



Jacqui Sinnott-Lacey BA(Hons) PGDipWL  
Chief Operating Officer

52 Derby Street  
Ormskirk  
West Lancashire  
L39 2DF

Tuesday, 3 December 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, 11 DECEMBER 2019** at **7.30 PM** at which your attendance is requested.

Yours faithfully

A handwritten signature in black ink, appearing to be 'JS', enclosed in a rectangular box.

Jacqui Sinnott-Lacey  
Chief Operating Officer

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

**PAGE(S)**

- |  |           |
|--|-----------|
| <b>1. PRAYERS</b>  |           |
| <b>2. APOLOGIES</b>  |           |
| <b>3. DECLARATIONS OF INTEREST</b>   |           |
| If a member requires advice on Declarations of Interest, he/she is advised to contact the Legal & Democratic Services Manager 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.) | 933 - 934 |
| <b>4. MINUTES</b>  |           |
| To receive as a correct record, the minutes of the previous meeting held on Wednesday, 16 October 2019.  | 935 - 944 |

5. **ANNOUNCEMENTS BY THE MAYOR AND/OR THE CHIEF OPERATING OFFICER**
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) Chief Officers Committee - Tuesday, 8 October 2019 945 - 946
  - b) Licensing & Appeals Committee - Tuesday, 8 October 2019 947 - 950
  - c) Planning Committee - Thursday, 17 October 2019 951 - 954
  - d) Audit & Governance Committee - Tuesday, 29 October 2019 955 - 958
  - e) Chief Officers Committee - Thursday, 31 October 2019 959 - 960
  - f) Chief Officers Committee - Tuesday, 26 November 2019 961 - 962
  - g) Planning Committee - Thursday, 28 November 2019 963 - 966
8. **APPROVAL OF REVISED STATEMENT OF LICENSING POLICY REQUIRED BY THE LICENSING ACT 2003** 967 - 1030  
To consider the report of the Corporate Director of Place and Community.
9. **HRA REVENUE AND CAPITAL MID-YEAR REVIEW** 1031 - 1044  
To consider the joint report of the Corporate Director of Transformation & Resources and the Corporate Director of Place & Community.
10. **GENERAL REVENUE ACCOUNT BUDGET UPDATE** 1045 - 1050  
To consider the report of the Head of Finance, Procurement and Property Services.
11. **CAPITAL MID YEAR MONITORING AND REVISED PROGRAMME** 1051 - 1060  
To consider the report of the Head of Finance, Procurement & Property.
12. **PARISH AND TOWN COUNCIL CHARTER FOR WEST LANCASHIRE - REVIEW** 1061 - 1082  
To consider the report of the Corporate Director of Transformation & Resources.
13. **EXECUTIVE DECISIONS - SPECIAL URGENCY** 1083 - 1086  
To consider the report of the Corporate Director of Transformation & Resources.

**14. APPOINTMENT OF VICE-CHAIRMAN OF EXECUTIVE OVERVIEW & SCRUTINY COMMITTEE**

1087 - 1088

To consider the report of the Corporate Director of Transformation & Resources.

**15. MOTION - REDUCING SINGLE USE PLASTIC (SUP) USE IN THE BOROUGH OF WEST LANCASHIRE**

To consider the following Motion included on the agenda at the request of Councillor Adrian Owens on behalf of the Our West Lancashire Group:

"Recent research shows eight million metric tonnes of plastic ends up in the world's oceans each year, endangering marine life while it is estimated that plastics in landfill can take hundreds of years to decompose.

300 million tons of plastic are produced around the globe each year. Of this, 50% is for disposable applications such as packaging.

The Government has previously considered a possible tax on single use plastics, but this Council believes that we should eliminate their use as soon as possible wherever practicable.

Council therefore resolves to:

- Develop a robust strategy to make West Lancashire Borough Council a 'single-use plastic free' authority by the end of 2020 including an end to the purchase and procurement of SUPs through the Council's supply chain and the transition to the use of compostable bags for litter collection by the Council's Clean and Green teams;
- End the provision of SUP products such as cups and cutlery in council buildings and at council run events;
- Work with tenants and operators in commercial properties owned by West Lancashire Borough Council to encourage the phasing out of SUP cups, bottles, cutlery and straws;
- Encourage the Borough's businesses, organisations and residents to go 'single- use plastic free' working with best practice partners to provide business support, practical guidelines and advice to help local businesses transition from SUPs to sustainable alternatives."

**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](mailto:jacky.denning@westlancs.gov.uk)

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

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

**IF YOU DISCOVER A FIRE**

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

**ON HEARING THE FIRE ALARM**

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

**NOTES:**

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

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

**CHECKLIST FOR PERSON IN CHARGE**

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

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

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

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

**NOTE:**

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

**CHECKLIST FOR ZONE WARDEN**

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

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

**INSTRUCTIONS FOR DOOR WARDENS**

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



# Agenda Item 3

## MEMBERS INTERESTS 2012

A Member with a disclosable pecuniary interest in any matter considered at a meeting must disclose the interest to the meeting at which they are present, except where it has been entered on the Register.

A Member with a non pecuniary or pecuniary interest in any business of the Council must disclose the existence and nature of that interest at commencement of consideration or when the interest becomes apparent.

Where sensitive information relating to an interest is not registered in the register, you must indicate that you have an interest, but need not disclose the sensitive information.

