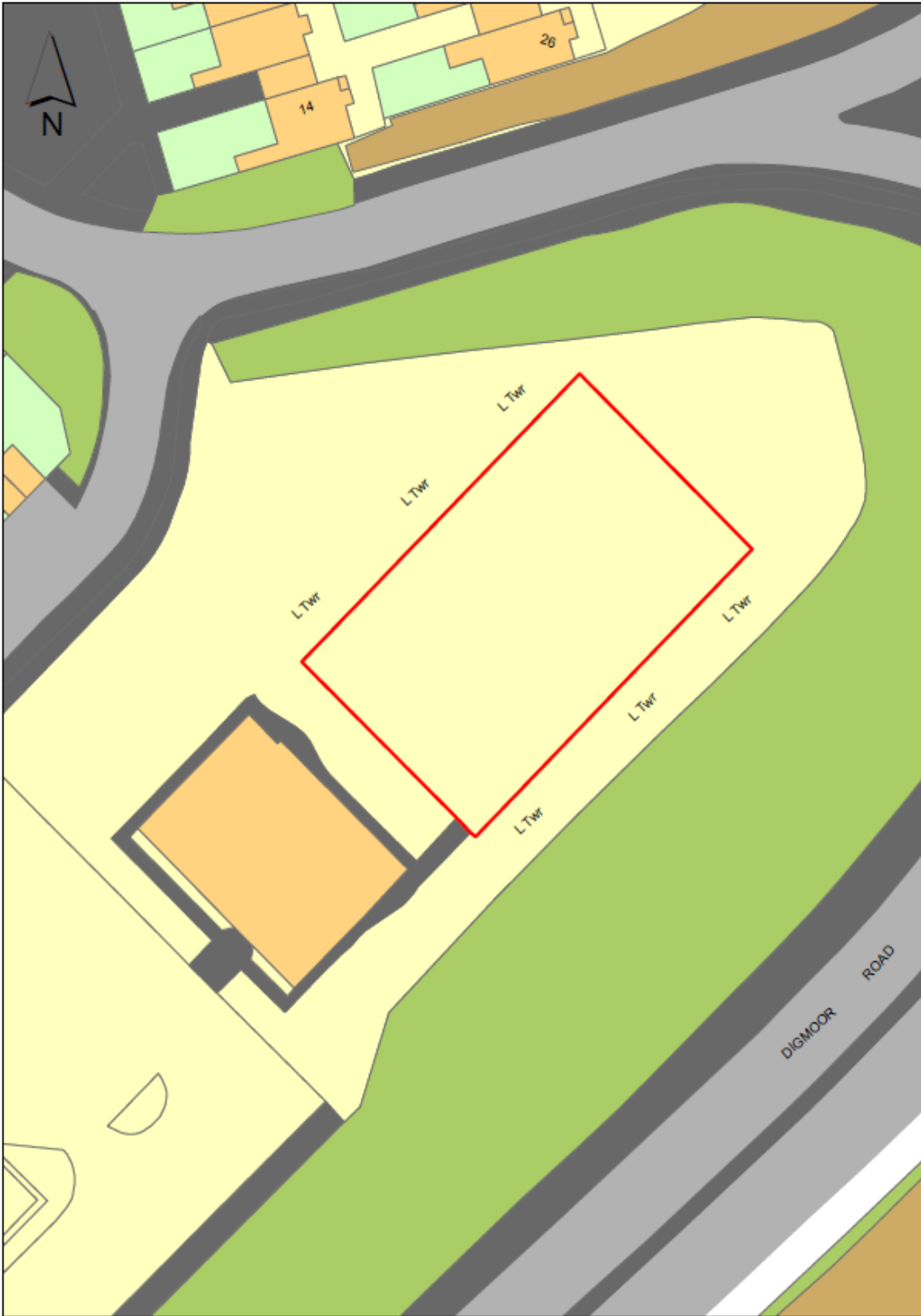
Proposed new areas where dogs are to be excluded.

LOCATION	DESCRIPTION
Station Road, Hesketh Bank	Parish Council enclosed play area
Evermore Hub	Enclosed sports area



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Appendix 3

Suggested areas where Dogs will be required to be kept on a lead.

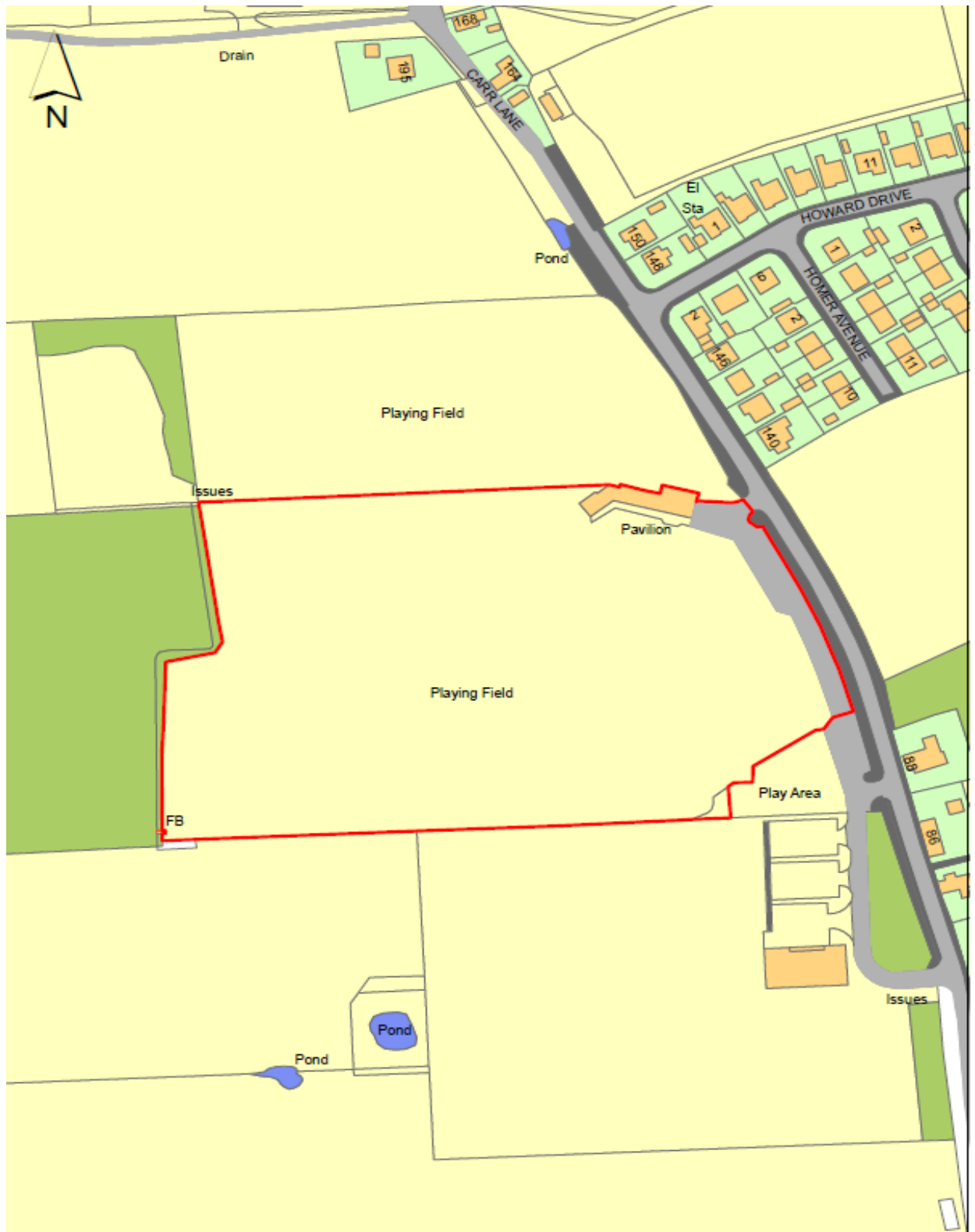
a. Ormskirk Cricket Club



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b. Tarleton Cricket Club



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c. Tarleton Rugby Club



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CABINET: 10 SEPTEMBER 2019

**EXECUTIVE OVERVIEW &
SCRUTINY COMMITTEE:
26 SEPTEMBER 2019**

COUNCIL:16 OCTOBER 2019

Report of: Director of Housing and Inclusion

Relevant Portfolio Holder: Councillor J. Wilkie

**Contact for further information: Mr F. Lee (Extn. 5226)
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**SUBJECT: COUNCIL HOUSING ASSET MANAGEMENT STRATEGY AND
CAPITAL PROGRAMME PROCUREMENT APPROACH**

Wards affected: All

1.0 PURPOSE OF THE REPORT

- 1.1 To seek approval from Cabinet/Council of the newly developed Housing and Inclusion Asset Management Strategy (AMS) including an ability to enter into a 5 year contract(s) to deliver the capital investment programme commencing April 2021.

2.0 RECOMMENDATIONS TO CABINET

- 2.1 That the newly developed Asset Management Strategy included as appendix A be approved.
- 2.2 That in order to deliver the Asset Management Strategy and realise economies of scale and continuity, the procurement of the housing capital investment programme starting from April 2021 for a term of 5 years to maximise value for money and flexibility be approved.

3.0 RECOMMENDATION TO EXECUTIVE OVERVIEW & SCRUTINY COMMITTEE

- 3.1 That following consideration of the report any agreed comments be submitted to Council.

4.0 RECOMMENDATIONS TO COUNCIL

- 4.1 That the Housing Asset Management Strategy be approved and implemented.
- 4.2 That the procurement of a 5 year contract to deliver the Housing and Inclusion Capital Investment Programme be approved.
- 4.3 That further approval will be sought from Cabinet / Council should officers wish to utilise the contract extension options included within the contract.