Please tick relevant boxes

Notes

	<b>General</b>		
1.	I have a disclosable pecuniary interest.	<input type="checkbox"/>	<i>You cannot speak or vote and must withdraw unless you have also ticked 5 below</i>
2.	I have a non-pecuniary interest.	<input type="checkbox"/>	<i>You may speak and vote</i>
3.	I have a pecuniary interest <b>because</b> it affects my financial position or the financial position of a connected person or, a body described in 10.1(1)(i) and (ii) <b>and</b> the interest is one which a member of the public with knowledge of the relevant facts, would reasonably regard as so significant that it is likely to prejudice my judgement of the public interest or it relates to the determining of any approval consent, licence, permission or registration in relation to me or a connected person or, a body described in 10.1(1)(i) and (ii) <b>and</b> the interest is one which a member of the public with knowledge of the relevant facts, would reasonably regard as so significant that it is likely to prejudice my judgement of the public interest	<input type="checkbox"/>     <input type="checkbox"/>	<i>You cannot speak or vote and must withdraw unless you have also ticked 5 or 6 below</i>     <i>You cannot speak or vote and must withdraw unless you have also ticked 5 or 6 below</i>
4.	I have a disclosable pecuniary interest (Dispensation 20/09/16) or a pecuniary interest but it relates to the functions of my Council in respect of:  (i) Housing where I am a tenant of the Council, and those functions do not relate particularly to my tenancy or lease.  (ii) school meals, or school transport and travelling expenses where I am a parent or guardian of a child in full time education, or are a parent governor of a school, and it does not relate particularly to the school which the child attends.  (iii) Statutory sick pay where I am in receipt or entitled to receipt of such pay.  (iv) An allowance, payment or indemnity given to Members  (v) Any ceremonial honour given to Members  (vi) Setting Council tax or a precept under the LGFA 1992	<input type="checkbox"/>     <input type="checkbox"/>  <input type="checkbox"/>  <input type="checkbox"/>  <input type="checkbox"/>  <input type="checkbox"/>  <input type="checkbox"/>	<i>You may speak and vote</i>     <i>You may speak and vote</i>  <i>You may speak and vote</i>  <i>You may speak and vote</i>  <i>You may speak and vote</i>  <i>You may speak and vote</i>
5.	A Standards Committee dispensation applies (relevant lines in the budget – Dispensation 20/09/16 – 19/09/20)	<input type="checkbox"/>	<i>See the terms of the dispensation</i>
6.	I have a pecuniary interest in the business but I can attend to make representations, answer questions or give evidence as the public are also allowed to attend the meeting for the same purpose	<input type="checkbox"/>	<i>You may speak but must leave the room once you have finished and cannot vote</i>

**‘disclosable pecuniary interest’** (DPI) means an interest of a description specified below which is your interest, your spouse’s or civil partner’s or the interest of somebody who you are living with as a husband or wife, or as if you were civil partners and you are aware that that other person has the interest.

<b>Interest</b>	<b>Prescribed description</b>
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by M in carrying out duties as a member, or towards the election expenses of M.

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

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

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

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

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

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

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

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

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

**'a connected person'** means

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

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

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

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

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



# Agenda Item 4

## COUNCIL

**HELD: Wednesday, 16 October 2019**

Start: 7.30 pm

Finish: 9.05 pm

## PRESENT:

Councillors:

T Aldridge (Deputy Mayor)	
(In the Chair)	
I Ashcroft	Mrs P Baybutt
Mrs M Blake	T Blane
A Blundell	J Cairns
R Cooper	C Coughlan
V Cummins	S Currie
I Davis	N Delaney
C Dereli	G Dowling
Mrs C Evans	D Evans
S Evans	J Finch
J Wilkie	N Furey
Y Gagen	J Gordon
G Hodson	G Johnson
K Lockie	Mrs J Marshall
J Mee	M Mills
K Mitchell	J Monaghan
I Moran	M Nixon
P O`Neill	D O`Toole
A Owens	E Pope
A Pritchard	I Rigby
N Pryce-Roberts	Mrs D Stephenson
A Sutton	J Thompson
D West	D Westley
D Whittington	K Wilkie
J Witter	K Wright
A Yates	

Officers:

Kim Webber, Chief Executive  
Jacqui Sinnott-Lacey, Interim Chief Operating Officer  
John Harrison, Director of Development and Regeneration  
Heidi McDougall, Corporate Director of Place & Community  
Marc Taylor, Head of Finance, Procurement and Property Services  
Terry Broderick, Borough Solicitor  
Ian Gill, Head of Growth & Development Services  
Aidan Manley, Development Surveyor  
Jacky Denning, Member & Executive Services Manager

## 36 PRAYERS

The Mayor's Chaplain for the evening, Rev Canon Stuart Haynes, led Members and officers in prayer.

37 **APOLOGIES**

Apologies for absence were received on behalf of Councillors Devine, Mrs M Westley and Owen.

The Deputy Mayor advised that the Mayor was absent due to the death of a close family member and asked that some flowers be sent to her with the Council's condolences.