5.0 BACKGROUND

- 5.1 In order to ensure the long term sustainability of the Councils housing stock/business plan, Officers have developed a new AMS which provides a framework to ensure the Council make good investment decisions for the housing stock. The AMS will deliver individual 5 year area investment plans which will be shaped by robust intelligence along with the invaluable knowledge from the various teams within the Housing and Inclusion service. The AMS for consideration is included as appendix A.
- 5.2 Procurement for the capital investment programme has been on a year by year basis since 2017/18. This was an interim arrangement while stock condition data was being analysed and the asset management strategy developed. In order deliver the 5 year investment plans officers now plan to procure longer term contract(s) which will realise economies of scale and continuity which will also facilitate increasing the social value of our contracts such as, increased training opportunities through the development of a social enterprise models which could potentially benefit the whole borough, developing/utilising local supply chains and utilising local educational institutions. This duration of contract will also have the added benefit of removing the need to procure on an annual basis freeing up officer time to enable greater focus on contract management and quality assurance.

6.0 CURRENT POSITION

- 6.1 Officers are procuring the 2019/2020 capital programme using a mixture of open tender and frameworks and a similar procurement route is proposed for the 2020/21 capital programme. From April 2021 it is proposed a 5(+3,+2) year contract(s) will commence to deliver the asset management strategy. It is anticipated that these contracts will be broader in scope to ensure specifications and quality standards are aligned with those contained within the new Responsive Maintenance and Void contracts, ensuring standardisation of components across the housing stock is achieved.
- 6.2 In addition to standardising components and quality standards, contracts will be structured in a way that allows flexibility for change which will allow option appraisal recommendations to be implemented without contractual penalties.

7.0 SUSTAINABILITY IMPLICATIONS

- 7.1 The asset management strategy has sustainability at its heart and will aim to improve the overall sustainability of the housing stock and local communities.
- 7.2 Moving to a longer term approach to procurement will also provide the opportunity for contractors to invest in training and deliver tangible social value to local communities.

8.0 FINANCIAL AND RESOURCE IMPLICATIONS

- 8.1 Whilst not having direct financial implications, the AMS will aim to ensure the business plan is sustainable and focus the Council's investment wisely.
- 8.2 It is envisaged that moving to the longer term approach in relation to the procurement of the capital programme will provide benefits in relation to economies of scale and will reduce repeated procurement costs.

9.0 RISK ASSESSMENT

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

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 - Asset Management Strategy

Appendix B - AMS Process Chart

Appendix C – Minute of Cabinet 10 September 2019 (Executive Overview and Scrutiny Committee & Council only)

Appendix D – Minute of Executive Overview and Scrutiny Committee 26 September 2019 (Council only)



West Lancashire Borough Council

Housing and Inclusion Asset Management Strategy 2019-2024

- 1.0 Background and Context**
- 2.0 Principles of the Asset Management Strategy**
- 3.0 Asset Management Planning Approach**
- 4.0 Stock Condition Information**
- 5.0 Standards/Compliance**
- 6.0 Repairs and Maintenance**
- 7.0 Aids and Adaptations**
- 8.0 Sustainability**
- 9.0 AAMP - Property Categorisations**
- 10.0 Investment Delivery/ Procurement**

1.0 BACKGROUND AND CONTEXT

- 1.1 The operating environment for social housing is one of the most challenging and fast moving for many years. Reform of the welfare system allied to continued cuts in public sector budgets and significant reductions in grant levels for new development programmes are placing increasing pressure on social landlords and their customers.
- 1.2 In addition regulation has changed: while more light touch and less prescriptive with a strong emphasis on financial viability and Value for Money, the recent Government Green Paper on social housing 'A new deal for social housing' brings some of the focus back on empowering customers to having a greater say and control in the management of their homes.
- 1.3 The Borough has a strong housing market with high demand for both the private and social rented sectors. However, the housing market in the Borough is not balanced and does not offer a range of housing for those at all income levels, with a shortage of affordable entry level housing for both single people and families across the Borough. With continued reforms to the welfare system, allied to the uncertainty of the performance of the economy, at both a national and local level post Brexit, the demand for affordable housing within Borough is likely to come under increasing pressure.
- 1.4 Analysis from the Council's current Housing Strategy identifies that the Borough, like many parts of the country is forecast to see an uplift in the number of households, whilst the outturn of new homes is anticipated to fall as a result of current issues around access to finance and market confidence. Analysis of the demographic groups within Borough indicates the greatest shortfall in accommodation needs will be for single non-pensioner households and lone parent households, emphasising the importance of delivering small, but well apportioned family sized affordable housing units, closely followed by a developing demand for extra care accommodation to cater for an increasing ageing population.
- 1.5 Previous Asset Management Strategies were very much focused on meeting and maintaining homes to the Decent Homes Standard (DHS). That standard has broadly now been met, and the Council now requires an Asset Management Strategy and Plan to set out how it will use its resources to ensure its existing homes continue to meet the DHS going forward whilst assisting in addressing some of the wider housing issues within Borough.
- 1.6 To achieve the Council vision 'To be a council which is ambitious for West Lancashire - our Economy, Environment and for Health and Wellbeing' providing sustainable, quality, affordable homes is a key factor in achieving this ambition

1.7 This Asset Management Strategy will set out how the Council will prioritise investment between the different options that are available in terms of property, neighbourhoods or the wider area/agenda and will provide a mechanism for area reviews (option appraisals) where investment needs to be carefully considered, whilst maintaining required standards.

2.0 Principles of the Asset Management Strategy

2.1 The Council recognises the crucial role good quality affordable housing plays in the promotion of good health and wellbeing and sense of place. This strategy aims to improve and build on our housing offer by developing bespoke local plans which are tailored to the needs of the local community whilst ensuring long term sustainability and a sound business footing.

2.2 Managing assets effectively is central both to the operation of a landlord's business and its ability to achieve its strategic aims and maintain its core visions and values and is at the heart of a robust business plan.

2.3 Strategies have previously focused principally on delivering work programmes rather than actively managing the assets with the focus being on;

- Stock surveys providing asset intelligence
- The delivery of works programmes
- Managing budgets and spending budgets wisely
- Dealing with the worst properties first

2.4 While the first three points above remain important aspects of asset management, the Council will need to develop a more proactive business planning approach considering;

- What investment is needed in our properties
- When that investment need will arise
- An understanding of current and future demand
- An understanding of how properties are currently performing
- Alternative options – demolition / disposal / change of use
- Stock rationalisation
- New Developments

2.5 This approach will improve the worth, both social and financial of our housing and related assets, with the developed business plan providing the basis for an asset management strategy that considers a 30-year timeframe providing a framework for short and medium-term plans which will take into account;

- Investing in the long-term sustainability of the assets.
- Meeting customers housing needs in terms of the location, type and standard of their homes and ensuring their views have real influence in the shaping of local plans.

- Actively managing the assets so that decisions are able to be made on an estate and individual property basis with key internal stakeholders.
- How the asset management strategy supports the wider aims of the Council – development of new homes, and / or supporting localities.
- Redevelopment Plans including those of the Councils development company.

3.0 Asset Management Planning Approach

3.1 The proposal is to move to Area Asset Management Plans (AAMPs). These plans will provide a basis for a more coordinated approach to asset management, and particularly recognise that housing management and the surrounding environment should be an integral part of investment planning.

3.2 Developed area plans will gear investment / divestment /replacement into the stock over 5-year bands. As and when individual properties become void these will be assessed in more detail to ensure any planned investment / divestment requirements ‘marry’ up to the overall plan.

3.3 To make informed judgements when producing the AAMPs will require a granular understanding of the stock and its performance. While robust information relating to the condition of individual building components will be held within the asset management module of QL, measuring the long-term performance of the stock will be undertaken using an Asset Intelligence Model. The modelling and options appraisal of the property portfolio will allow the Council to:-

- Demonstrate Value for Money [Vfm].
- Determine investment strategies at a property, street, estate and neighbourhood level.
- Assist in the long-term planning regarding the obsolescence of assets.
- Identify when major investment is needed and ensure that investment is delivered through intelligence driven maintenance programmes.
- Model alternative asset management strategies and,
- Assist in the delivery of social investment objectives and quantify the impact of that investment.

4.0 Stock Condition Information

4.1 The Council has undertaken a Stock Condition Survey (SCS) in 2018 which covered 100% of the existing housing property portfolio. The SCS informs both the Council’s Long-Term Financial Plan (LTFP) and investment requirements/ budgets.

4.2 Additional sample surveys will also be carried out to ensure we maintain accurate information along with updates following the completion of programmes of work.

4.3 The SCS 2018 identified £191m of expenditure required over a 30 year period to maintain the Council's housing stock at current standards. A breakdown of that spend is provided in Table 1.0 below.

West Lancashire Borough Council Stock Condition Survey 2018 30 Year Spend Profile - Capital Works Programme							
Element Group	Years 1 to 5	Years 6 to 10	Years 11 to 15	Years 16 to 20	Years 21 to 25	Years 26 to 30	Total
Catch Up Repairs	£574,710	£0	£0	£0	£0	£0	£574,710
Improvements	£1,352,650	£0	£795,150	£0	£795,150	£0	£2,942,950
Kitchens	£3,164,000	£3,332,000	£3,860,000	£12,548,000	£3,164,000	£3,332,000	£29,400,000
Bathrooms	£2,603,800	£1,719,350	£2,437,500	£5,804,750	£2,122,100	£5,711,950	£20,399,450
Electrics	£3,471,840	£506,120	£787,340	£2,150,120	£2,033,340	£2,901,620	£11,850,380
Heating	£4,113,300	£4,344,100	£7,384,100	£3,811,900	£7,901,600	£8,684,600	£36,239,600
Roofing	£10,245,344	£1,072,908	£1,904,592	£3,394,642	£1,550,539	£6,452,362	£24,620,386
Windows	£1,167,297	£946,526	£4,927,730	£2,471,580	£3,240,966	£2,682,100	£15,436,199
Walls	£1,398,205	£2,451,652	£3,426,346	£7,412,065	£2,778,100	£2,007,421	£19,473,789
Doors	£779,500	£139,650	£611,250	£985,400	£3,279,750	£2,364,300	£8,159,850
External Works	£5,021,219	£3,031,008	£1,783,749	£3,439,640	£729,164	£872,974	£14,877,754
Common Doors	£793,841	£306,284	£235,514	£341,852	£68,916	£45,837	£1,792,245
Common Services	£586,500	£555,750	£577,041	£723,000	£1,108,750	£1,335,354	£4,886,395
Common Kitchen / Bathroom	£10,000	£20,000	£27,237	£0	£19,000	£41,237	£117,473
Total	£35,282,205	£18,425,348	£28,757,549	£43,082,948	£28,791,376	£36,431,755	£190,771,181
Total per annum	£7,056,441.09	£3,685,069.55	£5,751,509.85	£8,616,589.63	£5,758,275.18	£7,286,350.96	£38,154,236

Table 1.0; SCS 2018 - Breakdown of 30 year spend by element – Capital works programme.

4.4 The SCS 2018 identifies the spend needed to meet legal, statutory and Health and Safety issues and ensure the stock and related assets, going forward, are kept at today's standards. Whilst the business plan can support this projected spend requirement with resource levelling, the Council may want to invest its finances into other areas to support its vision and value statements. This spend could cover issues such as car parking, redesign of areas to meet secure by design principles or addressing environmental uses. Alternatively, the Council could decide to invest in areas that not only underpin its vision and value statements, but support a national agenda, for example, investment in green technology to homes. This would help alleviate fuel poverty, reduce carbon emissions whilst improving customer's homes to higher standards than current levels.

4.5 The 5-year investment bandings within SCS 2018 provide an indicative starting point for investment planning and timing. The Asset Management Team will undertake some further detailed inspections, surveys and assessments to identify the nature and urgency of the works and will categorise them in the following ways:

4.6 Essential Investment; considered to be urgent in the coming year and which cannot be moved due to risk of falling into breach of the Decent Homes Standard, failing to meet our obligations under Section 11 of the Landlord and Tenant Act 1985, or health and safety risks. An example of this would be a

roof where a good proportion of the roof tiles are beginning to slip and cause water ingress and risk of falling tiles.

4.7 Required Investment; considered to be important in the coming year but which could move back 2 – 3 years, without material risk to the building fabric / component. An example of this would be delaying the replacement of a lift, door entry system or pointing to external brickwork.

4.8 Discretionary Investment; considered timely and advisable in the coming year but which could be moved back into a future year within the 5-year band without material risk to the building fabric or health and safety. An example of this would be environmental works, such as providing additional parking on estates.

4.9 Improvement Investment; considered to be a desirable enhancement to a property, estate, scheme or block, but which is purely discretionary. An example of this would be external wall cladding or renewable energy components such as solar photovoltaic panels to generate electricity.

4.10 Whilst it is important that 'Essential' and 'Required' investment is undertaken to keep properties at the correct level in terms of health and safety and our legal duty to ensure they are lettable now and in the future, the Council will have the ability to review how it spends its funds on 'Discretionary' and 'Improvement' items. This flexibility provides the Council the ability to invest in Improvements or redirect that spend to invest in other areas such new developments or in support of other strategic business activities as referred to in section 4.4. This also allows works to be suspended pending option appraisals.

4.11 There are however risks in pushing back elements of investment spend on the stock and related assets, in that a 'bow wave' of investment may accumulate around the same period of time, placing unplanned strain on both financial and staff resources. This will need to be closely monitored through existing risk registers and reflected in future business and capital investment planning.

5.0 Standards and Compliance

5.1 The Council has policies in relation to the 5 keys areas of property compliance, Gas Safety, Water Hygiene, Electrical Safety, Fire Safety and Asbestos Management.

5.2 These policies set out the Councils approach to these critical health and safety issues. Future business/investment plans will ensure funds are available to carry out these critical compliance activities.

5.3 The Council will ensure that all properties meet any other statutory standard such as the current decent homes standard and ensure that adequate funding is available. This is regardless of property categorisations allocated as part of this strategy.

6.0 Repairs and Maintenance

6.1 The Council is currently undertaking a major exercise to procure the response maintenance service. This contract will aim to modernise the current service and minimise administration by moving to a price per property model. The contract will also have scope to include cyclical works such as heating servicing and painting. The contract will facilitate significant investment by the successful contractor to deliver a modern dynamic responsive service. Business/Investment plans will ensure funds are available to carry out these essential activities thus, protecting the value of the council assets. However, where a property / area is designated for essential works only, as per section 9, then this may affect the approach to maintenance and void works and shorter term remedies and 'mothballing' of void properties may be applicable dependant on the required investment. These decisions will be taken by the Tenancy Services Manager in consultation with the Senior Stock Condition Surveyor

7.0 Aids and Adaptations

7.1 The Council is committed to ensuring that residents are able to live independently in their homes for as long as possible and we will carry out adaptations in line with our aids and adaptations policy. Business/Investment plans will ensure funds are available to deliver the policy. Capital investment programmes will aim to minimise the need for adaptations by adopting designs with a lifelong homes philosophy.

8.0 Sustainability

8.1 A key purpose of the Asset Management Strategy is to make sure that investment in the stock ensures homes are sustainable over the life time of the long-term financial plan through managing both internal and external factors that may impact upon the let-ability of properties.

8.2 In making these decisions it is necessary to be able to evaluate assets in order to be able to choose between alternative uses for capital and human resources over the medium to long-term. In financial terms it is essential to gain a positive return on any investment that is undertaken on the stock. This needs to be balanced against environmental and social factors. It is therefore important for the Council to have a process to assess these issues and ensure investment is targeted to achieve sustainability in the long term.

8.3 Investment will be prioritised towards ensuring sustainability, as identified through the Asset Intelligence Model, an operational tool that is used to assess sustainability over three distinct factors. These factors link directly to a strategic financial, social and environmental triple bottom line objective;

8.4 **Social Index;** will consider the sustainability of the properties set in the context of the street, estate, and neighbourhood and whether there are factors that could erode the letability or the value of the property. Examples of this

would include data relating to local house prices and market value, neighbourhood and home satisfaction data and stock demand data.

- 8.5 **Environmental;** this will take into account the energy efficiency/performance of stock that could impact affordability and sustainability of tenancies.
- 8.6 **Financial;** a financial model will be produced to indicate the expected future cash flows for each property over the next thirty years. This will include realistic assumptions about future rent income and key cash outflows (repairs, maintenance, management and in particular scheduled major improvements and capital work). For each property a Net Present Value (NPV) will be calculated, which will demonstrate the financial performance over a 30-year period. This would provide a reasonable indication of financial return (to be discussed and agreed with the Council's Finance Team). Therefore, NPV can be ranked by property and a criteria set to indicate those with the lowest NPV and therefore the least attractive to retain under financial criteria.
- 8.7 Performance of the stock will be assessed on these three distinct measures using out Asset Intelligence Model and properties will be classified either as Red, Amber or Green (RAG status);

Green - Properties with a high sustainability index score.

Amber - Properties with a medium sustainability score.

Red - Properties with a low sustainability score.

9.0 AAMP - Property Categorisation

- 9.1 Areas will be prioritised for the development of an Area Asset Management Plan (AAMP) based on the proportion of low sustainability properties and the number of properties affected. This will ensure the risk to the Council of making poor investment decisions is minimised.
- 9.2 The AAMP's will be developed by the Stock Review Group and will involve carrying out option appraisals to identify the most optimum approach for the stock / assets in the area. Key to this will be developing an understanding of why properties/areas have low levels of sustainability and understanding the potential of the area.
- 9.3 The AAMP will then categorise properties/areas in the following ways:-

- Retain and Invest Long term
- Retain and Invest Medium Term
- Change of Use
- Sheltered change
- Dispose – through open market sale
- Dispose – through demolition
- New Development Potential

- 9.4 The AAMP will also identify the type of investment to be permitted in the area and to which properties i.e. Essential, Required, Discretionary and Improvement. Along with a review date when the AAMP will be reassessed.
- 9.5 Where interventions over and above routine investment are required these will be managed in line with the scheme of delegation and further reports as necessary.
- 9.6 Where an area does not yet have an AAMP the Stock Review Group will make an interim categorisation and investment allowed judgement, informed by local knowledge and the RAG rating. Again, this will ensure the risk to the Council of making poor investment decisions is minimised.
- 9.7 As a guide, investment for properties with a **Red** RAG rating could potentially be; No major expenditure permitted and to be maintained on an 'Essential' only basis limited to responsive repairs, plus essential cyclical servicing to ensure health and safety compliance – i.e. statutory gas servicing, periodic electrical testing etc. As referred to in section 5.3 we will ensure that any minimum statutory standards are maintained.
- 9.8 **Amber** stock may involve; No discretionary or improvement works being permitted pending the AAMP production. Day to day maintenance shall be on a responsive and cyclical servicing basis as set out for Red stock above
- 9.9 The Stock review group may decide that **Green** stock will be allowed all investment apart from Improvements, again pending the AAMP.

The option appraisal and re-investment process is illustrated at Appendix A.

- 9.10 When a full AAMP has been agreed this will be shared with local residents who would have helped shape it through the option appraisal process. The message to residents will be carefully managed with the council's communications team to ensure that areas are not stigmatized.

10.0 Procurement

- 10.1 Housing and Inclusion currently procures its capital investment and cyclical maintenance contracts through framework agreements and open market tendering.
- 10.2 In order to allow recommendations included in AAMPs to be complied with, flexibility will be required in terms of procurement.
- 10.3 It is proposed that while 5 year contracts (with extension options) are sought to deliver our capital investment programmes these contract should have a degree of flexibility to ensure changes can be made without incurring any financial penalties to the Council. It is therefore envisaged that term measurement contracts are employed, that allow economies of scale whilst

not committing expenditure to properties that may require review/option appraisals.

10.4 The Council is aware of the impact its procurement activities has in the area and will consider the social value contractors and suppliers can deliver when awarding contracts. This will include but not be limited to items such as local investment, the use of local supply chains and local labour along with apprenticeship opportunities.

10.5 The environmental impact of the materials the Council specifies will also be considered during procurement exercises which will include the impact on ongoing maintenance and energy consumption for our customers.

11.0 Financial and Resource Implications

11.1 There are risks in pushing back elements of investment spend on the stock and related assets, in that a 'bow wave' of investment may accumulate around the same period of time, placing unplanned strain on both financial and staff resources.