38 **DECLARATIONS OF INTEREST**

The following declarations were received:

1. Councillors Aldridge and O'Toole declared a non pecuniary interest in relation to Agenda Item 18(a) 'On-Street Parking In Ormskirk - Motion' as Members of Lancashire County Council (LCC) as did Councillors Coughlan and Gagen as employees of LCC, (but did not consider this was affected) and indicated that they would not participate in any detailed discussions which affected LCC.
2. Councillors Delaney, Nixon, West and J Wilkie (Tenant of a Council flat/house) Aldridge and Coughlan (Tenant of a Council garage) declared disclosable pecuniary interests in relation to item 9 'Council Housing Asset Management Strategy & Capital Programme Procurement Approach' 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).
3. Councillors Aldridge, Blane, Mee and Wright declared non-pecuniary interests in relation to item 9 "Council Housing Asset Management Strategy & Capital Programme Procurement Approach' 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.
4. Councillors Ashcroft, Baybutt, Blundell, Coughlan, Cummins, Delaney, Dereli, D Evans, S Evans, Finch, O'Toole, Pope, Pritchard, Thompson, Mrs M Westley, Witter (members of the Planning Committee) and Pryce-Roberts (as a substitute member of the Planning Committee) advised that in relation to item 18(a) 'On-Street Parking In Ormskirk Motion' that a planning application from Edge Hill for extended parking would be considered at tomorrow's Planning Committee meeting, and that they would approach any such planning applications as that proposed 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.

39 **MINUTES**

RESOLVED: That the minutes of the meeting be approved as a correct record and signed by the Deputy Mayor.

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

The Deputy Mayor paid tribute to former Councillor Claire Cooper and thanked her for her service to the Council.

The Deputy Mayor announced that it was Kim Webber's, John Harrison's and Terry Broderick's last Council meeting as they would be leaving the Council after 89 years of combined service at West Lancashire, 20 years at West Lancashire for Kim, 40 years for John and 29 years for Terry and wished them well for the future as they leave the Council on 3 November.

The Deputy Mayor present Kim, John and Terry with a Shield and thanked them for their service to the Council.

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

The following Questions were received:

**1. Damaged Wheelie Bins – Questions received from Councillor Jane Thompson**

- "a. How many residential wheelie bins used for general waste; recyclates; or green waste have been damaged during the bin emptying/collection process and had to be replaced as a result since 1st October 2018? I believe new bins were bought 18 months ago by the Council that are not up to the same standard.*
- b. What is the total cost to the council of replacing the bins/lids damaged and replaced at a) above?*
- c. What is the total cost charged to residents of West Lancashire for replacing the bins damaged and replaced at a) above?*
- d. What steps the council has or will take to ensure that this problem does not continue to occur?*
- e. How many new bins have been reported damaged by the bin wagons and how many reported to customer services over the last year and a half?"*

**2. Treasury Management Income – Questions received from Councillor David Whittington**

- "a. *In percentage terms, how was the Treasury Management income in 2018/19 split between the GRA & the HRA?*
- b. *What were the percentages for 2017/18?*
- c. *Approximately what would be the percentages if all other factors remained the same, but the rate of return increased to, say, 3% per annum due to a change in our approach to risk when investing cash?*
- d. *Why do the percentages change with the amount of interest earned & how is the split calculated?*
- e. *Could the answers please be circulated to all councillors so that they can understand the effect on the GRA of the extra risk being taken when investing our cash?"*

The Leader advised that the responses to the questions raised would be provided following the meeting and published on the Council's website.

**42 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 & Gambling Committee – Tuesday 2 July 2019
- B. Licensing & Appeals Committee – Tuesday 2 July 2019
- C. Chief Officers Committee – Thursday 18 July, Wednesday 14 August and Wednesday 18 September 2019
- D. Planning Committee – Thursday 25 July and 5 September 2019
- E. Audit & Governance Committee – Tuesday 30 July 2019
- F. Standards Committee – Tuesday 17 September 2019

**43 PUBLIC SPACE PROTECTION ORDER RENEWAL**

Consideration was given to the report of the Director of Leisure & Environment, as contained on pages 799 to 814 of the Book of Reports, which sought 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.

- RESOLVED: A. That the proposed amendments to the Public Space Protection Order be approved for public consultation.
- B. That the results of the consultation be reported back to Council and consideration be given to the approval of a final Order.

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

Consideration was given to the report of the Director of Housing & Inclusion, as contained on pages 815 to 838 of the Book of Reports, which sought approval 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.

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

45 **TREASURY MANAGEMENT AND PRUDENTIAL INDICATORS MONITORING 2019-20**

Consideration was given to the report of the Borough Treasurer, as contained on pages 839 to 846 of the Book of Reports, which detailed the Treasury Management operations in the year to date and to report on the Prudential Indicators for 2019/20, where available.

A Motion to approve the recommendations at 2.1 and 2.2 of the report was moved and seconded.

An Amendment to the Motion was moved and seconded as follows:

*"B. That the terms of reference and delegation to the Strategic Asset Purchasing Committee be considered once the Commercial Property Strategy has been considered and approved by Council."*

The Amendment to the Motion was accepted by the Mover and Seconder of the Motion as an alteration, with the consent of the meeting.

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

- RESOLVED: A. That the Prudential Indicators and Treasury Management activity in the year to date, including the funding provided to Tawd Valley

Developments Ltd, be noted.

- B. That the terms of reference and delegation to the Strategic Asset Purchasing Committee be considered once the Commercial Property Strategy has been considered and approved by Council.

46 **TAWD VALLEY DEVELOPMENTS LIMITED - OFFICER DIRECTOR APPOINTMENTS**

Consideration was given to the joint report of the Chief Executive and the Interim Chief Operating Officer (designate), as contained on pages 847 to 852 of the Book of Reports, which sought approval to proceed with the appointment/confirmation of replacement Officer Directors to the Board of Directors of Tawd Valley Developments Limited (TVD).

RESOLVED: A. 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.

- B. 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.

47 **OVERVIEW AND SCRUTINY ANNUAL REPORT 2018/19**

Consideration was given to the report of the Borough Solicitor, as contained on pages 853 to 868 of the Book of Reports, which presented the Overview and Scrutiny Annual Report 2018/19 detailing how Overview and Scrutiny is working at West Lancashire.