12.0 Risk Assessment

12.1 The risks to the Council will be assessed through the corporate risk register but the key risks to the Asset Management Strategy are:

- Failure to maintain Decent Homes Standard or any replacement statutory standard.
 - Mitigation will be to regularly monitor our stock and potential changes to statutory requirements and realign investment plans as necessary.
- Insufficient available funds to meet the demands of the business.
 - Mitigation would be to ensure that the business plan is robust and carrying out sensitivity analysis assumptions.
- Key contractor and consultant failure.
 - Contract(s) will be carefully drafted and monitored to ensure the interests of the Council are protected should performance issues arise.
- Accuracy of stock condition survey data.
 - In house surveys will be carried out to provide reassurance that data is accurate.
- Accuracy of demand data or change in demand preferences of customers.
 - Mitigation would be to ensure that the business plan is robust by carrying out sensitivity analysis of the included assumptions.
- Change in priorities for spend based on external factors such as the Government or Environmental legislation.
 - Mitigation will be to regularly monitor our stock and potential changes to statutory requirements and realign investment plans as necessary.

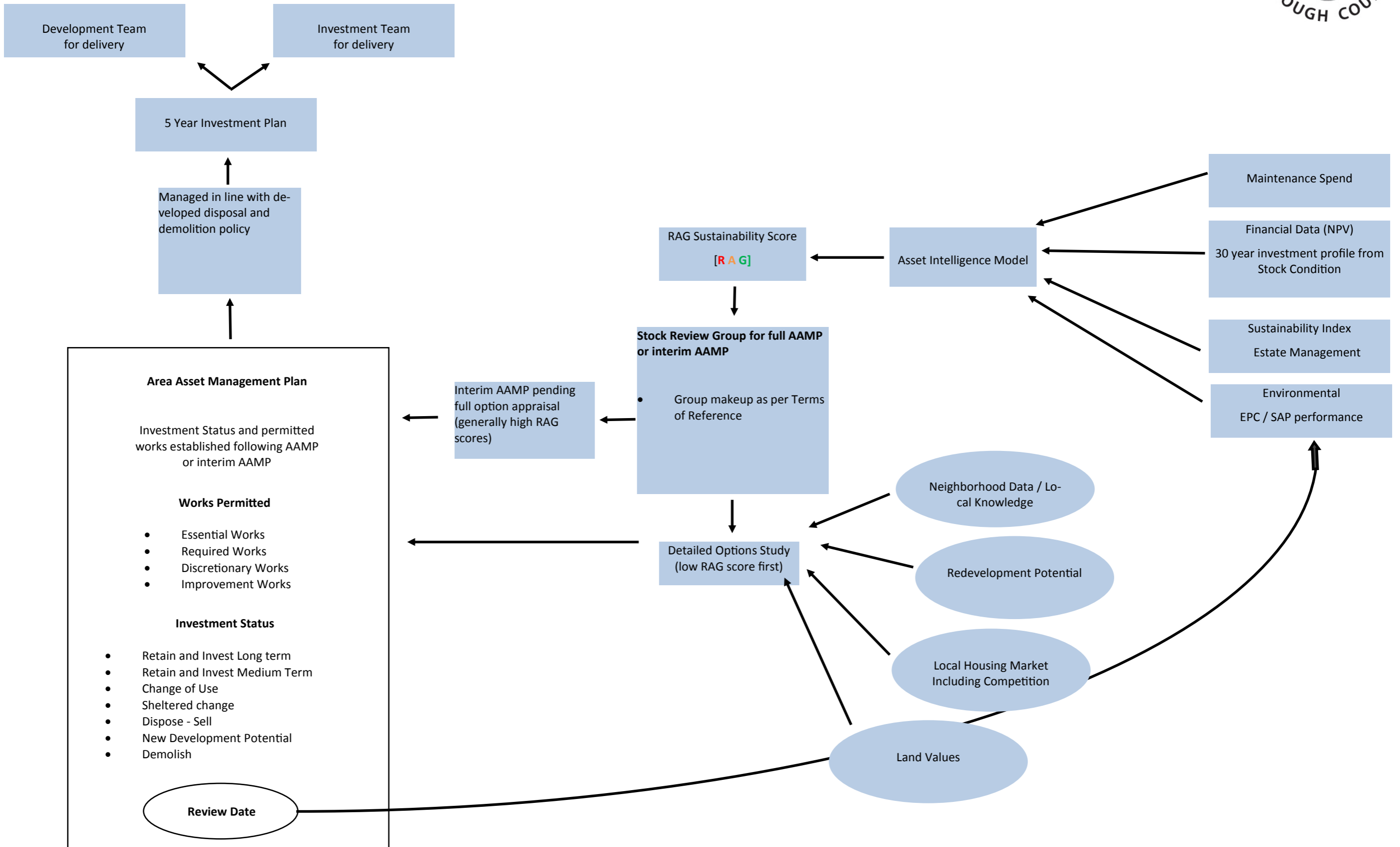
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- Cost of customers future aspirations not costed within LFTP
 - These issues will be identified through our sustainability analysis and addressed through AAMPs.

12.2 The above risk will be managed and monitored and reported through Housing Management Team Meetings.

Appendices

Appendix A – Asset Management Strategy Process Flow

Housing and Inclusion Asset Management Process



MINUTE OF THE LANDLORD SERVICES COMMITTEE (CABINET WORKING GROUP) – 4 SEPTEMBER 2019

15 COUNCIL HOUSING ASSET MANAGEMENT STRATEGY & CAPITAL PROGRAMME PROCUREMENT APPROACH

The Working Group considered the report of the Director of Housing and Inclusion, the purpose of which is seeking approval from Cabinet/Council of the newly developed Housing and Inclusion Asset Management Strategy (AMS), including an ability to enter into a 5 year contract(s) to deliver the capital investment programme commencing April 2021.

The Deputy Property Services Manager attended the meeting and provided an overview of the report, clarification on the issues raised, referring to details as set down in the report and responded to questions.

Comments and questions were raised in respect of the following:

- Processes being implemented to highlight properties requiring investment/regeneration
- Advantages of long term procurement of contractors
- Safeguards being implemented for long term Contractors who don't meet standards and/or performance indicators
- Process for Tenants to be able to complain of Contractors work standards, if they feel they are falling short of those expected

RESOLVED: That the report and recommendations to Cabinet on the 10 September 2019 be noted

MINUTE OF CABINET – 10 SEPTEMBER 2019

33 COUNCIL HOUSING ASSET MANAGEMENT STRATEGY & CAPITAL PROGRAMME PROCUREMENT APPROACH

Councillor J Wilkie introduced the report of the Director of Housing and Inclusion which sought approval of the newly developed Housing and Inclusion Asset Management Strategy and the entering into of 5 year contract(s) in order to deliver the capital investment programme commencing April 2021.

Minute No. 15 of the Landlord Services Committee (Cabinet Working Group) held on 4 September 2019 was circulated at the meeting.

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

- RESOLVED A. That the newly developed Asset Management Strategy included at appendix A to the report be approved.
- B. That in order to deliver the Asset Management Strategy and realise economies of scale and continuity, the procurement of the housing capital investment programme starting from April 2021 for a term of 5 years to maximise value for money and flexibility be approved.

**MINUTE OF EXECUTIVE OVERVIEW & SCRUTINY COMMITTEE – 26
SEPTEMBER 2019**

25 **COUNCIL HOUSING ASSET MANAGEMENT STRATEGY & CAPITAL
PROGRAMME PROCUREMENT APPROACH**

Consideration was given to the report of the Director of Housing and Inclusion that advised that following consideration by Cabinet at its meeting on 10 September 2019 the report 'Council Housing Asset Management Strategy and Capital Programme Procurement Approach' had been referred to this Committee for consideration with a request that any agreed comments be referred to the next meeting of Council.

The Deputy Property Services Manager attended the meeting, provided an overview, clarification on the issues raised and responded to questions.

RESOLVED: That the report be noted.



COUNCIL: 16 October 2019

Report of: Borough Treasurer

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**SUBJECT: TREASURY MANAGEMENT AND PRUDENTIAL INDICATORS
MONITORING 2019-20**

Wards affected: Borough wide

1.0 PURPOSE OF THE REPORT

1.1 To set out details of Treasury Management operations in the year to date and to report on the Prudential Indicators for 2019/20, where available.

2.0 RECOMMENDATION

- 2.1 That the Prudential Indicators and Treasury Management activity in the year to date, including the funding provided to Tawd Valley Developments Ltd, be noted.
- 2.2 That the terms of reference and delegation to the Strategic Asset Purchasing Committee be broadened and increased to cover any commercial investment opportunity up to £3m.

3.0 BACKGROUND

- 3.1 The Council has adopted the CIPFA Treasury Management Code of Practice in Local Authorities. One condition of the Code is that a report must be made twice yearly to the Council on the activities of the Treasury Management function including the exercise of Treasury Management powers delegated to the Borough Treasurer.
- 3.2 The CIPFA Prudential Code for Capital Finance sets out a range of prudential indicators to assess whether an authority's financial position is prudent, affordable and sustainable. It is best practice that performance on these indicators is reported to Members on a regular basis.

3.3 Earlier this year the Council approved the set up of a new company, Tawd Valley Developments Ltd, and funding is now being provided to the company to enable it to become operational. The Council also approved a series of Sustainable Organisational Review (SORP) proposals at its meeting in July, including changes to the way cash will be invested and through the creation of a fund to acquire or build commercial assets. This report sets out details on how these initiatives will influence treasury management activities going forward.

4.0 PRUDENTIAL INDICATORS

4.1 One of the Council's main strengths is its healthy financial position, this position is confirmed in this latest set of prudential performance indicators that are set out in the Appendix.

4.2 Table 1 in the Appendix details the estimated and the projected outturn in relation to the principle of affordability contained within the Prudential Code for the current financial year. The first indicator shows that the GRA has a low ratio of financing costs compared to net revenue stream at some 1.76%. The forecast percentage has decreased as the investment earned is projected to improve on budget forecasts. The HRA self financing borrowing undertaken of some £88.212m attracts annual interest payments of £3.057m, which represents 11.44% of revenue, after allowing for some investment income. The forecast position for the HRA is broadly in line with the estimate.

4.3 The Treasury Management strategy document presented to Council in February 2019 introduced new indicators in order to facilitate the understanding of borrowing and investment decisions. One of these was occupancy levels and the actual levels being achieved over the summer of 2019 are presented in the appendix. They are very similar to the levels in February 2019 and indicate a sound position. Similarly the forecast rental income of the commercial assets is also showing that forecast rental incomes will be marginally improved on the budget target.