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

48 **APPOINTMENT OF AUDIT & GOVERNANCE COMMITTEE CHAIRMAN**

Consideration was given to the report of the Borough Solicitor, as contained on pages 869 to 870 of the Book of Reports, which sought to appoint the Chairman of the Audit and Governance Committee.

A Motion to appoint Councillor Neil Furey, was moved and seconded.

An Amendment to appoint Councillor Eddie Pope was moved and seconded.

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

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

**RESOLVED:** That Councillor Neil Furey, 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.

**49 PUBLIC SPEAKING PROTOCOL**

This item was withdrawn.

**50 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.

**51 MART LANE HALL, BURSCOUGH**

Consideration was given to the joint report of the Director of Development & Regeneration and the Director of Leisure & Environment, as contained on pages 885 to 892 of the Book of Reports, which sought authority for the disposal of Mart Lane Hall, Burscough.

Members discussed the planning restrictions associated with the site and surrounding land and establishing a suitable scheme for control of the development, including the seeking of contractual arrangements in relation to the disposal of the site in question, to secure delivery of the football club facilities.

**RESOLVED:** That the Director of Development and Regeneration be authorised to take all necessary steps and enter into all necessary documentation to agree terms and dispose of Mart Lane Hall, Burscough (shown hatched at Appendix A to the report) at the best price reasonably obtainable.

**52 SKELMERSDALE TOWN CENTRE REDEVELOPMENT**

Consideration was given to the report of the Director of Development & Regeneration, as contained on pages 893 to 922 of the Book of Report, which provided an update on progress, together with the current issues and risks on the proposed first phase retail development at Skelmersdale Town Centre and to sought agreement to continue to move forward with the project.

**RESOLVED:** A. That the report and decision of Cabinet be noted.

- B. That a further allocation of £100,000 be made from the Strategic Investment Reserve to cover additional legal and other miscellaneous project expenses.

53 **MOTIONS**

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

54 **ON-STREET PARKING IN ORMSKIRK - MOTION INCLUDED ON THE AGENDA BY COUNCILLOR A OWENS ON BEHALF OF OUR WEST LANCASHIRE GROUP**

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

"This council notes with concern the instances of dangerous and illegal on-street car parking at certain times of the year in parts of Ormskirk and across West Lancashire.

This council also supports the principle of resisting inappropriate development in the green belt and, wherever possible, initiatives that will lead to 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 other local partners and stakeholders including Edge Hill University meet to discuss long term solutions to the problem of extensive and often dangerous and illegal on-street car parking across West Lancashire, including close to Edge Hill University and that the ideas that arise from the meeting(s) are taken forward through the appropriate channels including the Local Plan Review Cabinet Working Group, for implementation by the relevant agencies responsible.

To this end, the council instructs the Chief Executive to write to the Chief Executive of Lancashire County Council, the Vice Chancellor of Edge Hill University, Lancashire Constabulary and other local partners and stakeholders requesting such a meeting/meetings."

- RESOLVED:
- A. That this council notes with concern the instances of dangerous and illegal on-street car parking at certain times of the year in parts of Ormskirk and across West Lancashire.
  - B. That this council also supports the principle of resisting inappropriate development in the green belt and, wherever possible, initiatives that will lead to a reduction in car journeys to reduce carbon emissions, air pollution and traffic congestion.
  - C. That this council requests that senior representatives of West Lancashire Borough Council, Lancashire County Council and other local partners and stakeholders, including Edge Hill University, meet to discuss long term solutions to the problem of



extensive and often dangerous and illegal on-street car parking across West Lancashire, including close to Edge Hill University and that the ideas that arise from the meeting(s) are taken forward through the appropriate channels including the Local Plan Review Cabinet Working Group, for implementation by the relevant agencies responsible.

- D. That the Chief Executive be instructed to write to the Chief Executive of Lancashire County Council, the Vice Chancellor of Edge Hill University, Lancashire Constabulary and other local partners and stakeholders requesting such a meeting/meetings.

55 **NEW HOUSING CAR PARKING PROVISION AND DOMESTIC GARAGE SIZE - MOTION INCLUDED ON THE AGENDA BY COUNCILLOR D EVANS ON BEHALF OF THE LABOUR GROUP**

The following Motion was moved and seconded:

"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."

- RESOLVED:
- A. That 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.
  - B. That 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.

.....  
**THE MAYOR**



# Agenda Item 7a

## CHIEF OFFICERS COMMITTEE

**HELD: Tuesday, 8 October 2019**

Start: 9.00 am

Finish: 11.40 am

### PRESENT:

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

Officers: Jacqui Sinnott-Lacey, Interim Chief Operating Officer (designate)  
Sharon Lewis, Head of Human Resources and Organisational  
Development  
Jacky Denning, Member & Executive Services Manager

### 24 APOLOGIES

There were no apologies for absence.

### 25 MEMBERSHIP OF THE COMMITTEE

There were no changes to the membership of the Committee.

### 26 URGENT BUSINESS, IF ANY, INTRODUCED BY THE CHAIRMAN

There were no items of urgent business.

### 27 DECLARATIONS OF INTEREST

There were no declarations of interest.

### 28 MINUTES

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

### 29 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 paragraphs 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.

### 30 INTERIM 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 245 to 304 of the Book of Reports, which outlined the process for the internal interviews for the temporary post of Interim Corporate Director of Transformation.