4.4 Capital expenditure indicators are currently being reviewed and will be reported to Members later this year. However current monitoring shows that no schemes are over spending which is the main purpose of this indicator.

4.5 There is also a requirement to report upon the Capital Financing Requirement of the Council. This indicator details the authority's underlying need to borrow for a capital purpose. At the end of the financial year 2018/19 the capital financing requirement stood at £104.868m. Due to its nature this indicator can only be reported upon when the non current asset accounts are closed, and the figure for the 2019/20 financial year will not be available until Summer 2020.

4.6 With regard to the Treasury Management Prudential Indicators two of these relate to approved borrowing limits namely, the authorised limit for external debt and the operational boundary. Council agreed these limits at, £111.0m and £108.0m respectively at its meeting on 27th February 2019, and we are currently well within these limits. Table 3 in the Appendix details the borrowing structure and interest payments associated with our debt. No new external borrowing has been taken out in the year to date and at the current time it is not expected that any will be required in this financial year. This position will be kept under review

particularly in the light of the speed of delivery of capital schemes and potential future interest rate movements.

5.0 INVESTMENTS

- 5.1 There have been on average greater funds available for investment during the current year compared to last year. The average amount of funds invested for the first 5 months of 2019/2020 was £28m compared to £26m after the same period in 2018/2019.
- 5.2 The Base Rate started the year at 0.75% and has remained unchanged, which was higher than the same period last year. Given the uncertainty surrounding the manner of Britain's exit from the European Union our treasury management advisors, Link Asset Services, have forecast that the base rate will remain at 0.75% until December 2020, but this position is not certain. It is however anticipated that the total interest earned in 2019/20 will be well in excess of that earned in 2018/19.
- 5.3 The Council's previous investment criteria meant that there were only a limited number of counter parties in which we could invest. These criteria ensured that the Council would only invest with other Local Authorities, or with UK based Banks or Building Societies with the highest possible credit rating, and this approach was primarily designed to minimise the risk of the loss of public funds.
- 5.4 The following table provides details on investment activity on this basis during the first 5 months of this year and last year.

	End of Aug 2019/20	End of Aug 2018/19
Investment levels		
Average Funds invested	£28 million	£26 million
External Investment Interest earned	£94,074	£58,213
Turnover	£33.25 million	£43.10
million		
Number of individual investments	23	23
Average Rate earned on all investments	0.721%	0.530%
Number & type of organisations invested in		
Local Authorities	1	1
Building Societies	3	3
Banks	3	3

- 5.5 As part of the ongoing work to achieve Best Value in Treasury Management, we continually monitor our performance against a benchmark figure of the average 3-month LIBID interest rate. The position at the end of August is that we have exceeded this target, achieving an average rate of interest earned of 0.721%, on investments, against the benchmark average of 0.66%.

6.0 NEW APPROACH ON INVESTMENTS

- 6.1 Through the SORP report to July Council it was agreed that the Council's Cash Investment Strategy should be revised, with £10m being invested in longer term, higher yielding investments. This type of approach has a higher level of risk but has been adopted by many other local authorities given the difficult financial position facing Councils. This strategy is subject to analysis and evaluation of the risks, including variation in return rates and capital versus revenue implications of different funds, by the Council's financial advisers.
- 6.2 At the end of September the first equity investment was made in Tawd Valley Development Ltd to enable it to become operational, and at the time of writing this report the first loan amount is about to be made. This funding has been provided from the Council's cash balances rather than taking out external borrowing. The equity investments should produce dividends in due course, although this will take some time to materialise given the long time scales involved in development activity. Long term loan funding is being provided to the company at commercial lending rates and consequently should generate a significantly higher rate of return than other current treasury management investments. Consequently this will start to generate the higher levels of investment income anticipated through the SORP process.
- 6.3 Work is also underway with our Treasury Management Advisors to review other possible long term cash investment opportunities, including Property Funds, and the results of this work will be reported back to Members in due course.
- 6.4 Through the SORP, Council also approved the creation of a £30m Fund to acquire new commercial property assets. Given that this principle has now been agreed it is proposed that the terms of reference of the Strategic Asset Purchasing Committee be broadened to cover any commercial investment opportunity up to £3m, compared to the existing limit of £2m. Any investment decisions above this level will still require Council approval, but this change should enable a more agile and flexible approach to respond to opportunities that may arise as these can present at very short notice. Work is underway to consider how this Fund should be used and this will include the production of a new Commercial Property Strategy.

7.0 SUSTAINABILITY IMPLICATIONS

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

8.0 RISK ASSESSMENT

- 8.1 The formal reporting to Council of Prudential Indicators and Treasury Management performance is part of the overall framework set out in Codes of Practice to ensure that the risks associated with this area are effectively controlled. Given the very large sums invested, treasury management activities are included in the Council's Key Risk Register.

Background Documents

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

<u>Date</u>	<u>Document</u>	<u>File Ref</u>
2003	CIPFA Prudential Code for Capital Finance	Accountancy Office
2010	CIPFA Revised Treasury Management Code of Practice	Accountancy Office

Equality Impact Assessment

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

Appendices

Appendix A – Prudential Indicators

Appendix A - Prudential Indicators

Table 1

Estimate of Ratio of Financing Costs to net revenue stream

G.R.A.	Estimate	2.52%	
	Forecast		1.76%
H.R.A.	Estimate	11.44%	
	Forecast		11.60%

Occupancy Levels

%

Industrial units	88.78
Offices	98.55
Retail Units	94.83
Ground leases, depot	95.45

Rental Forecast

£m

Forecast	2,280
Budget	2,263

Table 2 Borrowing and Interest payment structure

All fixed rate loans:

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

Weighted average interest rate is 3.47%

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



COUNCIL: 16 October 2019

Report of: Chief Executive / Interim Chief Operating Officer (Designate)

Contact for further information: Ms K Webber (Extn. 5005)

(E-mail: kim.webber@westlancs.gov.uk)

Ms J Sinnott-Lacey (Extn. 5200)

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SUBJECT: TAWD VALLEY DEVELOPMENTS LIMITED – OFFICER DIRECTOR APPOINTMENTS

Wards affected: Borough wide

1.0 PURPOSE OF THE REPORT

- 1.1 To seek approval to proceed with the appointment/confirmation of replacement Officer Directors to the Board of Directors of Tawd Valley Developments Limited (TVD).

2.0 RECOMMENDATIONS

- 2.1 That the Corporate Director of Transformation and Resources be appointed, and the Head of Finance, Procurement and Property Services be confirmed, as the Council's Directors, in replacement of the Director of Housing and Inclusion and Borough Treasurer, on Tawd Valley Developments Limited, with effect from 4 November 2019.
- 2.2 That authority to agree future officer appointments to Tawd Valley Developments Limited be delegated to the Chief Operating Officer in consultation with the Leader of the Council and the Portfolio Holder for Resources and Transformation.
-

3.0 BACKGROUND AND CURRENT POSITION

- 3.1 Cabinet and Council have previously approved the detailed arrangements for the formation of Tawd Valley Developments Limited (TVD) at their meetings on 8 January 2019 and 27 February 2019 respectively.
- 3.2 Councillors will be receiving quarterly Members Update items outlining the current position with regard to the progress of the TVD arrangements, with the next issue being on or before 13 November 2019.

3.3 The Council approved a new management structure from 4 November 2019 through the consideration of the Sustainable Organisation Review Project which now requires a reallocation of roles to allow suitable Council officer representation on the Board of TVD to continue effectively. The new structure from 4 November is attached at Appendix 1 for information.

4.0 PROPOSALS

4.1 Currently the Director of Housing and Inclusion and Borough Treasurer perform the Director roles on the board of TVD on behalf of the Council.

4.2 The Director of Housing and Inclusion has secured a substantive role in the structure from 4 November 2019, that of Corporate Director of Transformation and Resources. On an interim basis, pending permanent recruitment to the role she has been appointed to the post of Chief Operating Officer. Recruitment is in hand for an Interim Corporate Director of Transformation and Resources, pending permanent arrangements.

4.3 The Borough Treasurer has secured a substantial match role in the new management structure, with a change of title, as Head of Finance, Procurement and Property Services from 4 November 2019.

4.4 It is therefore considered that in the structure from 4 November 2019 it would be appropriate for the post of Corporate Director of Transformation and Resources and Head of Finance, Procurement and Property Services (and S151 Officer) to hold the Director positions on the Board on behalf of the Council, and the interim appointment to the Corporate Director of Transformation and Resources post would fulfill this position pending permanent arrangements.

5.0 SUSTAINABILITY IMPLICATIONS

5.1 The proposals in this report will enable the continued effective operation of TVD, and assist in delivering phase 1 of the business plan, which has previously been agreed by Council.

6.0 FINANCIAL AND RESOURCE IMPLICATIONS

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

7.0 RISK ASSESSMENT

7.1 Appointing/confirming the Directors as recommended in this report will enable the Board of TVD to continue at full strength. Not making the appointments as recommended has the potential to undermine the company's effectiveness.

Background Documents

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

Equality Impact Assessment

There is no direct impact on members of the public, employees, elected members and / or stakeholders, therefore an Equality Impact Assessment is not required.

Appendices

Appendix 1: Constitution 20 from 4.11.19

WEST LANCASHIRE BOROUGH COUNCIL



Paid



COUNCIL: 16 October 2019

Report of: Borough Solicitor

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

OVERVIEW AND SCRUTINY ANNUAL REPORT 2018/19

Wards affected: Borough wide

1.0 PURPOSE OF THE REPORT

1.1 To present the Overview and Scrutiny Annual Report 2018/19 and consider how Overview and Scrutiny is working at West Lancashire.

2.0 RECOMMENDATION

2.1 That the Overview and Scrutiny Annual Report 2018/19, appended to this report, be noted and the Overview and Scrutiny Committees be commended on their work.

3.0 BACKGROUND AND CURRENT POSITION

3.1 The Overview and Scrutiny Annual Report, appended to this report, provides details of the work of the Overview and Scrutiny Committees undertaken during 2018/19.

3.2 The Council's decision on the Sustainable Organisation Review Project has required the review of members' role in terms of providing a more strategic input and in delivering scrutiny which is currently being considered by the Member Development Commission. This may influence the content of Annual Reports in later years.

4.0 SUSTAINABILITY IMPLICATIONS

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

5.0 FINANCIAL AND RESOURCE IMPLICATIONS

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

6.0 RISK ASSESSMENT

6.1 Effective overview and scrutiny arrangements are important in holding the executive to account, policy development and meeting statutory requirements.

Background Documents

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

Equality Impact Assessment

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

Appendices

Appendix - Overview and Scrutiny Annual Report 2018/19



West Lancashire Borough Council

Overview and Scrutiny Annual Report 2018/19



INTRODUCTION

Welcome to the sixteenth annual report on Overview and Scrutiny in West Lancashire, which gives a retrospective insight into the work undertaken by each of the Council's Overview and Scrutiny Committees and information on some of the subjects our Committees will be scrutinising during 2019/20.

In the 2018/19 Council year Overview and Scrutiny at West Lancashire operated through two Committees, the Executive Overview and Scrutiny Committee and the Corporate and Environmental Overview and Scrutiny Committee. The work undertaken has been wide-ranging and the report notes key scrutiny activity handled over the last year. Members in examining the issues presented to them have considered best practice and taken evidence from interested parties, highlighting the reasons that informed the recommendations resulting from their work.

Recognising the extensive and in depth nature of the work undertaken by the two Committees, I would like to thank, past and current Members who were involved in the scrutiny activities during 2018/19. Particular thanks goes to those external to the Council who gave up their time to attend meetings and contribute to the work of the Committees.

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

Terry Broderick
Borough Solicitor
September 2019

SCRUTINY IN WEST LANCASHIRE

In 2018/19 Overview and Scrutiny operated through two committees – The Executive Overview and Scrutiny Committee and the Corporate and Environmental Overview and Scrutiny Committee.

Executive Overview and Scrutiny Committee

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

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

During 2018/19 under the Chairmanship of Councillor John Bullock, the business of the Executive Overview and Scrutiny Committee included consideration of the following matters:

‘Call In’

Two ‘call-in’ requests were received. In respect of these requests, following debates an alternative decision and recommendations were put forward to Cabinet. Details of these items that were called-in is set down at Appendix 1.

‘Post Hoc Scrutiny’

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

- Forming a Development Company (governance and management arrangements – in particular Member representation on the Board either in a voting or non-voting capacity and any associated risks, equity investment to be made by the Council, loan funding arrangements (financing), acquisition of Council owned sites by the Company by way of purchase or licence and the types of properties to be built.
- Burscough Parish Neighbourhood Plan Submission Version (commencement of the next stage of the process).

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

Agendas regularly include items that are referred to both Executive Overview and Scrutiny Committee and Cabinet and, on occasion Council. These included:

- Housing Allocations and Pet Policies - Consultation Feedback

- Local Plan Review – Proposed Local Plan Preferred Options Consultation (A member of the public attended to speak in relation to this item)
- Commercial Property Investments – Update
- Review of grounds maintenance and street cleansing update
- Response Maintenance and Voids Contract Delivery Model
- Forming a Development Company
- Proposed Strategy for the Community Asset Transfer of Banks Leisure Centre

In 2018/19 no items were referred to the Committee by either Cabinet or Council by a specific (non-recommended) decision of those bodies.

Making proposals to Cabinet or Council

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

Conducting policy and budget development linked to the Cabinet Cycle

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

- Council Plan 2019/20 – 2020/2021
- Corporate Performance Management 2019/20

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

- Local Plan
- West Lancashire Leisure Partnership
- Landlord Services Committee
- Funding of Voluntary & Other Organisations
- Sustainable Organisation Review
- Estates Revival

Budget Scrutiny

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

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

- HRA Revenue & Capital Mid-Year Review 2018/19
- General Revenue Account Mid-Year Review 2018/19
- Draft Revenue Budget 2019/20
- Draft Medium Term Capital Programme
- Housing Account – Revenue and Capital Programme

- HRA Revenue & Capital Monitoring

Corporate and Environmental Overview and Scrutiny Committee

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

- Undertake Performance Management.
- Conduct in-depth reviews/policy development within Services, including related external matters as set out in its Work Programme for the relevant year.
- Routinely review recommendations from previous reviews.
- Consider Members' items (including Councillor Call for Action).
- Consider Items referred to it from the Members' Update at the request of a Member.
- Act as the Council's Crime and Disorder Committee.

Under the Chairmanship of **Councillor Nikki Hennessy** the business of the Corporate and Environmental Overview and Scrutiny Committee in 2018/19 included consideration of the following matters:

Performance Management

The Committee plays a key role in performance management by:

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

During 2018/19 the Committee considered:

- Quarterly Performance Indicators ended 31 March 2018 with particular reference to:
 - WL90 '% of Contact Centre calls answered' – Concern around response time for emails to contact centre.
 - WL19bii 'Direct dial calls answered within 10 seconds'
 - NI192 'Percentage of household waste sent for, reuse, recycling and composting'
- Quarterly Performance Indicators ended 30 June 2018, with particular reference to:
 - NI192 'Residual Household Waste Per Household (Kg)

- R1 '% of Council Tax Collected'
 - WL18 'Use of Leisure and Cultural Facilities (swims and visits)'
 - WL121 'Working Days Lost Due to Sickness Absence'
 - HS13 '% LA Properties with Landlord Gas Safety Record Outstanding'
- Quarterly Performance Indicators ended 30 September 2018 with particular reference to:
 - WL18 – Use of leisure and cultural facilities (swims and visits)
 - R1 - % of Council Tax collected
 - WL90 - % of Contact Centre calls answered
 - NI192 – Percentage of household waste sent for reuse, recycling and composting
 - Quarterly Performance Indicators ended 31 December 2018 with particular reference to:
 - ICT2 'Minor Business Disruption (P3) – 99.0% (the same figure since Q2 2017/18) – The Partnership & Performance Officer gave an undertaking to provide the Committee with a breakdown of figures in respect of the ICT indicators
 - WL19bii 'Direct dial calls answered within 10 seconds' – the implications arising from the transition to Skype
 - WL90 '% of Contact Centre calls answered' – resource issues
 - WL18 'Use of leisure and cultural facilities (swims and visits) – Collection of data in respect of Chapel Gallery available for 2019
 - R1 '% of Council Tax Collected'
 - WL121 'Working Days Lost Due to Sickness Absence' – Training for Managers

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

Other items considered:

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

- **BT Lancashire Shared Services**

An update of the work undertaken in the previous twelve months, as part of the shared service arrangements, is considered by the Committee. In 2018/19 the Directors of ICT and Revenues & Benefits of BT Lancashire Services, attended a meeting (12 July 2018) to present the annual report of that body and responded to questions on their presentations.

- **Leisure Trust**

An update on the work undertaken in the previous twelve months was presented on behalf of West Lancashire Community Leisure (WLCL)/SERCO. In 2018/19

representatives of WLCL, attended a meeting (11 October 2018) to present the annual report of that body and responded to questions on the presentation.

- **Support to Voluntary/Community Groups**

The Committee received a presentation from the Chief Officer of the West Lancashire Council for Voluntary Service on the support his organisation provides to voluntary/community groups undertaking the community transfer process.

- **Crime and Disorder Scrutiny**

Members reviewed and consider the work being undertake around crime and disorder, projects being delivered in the borough to combat and improve resident's lives and how it was funded. A presentation was made to the Committee on behalf of the West Lancashire Community Safety Partnership outlining the vision of the Partnership.

In-depth review/policy development

Community Involvement in Service Delivery

The Committee concluded its work on this review in 2018/19. The final report and recommendations were approved and submitted to Cabinet on 15 January 2019.

Progress on the in-depth study's recommendations was considered by the Committee at its meeting on 11 July 2019.

Litter Bin Policy

In 2018/19 the Committee commenced its work to carry out a review in order to provide a consistent approach to litter bin provision and collection across the Borough.

The Committee received a presentation from a representative of Egbert Taylor, a company providing BigBelly (a smart, solar-powered, sensor-equipped waste and recycling station).

Briefings were also provided by Officers from Leisure and Environment (Street Scene) to assist in the exploration of the issues.

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

In 2018/19 the following items were referred to the Committee:

- Chapel Gallery Update
- Weeds in West Lancashire

Member Development Commission

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

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

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

Member items/Councillor Call for Action

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

There was 1 item requested under this arrangement in 2018/19;

- Request for a Meeting with Officers to discuss planning issues

Items referred from the Members' Update at the request of a Member

Any Member can place an item on the Committee agenda in connection with any article include in the Corporate & Environment O&S Members Update. No items were called onto the agenda in 2018/19, however articles were provided in respect of the following:

- Minutes Of One West Lancashire Board - Thematic Groups
- Minutes Of Lancashire County Council's Health Scrutiny Committee
- Community Chest Grants
- Exemption From Contract Procedure Rules - Empty Homes Review Service
- Exemption From Contract Procedure Rules - Business Rates Review Service
- Annual Vat Report 2017/2018
- Corporate Delivery Plan 2017/18 Progress Report
- Minutes Of The Lancashire Police And Crime Panel
- Update On World War One Centenary Commemorations
- Food Safety Service Plan 2018/19
- Local Government Ombudsmen - Statistics 2017/18
- Exemption From Contract Procedure Rules - SOCITM
- Exemption To Contract Procedure Rules - Low Carbon & Renewable Energy Study Required For The Local Plan Review
- Exemption To Contract Procedure Rules - Citizen Space Software
- Corporate Delivery Plan 2018/19: Progress Report

- Monitoring of Formal Complaints 2017-2018
- Exemption From Contract Procedure Rules - Practical Law And Westlaw Services

Crime and Disorder Committee

Section 19 of the Police and Justice Act 2006 requires every local authority to have a crime and disorder committee with the power to review or scrutinise decisions made or other action taken in connection with the discharge by responsible authorities of their crime and disorder functions. The Crime and Disorder (Overview and Scrutiny) Regulations 2009 complement the provisions under section 19.

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

At the meeting of the Corporate and Environmental Overview and Scrutiny Committee held on 7 March 2019 Members received a presentation which provided the Committee with an understanding of the Community Safety Partnership Vision and an overview of crime figures. The Environmental Protection and Community Safety Manager and the Community Safety Officer attended the meeting to provide information and respond to questions.