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

The Committee was advised that the post had been ring-fenced for candidates which had been designated as Heads of Service under the revised structures, with effect from 4 November 2019.

The Committee considered a schedule of suggested interview questions prepared by the Chief Executive and the Head of Human Resources & Organisational Development and agreed that these would be used during the interviews 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 post.

The Committee conducted the internal Interviews for the Interim Corporate Director of Transformation and Resources.

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 the position.

**RESOLVED:** That the Head of Human Resources and Organisational Development be authorised to offer the post of Interim Corporate Director of Transformation and Resources to the Head of Corporate & Customer Services (designate) (Mr CT), with effect from 4 November 2019, for the temporary duration of the secondment of the substantive permanent occupant, until the appointment of a permanent Chief Operating Officer, following external recruitment or the permanent appointment to the post of the Corporate Director of Transformation and Resources, whichever is the sooner.

.....  
**Chairman**

## LICENSING & APPEALS COMMITTEE

**HELD:** Tuesday, 8 October 2019

Start: 7.30pm

Finish: 8.45pm

### PRESENT:

Councillor: T Devine (Chairman)

Councillors: N Delaney Mrs C Evans  
G Hodson G Johnson  
J Mee M Mills  
P O`Neill J Witter  
J Wilkie

In attendance: Mr William Dickinson, Vesta Advisor Services  
Ms Helen Dugdale, Solicitor, Vesta Advisor Services (Observer)

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

### 23 APOLOGIES

There were no apologies for absence received.

### 24 MEMBERSHIP OF THE COMMITTEE

In accordance with Council Procedure Rule 4, the Committee noted the termination of membership of Councillor J Monaghan, and the appointment of Councillor J Wilkie for this meeting only, thereby giving effect to the wishes of the political groups.

### 25 URGENT BUSINESS

There were no urgent items of business.

### 26 DECLARATION OF PARTY WHIP

There were no declarations of Party Whip.

### 27 DECLARATION OF INTEREST

There were no Declarations of Interest received.

### 28 MINUTES OF SUB - COMMITTEES OR WORKING GROUPS

There were no minutes to receive.

**29 MINUTES**

RESOLVED: That the minutes of the meeting held on 2 July 2019 be received as a correct record and signed by the Chairman.

**30 DRAFT CHARITABLE COLLECTIONS POLICY 2019**

Consideration was given to the report of the Director of Leisure and Environment as contained on pages 233 to 257 of the Book of Reports which sought Members approval of the draft Charitable Collections Policy 2019 annexed to the report and approval to make the necessary arrangements to amend the West Lancashire Borough Street Collections Regulations.

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

RESOLVED: a. That the draft Charitable Collections Policy 2019 annexed at appendix 2 to the report be approved.

b. That the Director of Leisure and Wellbeing Services be given delegated authority to write to the Secretary of State for Digital, Culture, Media and Sport, to obtain permission to amend the West Lancashire Borough Council Street Collection Regulations as detailed in Appendix 2 to the report.

**31 EXCLUSION OF PRESS AND PUBLIC**

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

**32 APPLICATION FOR PRIVATE HIRE DRIVER LICENCE - WK/00251865**

Members were asked to consider an application for a Private Hire Driver Licence Number WK/00251865, having regard to the content of the Statutory Declaration that accompanied the Application Form and any other relevant information.

The Applicant attended the meeting, represented by Mr Dickinson, 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. The Applicant agreed to the presence of Ms Dugdale as an Observer.

RESOLVED: That Private Hire Driver Licence WK/00251865 be GRANTED

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

**33 APPLICATION FOR PRIVATE HIRE DRIVER LICENCE - WK/000253200**

Members were asked to consider an application for a Private Hire Driver Licence Number WK/00253200, having regard to the content of the Statutory Declaration that accompanied the Application Form and any other relevant information.

The Applicant attended the meeting, represented by Mr Dickinson, 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. The Applicant agreed to the presence of Ms Dugdale as an Observer.

RESOLVED: That Private Hire Driver Licence WK/000253200 be GRANTED

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

**34 APPLICATION FOR PRIVATE HIRE DRIVER LICENCE - WK/000254079**

Members were asked to consider an application for a Private Hire Driver Licence Number WK/00254079, having regard to the content of the Statutory Declaration that accompanied the Application Form and any other relevant information.

RESOLVED: That Private Hire Driver Licence Number WK/000254079 be deferred one cycle, until 3 December 2019.

.....  
**Chairman**





# Agenda Item 7c

## PLANNING COMMITTEE

**HELD: Thursday, 17 October 2019**

Start: 7.00 p.m.

Finish: 9.10 p.m.

### PRESENT:

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

Councillors: I Ashcroft S Evans  
Mrs P Baybutt J Finch  
A Blundell D O' Toole  
C Coughlin N Pryce Roberts  
V Cummins E Pope  
N Delaney J Thompson  
C Dereli Mrs M Westley  
D Evans Mrs J Witter

In attendance: Councillor I Moran (Leader of the Council) (from Item 7b)  
Councillor D West (Skelmersdale South Ward)  
Councillor T Blane (North Meols Ward)  
Councillor I Rigby (Bickerstaffe Ward)  
Peter Richards, Strategic Planning & Implementation Manager

Officers: John Harrison, Director of Development & Regeneration  
Catherine Thomas, Head of Development Management  
Matthew Jones, Deputy Borough Solicitor  
Mark Loughran, Principal Planning Officer  
Jill Ryan, Member Services/Civic Officer

### 51 APOLOGIES

There were no apologies for absence received.