OFFICER SUPPORT

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

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

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

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

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

- Assisting in identifying officer support when required.
- Overseeing the quality and value of reports to Committees.

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

- Provision of performance information, production of corporate performance plan, establishing the Council's high-level priorities, target and action.
- Corporate inspection regimes.
- Establishment of the Council's Performance Management Framework including the incorporation of service plans.

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

OVERVIEW AND SCRUTINY NETWORKS/TRAINING

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

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

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

During 2018/19 we have continued to support the Network by ad hoc attendance at organised meetings to hear from presenters, including representatives from numerous Council's, Centre for Public Scrutiny (CfPS); Care Quality Commission (CQC) and receive information on emerging issues. These have included: Combined Authorities and Devolution, NHS Sustainability Transformation Plans (STPs); Engagement with Scrutiny (CQC) and Brexit.

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

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

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

The NWSSN aims are:

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

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

HEALTH SCRUTINY

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

The Health Scrutiny Committee at LCC exercises the statutory functions of a health overview and scrutiny Committee. The purpose of the Committee is to review and scrutinise issues relating to health and adult social care delivered by LCC, the National Health Service and other relevant partners. Membership includes 12 non-voting co-opted district Council Members. In 2018/19 West Lancashire's representative was Councillor G Hodson.

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

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

PUBLICITY

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

WORK PROGRAMMES

The process for setting the work programmes is well established.

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

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

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

Other area of supportive related scrutiny work undertaken during 2018/19 has included the completion of the Annual CfPS Survey.

THE PLAN FOR THE DEVELOPMENT OF OVERVIEW AND SCRUTINY

- The Annual Report to Council in October.
- The Overview and Scrutiny web page will continue to be updated.
- Support will continue for innovative reviews.
- Performance Management will continue, including the annual review of the work undertaken through BT Lancashire Services and West Lancashire Leisure Trust.
- A review of members' roles in terms of providing a more strategic input and in delivering scrutiny which is to be considered by the Member Development Commission, Including a Workshop / Training Session for Scrutiny and Cabinet Members, to review the role of Overview & Scrutiny in 'West Lancashire'.
- Participation in the Scrutiny Networks, where appropriate.
- Further training will be provided for officers and members, within existing resources.
- Development of an Executive (Cabinet) / Scrutiny Protocol

CONCLUSION

This report has highlighted the main activities undertaken by overview and scrutiny during 2018/19. The Overview and Scrutiny Committees have considered a range of issues that impact on the Council and the Borough as a whole. Overview and Scrutiny will continue to ensure policies and practices are developed and meet objectives.

CONTACTS

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

Julia Brown, Member Services Officer, 52 Derby Street, Ormskirk, West Lancashire L39 2DF, Phone 01695 585065, E-mail: julia.brown@westlancs.gov.uk

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

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

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

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

OVERVIEW AND SCRUTINY 2019/20

In 2019/20 overview and scrutiny will operate through two Committees:

Overview and Scrutiny Chairmen

Corporate and Environmental Overview and Scrutiny Committee – Councillor Vicki Cummins
07720315322 – cllr.cummins@westlancs.gov.uk

Executive Overview and Scrutiny Committee – Councillor Donna West
01695 729350 – cllr.west@westlancs.gov.uk

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

Overview and Scrutiny Lead Officers

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

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

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

Overview and Scrutiny Function and Support Officers

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

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

Overview and Scrutiny Committees / Development and Support – Julia Brown, Member
Services/Civic Officer 01695 585065 – Julia.brown@westlancs.gov.uk

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

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

‘CALLED IN’ ITEM

During 2018/19 the following ‘call in’ requests were considered:

DATE OF O&S MEETING	ITEM	DECISION OF EXECUTIVE OVERVIEW & SCRUTINY COMMITTEE	ACTION
28 March 2019 Page 868	Leasehold Properties and the Planning Process	That the decision set out in Minute No. 100 'Leasehold Properties and the Planning Process', of the Cabinet meeting held on 12 March 2019, be referred back to Cabinet (as the decision making body) for reconsideration, asking it to make a different decision, as follows: "That Cabinet asks the Chief Executive, in consultation with the Leader, 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."	Resolution of Special Cabinet Meeting on 10 April 2019. "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."
28 March 2019	Local Plan	That the Committee does not wish to ask for a different decision, however the following agreed comments be referred back to Cabinet: <ul style="list-style-type: none"> • That the Executive Overview & Scrutiny Committee oppose the development of a 30 year local plan. • That Cabinet considers the inclusion of safeguarded sites going forward. • That the existing West Lancashire Local Plan 2012-2027 remains in place. • That Plan B sites should continue to be protected until 2027. (A member of the public attended the meeting and spoke on this item.)	Resolution of Cabinet on 11 June 2019 "That the comments from the Executive Overview and Scrutiny Committee be noted and these matters be addressed as the drafting of the next version of the Local Plan progresses."



COUNCIL: 16 October 2019

Report of: Borough Solicitor

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

SUBJECT: APPOINTMENT OF CHAIRMEN OF THE AUDIT AND GOVERNANCE COMMITTEE

Wards affected: Borough wide

1.0 PURPOSE OF THE REPORT

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

2.0 RECOMMENDATION

2.1 That a Councillor, who is a Member of the Audit and Governance Committee, be appointed Chairman of the Audit and Governance Committee for the remainder of the 2019/20 Municipal Year.

3.0 BACKGROUND AND CURRENT POSITION

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

3.2 Councillor Claire Cooper was appointed Chairman of the Audit and Governance Committee and as she is no longer a Councillor, this position is now vacant.

4.0 SUSTAINABILITY IMPLICATIONS

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

5.0 FINANCIAL AND RESOURCE IMPLICATIONS

5.1 The Chairman of Audit and Governance Committee receives a Special Responsibility Allowance of £2,421 per year, in accordance with the Scheme of Members Allowances for 2019/20.

6.0 RISK ASSESSMENT

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

Background Documents

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

Equality Impact Assessment

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

Appendices

None.



**CABINET:
10 SEPTEMBER 2019**

**EXECUTIVE OVERVIEW & SCRUTINY
COMMITTEE:
26 SEPTEMBER 2019**

**COUNCIL:
16 OCTOBER 2019**

Report of: Borough Solicitor

Relevant Portfolio Holder: Councillor I Moran

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

SUBJECT: PUBLIC SPEAKING PROTOCOL – REVIEW

Wards affected: Borough wide

1.0 PURPOSE OF THE REPORT

1.1 To review the current 'Public Speaking – Protocol' for meetings of Cabinet, Overview & Scrutiny Committees, Audit & Governance Committee and Standards Committee (Constitution 14.1 – the "Protocol") and consider proposals for change recommended by the Corporate and Environmental Overview & Scrutiny Committee at its meeting held on 11 July 2019.

2.0 RECOMMENDATION TO CABINET AND EXECUTIVE OVERVIEW & SCRUTINY COMMITTEE

2.1 That the number of requests to speak, listed in paragraph 5 of the report, under the current 'Public Speaking – Protocol' for meetings of Cabinet, Overview & Scrutiny Committees, Audit & Governance Committee and Standards Committee (Constitution 14.1 – the "Protocol"), be noted.

2.2 That the recommendations of the Corporate and Environment Overview & Scrutiny Committee, set out in paragraph 6 below, suggesting revisions to the 'Protocol' attached at Appendix 1 to the report, be considered and comments be referred to Council in respect of the inclusion of the following:

- 1) Include reference to Parish Councils
- 2) Provide for a resident to be represented by a Borough Councillor
- 3) Provide for written representations to be considered without the need for the resident to attend

- 4) Extend public speaking to Council meetings and the meeting to commence at an earlier start time of 7.00pm in order to accommodate

3.0 RECOMMENDATIONS TO COUNCIL

- 3.1 That the number of requests to speak, listed in paragraph 5 of the report, under the current 'Public Speaking – Protocol' for meetings of Cabinet, Overview & Scrutiny Committees, Audit & Governance Committee and Standards Committee (Constitution 14.1 – the "Protocol"), be noted.
- 3.2 That the recommendations of the Corporate and Environment Overview & Scrutiny Committee, set out in paragraph 6 below, suggesting revisions to the 'Protocol', attached at Appendix 1 to the report, be considered, taking in consideration the comments/recommendations referred from Cabinet at Appendix 3 and Executive Overview & Scrutiny Committee at Appendix 4 to the report.
- 3.2 That the Borough Solicitor be authorised, in consultation with the Leader, to amend the 'Protocol', following consideration of the recommendations referred to at paragraph 3.2 above, if required.

4.0 BACKGROUND

- 4.1 The Public Involvement in Meetings Working Group established the 'Public Speaking – Protocol' for meetings of Cabinet, Overview & Scrutiny Committees, Audit & Governance Committee and Standards Committee (Constitution 14.1 – the "Protocol") as part of a task and finish review in 2015/16: “To consider extending public involvement at meetings, to create an open, transparent and democratic Council”. The Protocol was introduced in April 2016. Following the cessation of the Working Group, it was agreed that any future reviews of the protocol would be considered at Corporate & Environmental Overview & Scrutiny Committee, with any recommendations for changes being submitted to Cabinet and Council.
- 4.2 The Protocol was reviewed and amended at Council in December 2017 to allow public speaking at the commencement of the appropriate item on the agenda (rather than at the start of the meeting) and to extend the deadline for applications.