As this was the Director of Development and Regeneration's last Planning Committee, the Chairman took the opportunity to thank Mr. Harrison for all his hard work and dedication to the Council during the past 41 years of service. The Chairman also invited past Planning Portfolio Holders who were also present, to contribute to the sentiments expressed, this was supported by all of the Planning Committee and Officers present.

### 52 MEMBERSHIP OF THE COMMITTEE

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

### 53 URGENT BUSINESS, IF ANY INTRODUCED BY THE CHAIRMAN

There were no items of urgent business.

54 **DECLARATIONS OF INTEREST**

There were no Declarations of Interest received.

55 **DECLARATIONS OF PARTY WHIP**

There were no Declarations of Party Whip.

56 **MINUTES**

**RESOLVED:** That the minutes of the meeting held on the 5 September 2019 be approved as a correct record and signed by the Chairman.

57 **PLANNING APPLICATIONS**

The Director of Development and Regeneration submitted a report on planning applications (all prefixed 2019 unless otherwise stated) as contained on pages 329 to 403 of the Book of Reports and on pages 405 to 409 of the Late Information Report.

Notes

1. Councillor D West spoke in connection with planning application 0211/FUL relating to the Former Playing Fields, Barnes Road, Skelmersdale and left the Chamber at the conclusion of this application.
2. Councillor T Blane spoke in connection with planning application 0155/FUL relating to Land to the Rear of 44 to 50 Church Road, Banks and left the Chamber at the conclusion of this application.
3. Councillor I Moran as Leader of the Council spoke in connection with planning application 0069/OUT, Land to the East of Firswood Road, Lathom.
4. Two objectors spoke in connection with planning application 0211/FUL relating to the Former Playing Fields, Barnes Road, Skelmersdale.
5. An objector spoke in connection with Land to the Rear of 44 to 50 Church Road, Banks.
6. The Parish Clerk to Newburgh Parish Council spoke in connection with planning application 0670/FUL relating to Hughes Mushroom Farm, Course Lane, Newburgh.
7. The Parish Clerk to South Lathom Parish Council spoke in connection with planning application 0069/OUT relating to Land to the East of Firswood Road, Lathom.
8. The Agent spoke in relation to planning application 0069/OUT relating to Land to the East of Firswood Road, Lathom.

58 **2019/0595/FUL - RAMSAY TIMBER AND BUILDING SUPPLIES, SKULL HOUSE LANE, APPLEY BRIDGE, WIGAN**

**RESOLVED:** That planning application 0595/FUL relating to Ramsay Timber and Building Supplies, Skull House Lane, Appley Bridge, Wigan be approved subject to the conditions as set out on pages 334 to 336 of the Book of Reports.

**59 2019/0211/FUL - FORMER PLAYING FIELDS, BARNES ROAD, SKELMERSDALE**

**RESOLVED:** That planning application 0211/FUL relating to Former Playing Fields, Barnes Road, Skelmersdale be deferred for one cycle to allow for further negotiations to take place regarding vehicular and pedestrian access to the site.

**60 2019/0794/WL3 - 17 BEECH AVENUE, PARBOLD, WIGAN, LANCASHIRE**

**RESOLVED:** That planning application 0794/WL3 relating to 17 Beech Avenue, Parbold, Wigan be approved subject to the conditions as set out on page 357 of the Book of Reports.

**61 2019/0796/WL3 - 40 BEECH AVENUE, PARBOLD, WIGAN, LANCASHIRE**

**RESOLVED:** That planning application 0796/WL3 relating to 40 Beech Avenue, Parbold, Wigan be approved subject to the conditions as set out on page 361 of the Book of Reports.

**62 2019/0155/COU - LAND TO THE REAR OF 44 TO 50 CHURCH ROAD, BANKS**

**RESOLVED:** That planning application 0155/COU relating to Land to the Rear of 44 to 50 Church Road, Banks be approved subject to the conditions as set out on pages 369 to 370 of the Book of Reports.

**63 2019/0670/FUL - HUGHES MUSHROOM FARM, COURSE LANE, NEWBURGH, WIGAN**

**RESOLVED:** That planning application 0670/FUL relating to Hughes Mushroom Farm, Course Lane, Newburgh be approved subject to the conditions as set out on page 374 of the Book of Reports.

**64 2018/1291/FUL - LAND AT THE SOUTH-EASTERN END OF THE CAMPUS EDGE HILL UNIVERSITY, ST. HELENS ROAD, ORMSKIRK**

**RESOLVED:** To note that planning application 2018/1291/FUL relating to Land at the South-Eastern end of the Campus, Edge Hill University, St. Helens Road, Ormskirk had been withdrawn by the Applicant.

**65 2019/0069/OUT - LAND TO THE EAST OF FIRSWOOD ROAD, LATHOM**

**RESOLVED:** That planning application 0069/OUT relating to Land to the East of Firswood Road, Lathom be deferred for officers to provide, in conjunction with the Highway Authority, a more detailed evaluation of the access arrangements.

**66 PLANNING COMMITTEE - TIMING OF FUTURE MEETINGS**

**RESOLVED:** That in future Planning Committee be scheduled to commence at 7.00pm

.....  
**Chairman**

## AUDIT & GOVERNANCE COMMITTEE

**HELD:** Tuesday, 29 October 2019

Start: 6.30 pm

Finish: 7.40 pm

### PRESENT:

Councillor: N Furey (Chairman)

Councillors: T Blane C Dereli  
T Devine J Gordon  
J Mee P O`Neill  
A Pritchard I Rigby

Officers: Marc Taylor, Borough Treasurer  
Jacqueline Pendleton, Internal Audit Manager  
Kay Lovelady, Principal Solicitor  
Kirsty Breakell, Member Services / Civic Officer  
Jane McNeice – Data Access & Storage Governance officer

### 28 APOLOGIES

There were no apologies received.

### 29 MEMBERSHIP OF THE COMMITTEE

In accordance with Council Procedure Rule 4, the Committee noted the termination of membership of Councillor N Pryce-Roberts and the appointment of Councillor T Devine for this meeting only, thereby giving effect to the wishes of the political groups.

### 30 DECLARATIONS OF INTEREST

There were no declarations of interest received.

### 31 PUBLIC SPEAKING

There were no items under this heading.

### 32 MINUTES

RESOLVED: That the minutes of the meeting held on the 30 July 2019, be approved as a correct record and signed by the Chairman.

### 33 GRANT THORNTON - AUDIT FINDINGS REPORT

Consideration was given to the report of the Borough Treasurer as contained on pages 275-310 of the Book of Reports. The purpose of the report was to receive an updated report from the Council's External Auditors, setting out their findings on the audit of the accounts and value for money.

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

Comments and questions were raised in respect of the following:

- To what extent are parts of the audit set by Central Government. What is the relationship between the External Auditors and Central Government?
- The date of the Authority's valuation of assets and whether this date can be changed for auditing purposes
- The date other Authorities use when valuing assets
- The proposed new date for valuing assets to tie in with annual audit of accounts
- External Audit fee increases and the reasons for this
- Fee increases being in line with other Authorities
- The Borough Treasurer and External Auditors to meet and discuss the steps to be taken to improve the audit process for the 2019/20 accounts.

RESOLVED: A. That the Audit Findings Report be noted

B. That the steps that can be taken to ensure that the audit of the accounts for 2019/20 can be completed within the expected 2 month timescale be reported back at the next meeting.

C. That the letter from Grant Thornton set out in appendix 2, requesting an increase in their audit fee be noted.

#### 34 APPROVAL OF STATEMENT OF ACCOUNTS

Consideration was given to the report of the Borough Treasurer contained on pages 311-418 of the Book of Reports. The purpose of the report was to approve the Council's annual Statement of Accounts.

The Borough Treasurer outlined the report and requested delegated authority in consultation with the Chairman, to approve the Statement of Accounts providing no material alterations were made to the draft Audit Findings Report.

Andrew Jones from Grant Thornton confirmed that the draft Audit Findings Report was actually the final version. It was confirmed that the words "draft" across the report would be removed after the meeting. Other wording within the report indicating that the report was not final were simply an error and had not been removed. It was re-iterated that the report provided to the Committee was the final report.

Comments and questions were raised in respect of the following:

- Re-charging in relation to Ormskirk Market

RESOLVED: That the Statement of Accounts set out at appendix 1 be approved.

#### 35 INTERNAL AUDIT ACTIVITIES - QUARTERLY UPDATE

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

pages 419-432 of the Book of Reports. The purpose of the report was to advise of the 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:

- Services which have been reviewed and require further reports to come back before the Committee.
- Homecare Link update to be deferred to next meeting
- Issues with contacting the customer services contact centre
- Alternative ways to present performance indicators to make them more meaningful.
- Risk management training following the SORP process for people in new employment positions and update to be provided in due course.

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

36 **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), was 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.

37 **ELECTRONIC RECORDS - STORAGE AND MANAGEMENT**

Consideration was given to the report of the Borough Solicitor as contained on pages 433-440 of the Book of Reports. The purpose of the report was to provide Members with a final report in relation to the electronic records storage and management project work, on the Council's network.

The Data and Information Governance Officer presented the Electronic Records Storage and Management report.

RESOLVED: A. That the report be noted

- B. That the out of scope and residual items of work, identified at paragraph 5.0 and in the appendix to the report, be taken forward appropriately.

38 **WORK PROGRAMME**

Consideration was given to the Committees work programme as set out on page 441 of the Book of Reports.

RESOLVED: That the Work Programme for 2020 be approved.

.....  
**Chairman**



## CHIEF OFFICERS COMMITTEE

**HELD: Thursday, 31 October 2019**

Start: 6.00 pm

Finish: 7.20 pm

### PRESENT:

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

In attendance: North West Employers

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

### 31 APOLOGIES

Apologies were received on behalf of the Leader, Councillor Ian Moran.

### 32 MEMBERSHIP OF THE COMMITTEE

There were no changes to the membership of the Committee.

### 33 URGENT BUSINESS, IF ANY, INTRODUCED BY THE CHAIRMAN

There were no items of urgent business.

### 34 DECLARATIONS OF INTEREST

There were no declarations of interest.

### 35 MINUTES

RESOLVED That the minutes of the meeting held on Tuesday, 8 October 2019 be received as a correct record and signed by the Chairman.

### 36 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 paragraphs 1 & 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.

### 37 RECRUITMENT TO THE POST OF PERMANENT CHIEF OPERATING OFFICER

Consideration was given to the report of the Chief Executive, as contained on pages 309 to 568 of the Book of Reports, which sought agreement of the shortlist of candidates to be taken forward to the Assessment Centre on 26 November for the post of Chief Operating Officer, sought agreement of the Interview Questions, Assessment Centre 'Fish Bowl' exercise, Staff Forum Questions, Presentation Question and Documentation and Scoring System, along with an update on progress since the last meeting of the Committee.