5.0 CURRENT POSITION

- 5.1 Since the introduction of these arrangements the following requests to speak have been received:-

	DATE	ITEM
Cabinet	10 January 2017	Granville Park Conservation Area Review (1 request)
	9 January 2018	Funding of Voluntary & Other Organisations Working Group (Request withdrawn prior to the meeting)
	11 September 2018	The Local Plan Review – Proposed Options (2 requests)

	6 November 2018	Burscough Parish Neighbourhood Plan Submission Version (2 requests)
	11 June 2019	Called in item – Local Plan Request not published as it was considered inappropriate (1 request)
Corporate & Environmental O & S Committee	2 March 2017	Improved Planting (1 request)
Executive O&S Committee	28 March 2018	Called in Item – Local Plan (1 request)

5.2 There have been no requests to speak at the Audit & Governance Committee or at the Standards Committee.

6.0 RECOMMENDATIONS FROM THE CORPORATE AND ENVIRONMENT OVERVIEW & SCRUTINY COMMITTEE

6.1 Since the last review in December 2017, general feedback has been received from a number of sources on the Protocol and its implementation. The Corporate and Environment Overview & Scrutiny Committee considered the feedback on 11 July 2019, during its review of the Protocol. The Committee has submitted the following recommendations for revisions to the current Protocol:

6.1.1 Include reference to Parish Councils

(A request was received from the Parish Clerks Liaison Meeting on 7 June 2019, when considering the Parish Council Charter, that there should be specific reference to Parish Council's eligibility to speak at meetings.)

Under the existing protocol Parish Council representatives are able to submit a request as a member of the public, however the Parish Clerks Liaison Group felt that in the spirit of the Charter, Parishes should be acknowledged specifically in the Protocol.

Members should consider if appropriate wording should be included in the protocol which specifically acknowledges that Parish Councils as being eligible to speak.

6.1.2 Provide for a resident to be represented by a Borough Councillor

(Feedback was received from a Borough Councillor who had submitted a request in his own name, on behalf of a resident.)

Under the current protocol, if residents feel nervous or uncomfortable speaking in public, then they can ask someone else to do it for them, but they must be present at the meeting.

Members should consider if it would be appropriate for a Borough Councillor to speak on the residents behalf and if that resident should be present. Given that in some instances, issues of predetermination/bias could be suggested, should this proposal from the Committee be accepted, it may be prudent to agree that the Councillor should not be a member of the body considering the item.

6.1.3 Provide for written representations to be considered without the need for the resident to attend

(Feedback was received from a member of the public when he was unable to attend a meeting in person, but wished his written representations to be taken into consideration.)

In accordance with the current protocol, requests to speak are published and subsequently circulated to Members of the relevant body, including relevant officers.

Members should consider if appropriate wording should be included in the protocol which advises that the relevant body will consider representations without the need for the resident to attend.

6.1.4 Extend public speaking to Council meetings and the meeting to commence at an earlier start time of 7.00pm in order to accommodate

(Feedback received from a Borough Councillor.)

The Working Group did consider public speaking at Council, however it was felt that meetings were already too long and it was ruled out at an early stage.

Members should consider if the protocol should be extended to meetings of Council. There would be resource implications in allowing any such extension and these are added below. It maybe anticipated that given the nature of the Council meetings and the extensive agendas, e.g. including Motions and Questions, this could give rise to a significant additional activity.

- 6.2 Revisions to the protocol require approval by Council, therefore the first meeting for operation of any agreed revisions would be Audit & Governance Committee on 29 October 2019

7.0 PUBLICITY

- 7.1 Currently, publicity arrangements include a page on the Council's website, all agendas are published on the website and an agenda sheet is placed on the Council's noticeboard. A press release, aimed at promoting these arrangements to members of the public, is also produced prior to each Cabinet meeting, which sets out the deadlines for submitting requests to speak at future meetings of Audit & Governance Committee, Scrutiny Committees, Standards Committee and Cabinet.

8.0 SUSTAINABILITY IMPLICATIONS

- 8.1 The provision of public involvement in meetings provides another method to enable local people to raise concerns or state their views to the Council providing an additional feedback mechanism for the community and improving access for all.

9.0 FINANCIAL AND RESOURCE IMPLICATIONS

- 9.1 Any revisions to the protocol should be accommodated within existing resources. In the event of an extension of the Protocol to cover Council there would be a need for officers to be available for the extended meeting and time in lieu would be required for relevant officers, taking them away from their other duties for that

time and for any preparatory information to be provided to facilitate members consideration.

10.0 RISK ASSESSMENT

10.1 The Public Speaking Protocol provides an opportunity to further develop transparency and openness through public involvement at meetings.

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 Appendix 2 to this report, the results of which have been taken into account in the Recommendations contained within this report

Appendices

1. Public Speaking Protocol (Constitution 14.1)
2. Equality Impact Assessment
3. Minute of Cabinet – 10 September 2019 (Executive O&S Committee and Council only)
4. Minute of Executive Overview & Scrutiny Committee – 26 September 2019 (Council only)

PUBLIC SPEAKING – PROTOCOL

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

1.0 Public Speaking

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

2.0 Deadline for submission

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

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

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

3.0 Scope

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

4.0 Number of items

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

5.0 At the Meeting

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

(Please see attached form.)

Equality Impact Assessment Form



Directorate:	Service:
Completed by: Sue Griffiths	Date: June 2019
Subject Title: Public Involvement in Meetings	
1. DESCRIPTION	
Is a policy or strategy being produced or revised:	Yes
Is a service being designed, redesigned or cutback:	Yes
Is a commissioning plan or contract specification being developed:	No
Is a budget being set or funding allocated:	No
Is a programme or project being planned:	No
Are recommendations being presented to senior managers and/or Councillors:	Yes
Does the activity contribute to meeting our duties under the Equality Act 2010 and Public Sector Equality Duty (Eliminating unlawful discrimination/harassment, advancing equality of opportunity, fostering good relations):	Yes
Details of the matter under consideration:	To review the current arrangements for public involvement in meetings
<p><i>If you answered Yes to any of the above go straight to Section 3</i></p> <p><i>If you answered No to all the above please complete Section 2</i></p>	
2. RELEVANCE	
Does the work being carried out impact on service users, staff or Councillors (stakeholders):	
If Yes , provide details of how this impacts on service users, staff or Councillors (stakeholders): <i>If you answered Yes go to Section 3</i>	
If you answered No to both Sections 1 and 2 provide details of why there is no impact on these three groups: <i>You do not need to complete the rest of this form.</i>	
3. EVIDENCE COLLECTION	
Who does the work being carried out impact on, i.e. who is/are the stakeholder(s)?	Members of the Public, Parish Councillors, Borough Councillors
If the work being carried out relates to a universal service, who needs or uses it most? (Is there any particular group affected more than others)?	Members of the Public, Parish Councillors, Borough Councillors

Which of the protected characteristics are most relevant to the work being carried out?	
Age	Yes
Gender	Yes
Disability	Yes
Race and Culture	Yes
Sexual Orientation	Yes
Religion or Belief	Yes
Gender Reassignment	Yes
Marriage and Civil Partnership	Yes
Pregnancy and Maternity	Yes
4. DATA ANALYSIS	
In relation to the work being carried out, and the service/function in question, who is actually or currently using the service and why?	Members of the public have an opportunity to speak at Planning & Licensing, Cabinet, Overview and Scrutiny Committees, Audit & Governance Committee and Standards Committee
What will the impact of the work being carried out be on usage/the stakeholders?	Possible revisions to the current arrangements to extend the current arrangements
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?	Possible revisions to current arrangements will enable participation by a wider audience
What sources of data including consultation results have you used to analyse the impact of the work being carried out on users/stakeholders with protected characteristics?	n/a
If any further data/consultation is needed and is to be gathered, please specify:	n/a
5. IMPACT OF DECISIONS	
In what way will the changes impact on people with particular protected characteristics (either positively or negatively or in terms of disproportionate impact)?	Possibly extend the current opportunity for members of the public to engage with the Council
6. CONSIDERING THE IMPACT	
If there is a negative impact what action can be taken to mitigate it? (If it is not possible or desirable to take actions to reduce the impact, explain why this is the case (e.g. legislative or financial drivers etc.).	None
What actions do you plan to take to address any other issues above?	None
7. MONITORING AND REVIEWING	
When will this assessment be reviewed and who will review it?	12 months By Corporate & Environmental Overview and Scrutiny Committee

37. PUBLIC SPEAKING PROTOCOL

The Leader introduced the report of the Borough Solicitor which reviewed the current 'Public Speaking – Protocol' for public meetings of Cabinet, Overview & Scrutiny Committees, Audit & Governance Committee and Standards Committee and outlined proposals for change recommended by the Corporate & Environmental Overview and Scrutiny Committee at its meeting on 11 July 2019.

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 number of requests to speak, listed in paragraph 5 of the report, under the current 'Public Speaking – Protocol' for meetings of Cabinet, Overview & Scrutiny Committees, Audit & Governance Committee and Standards Committee (Constitution 14.1 – the "Protocol"), be noted.
- B. That the agreed comments to Council be that the recommendations of the Corporate & Environmental Overview and Scrutiny Committee as set down at paragraph 6 of the report be supported.

**MINUTE OF EXECUTIVE OVERVIEW & SCRUTINY COMMITTEE – 26
SEPTEMBER 2019****26 PUBLIC SPEAKING PROTOCOL**

Consideration was given to the report of the Borough Solicitor as contained on pages 181 to 191 of the Book of Reports, to review the current 'Public Speaking – Protocol' for meetings of Cabinet, Overview & Scrutiny Committees, Audit & Governance Committee and Standards Committee (Constitution 14.1 – the "Protocol") to consider proposals for change recommended by the Corporate and Environmental Overview and Scrutiny Committee held on 11 July 2019. The report had previously been considered by Cabinet at its meeting on 10 September 2019.

In discussion, the recommendations as set out in paragraph 6 of the report were supported, although a Member suggested that the start time of Council remain at 7.30pm to establish the demand of future public speaking requests. It was also felt that the addition of public speaking to Council meetings could give rise to significant additional activity.

- RESOLVED: A. That the number of requests to speak, listed in paragraph 5 of the report, under the current 'Public Speaking' – Protocol' for meetings of Cabinet, Overview and Scrutiny Committees, Audit & Governance Committee and Standards Committee (Constitution 14.1 – the "Protocol"), be noted.
- B. That the following agreed comments to Council be
- 1) Include reference to Parish Council
 - 2) Provide for a resident to be represented by a Borough Councillor
 - 3) Provide for written representations to be considered without the need for the resident to attend.
 - 4) Extend the public speaking to Council meetings and the meeting to commence at an earlier start time of 7.00pm in order to accommodate.

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

Document is Restricted

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

Document is Restricted

By virtue of paragraph(s) 3, 5 of Part 1 of Schedule 12A of the Local Government Act 1972.

Document is Restricted