North West Employers referred to the list circulated prior to the meeting, which members of the Committee had scored in accordance with the shortlisting matrix and the draft interview questions and scoring sheet, draft presentation question, the draft discussion topic for the Fishbowl exercise and the draft Staff Forum questions.

- RESOLVED:
- A. That the update from North West Employers Organisation on applications for the post of Chief Operating Officer be noted.
  - B. That the following 6 candidates be invited to the Assessment Centre on 26 November: 2171; 2174; 2183; 2185; 2186 and 2188, and the following candidates be held in reserve: 2175; 2191; 2184 and 2166, should any of the 6 candidates withdraw.
  - C. That the interview, Staff Forum and presentation questions, together with the content of the test/group exercise to be used in the course of the recruitment process for the post, be agreed, subject to some minor amendments.
  - D. That the programme for 26 November 2019, as discussed at the meeting, be agreed.
  - E. That the scoring system at interview be agreed.
  - F. That the Head of Human Resources and Organisational Development, in consultation with North West Employers and the Chairman of the Committee, be authorised to make changes to, and manage the recruitment process, including any amendments to 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 at this committee.

.....  
**Chairman**

# Agenda Item 7f

## CHIEF OFFICERS COMMITTEE

**HELD:** Tuesday, 26 November 2019

Start: 9.30 am

Finish: 5.55 pm

### PRESENT:

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

In attendance: North West Employers

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

### 38 APOLOGIES

There were no apologies for absence.

### 39 MEMBERSHIP OF THE COMMITTEE

There were no changes to the membership of the Committee.

### 40 URGENT BUSINESS, IF ANY, INTRODUCED BY THE CHAIRMAN

There were no items of urgent business.

### 41 DECLARATIONS OF INTEREST

There were no declarations of interest.

### 42 MINUTES

RESOLVED That the minutes of the meeting held on 31 October 2019 be received as a correct record and signed by the Chairman.

### 43 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 paragraphs 1, 2 & 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.

44 **RECRUITMENT TO THE POST OF PERMANENT CHIEF OPERATING OFFICER**

Consideration was given to the report of the Corporate Director Transformation & Resources, as contained on pages 379 to 470 of the Book of Reports, to undertake the agreed Assessment Centre and interview process for the post of permanent Chief Operating Officer and recommend to Council a successful candidate for the post.

North West Employers provided a briefing on the interview process.

The Committee was advised that candidate 2174 had withdrawn.

The Committee considered a schedule of suggested interview questions prepared by North West Employers and agreed that these would be used during the interviews 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 post.

The Committee conducted the Interviews for the post of Chief Operating Officer and observed the 'Fish Bowl' exercise. Feedback was received from the Staff Forum and from the two online tests that the shortlisted candidates had undertaken prior to the meeting.

The Committee assessed all 5 remaining 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 the position.

- RESOLVED:
- A. That Council be recommended to appoint Jacqui Sinnot-Lacey to the permanent Chief Operating Officer post.
  - B. That the Head of Human Resources and Organisational Development be authorised to offer the post of Chief Operating Officer to Jacqui Sinnot-Lacey, subject to Council approval on 11 December 2019.
  - C. That, subject to Council approving the recommendation at A above, on 11 December 2019, the permanent post of Corporate Director Transformation and Resources, currently held by Jacqui Sinnot-Lacey, be advertised internally.

.....  
**Chairman**

## PLANNING COMMITTEE

**HELD: Thursday, 28 November 2019**

Start: 7.00 p.m.

Finish: 8.10 p.m.

### PRESENT:

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

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

In attendance: Councillor I Rigby (Bickerstaffe Ward)  
Councillor M Mills (Halsall Road)

Officers: Ian Gill, Head of Growth and Development Services  
Catherine Thomas, Development, Heritage & Environment Manager  
Ann Veevers, Principal Planning Officer  
Judith Williams, Assistant Solicitor  
Jill Ryan, Member Services/Civic Officer

### 67 **APOLOGIES**

There were no apologies for absence received.

### 68 **MEMBERSHIP OF THE COMMITTEE**

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

### 69 **URGENT BUSINESS, IF ANY INTRODUCED BY THE CHAIRMAN**

There were no items of urgent business.

### 70 **DECLARATIONS OF INTEREST**

Councillors Mrs Westley and D Westley declared a pecuniary interest in respect of planning application 0487/FUL relating to the Sports Pavilion and Memorial Playing Fields, Halsall Road, Halsall due to the close proximity of their property.

**71 DECLARATIONS OF PARTY WHIP**

There were no Declarations of Party Whip.

**72 MINUTES**

**RESOLVED:** That the minutes of the meeting held on the 17 October 2019 be approved as a correct record and signed by the Chairman with the amendment of Councillor Coughlan's surname,

**73 PLANNING APPLICATIONS**

The Corporate Director of Place and Community submitted a report on planning applications (all prefixed 2019 unless otherwise stated) as contained on pages 435 to 529 of the Book of Reports and on pages 531 to 541 of the Late Information Report.

Notes:

1. Councillor I Rigby spoke in connection with planning application 0069/FUL relating to Land to the East of Firwood Road, Lathom, Lancashire and left the Chamber at the conclusion of this application.
2. Councillors Mrs Westley and D Westley had declared a pecuniary interest in respect of planning application 0487/FUL, relating to the Sports Pavilion and Memorial Playing Field, Halsall Road, Halsall and therefore left the Chamber during consideration of this item.
3. Councillor M Mills spoke in connection with planning application 0487/FUL relating to the Sports Pavilion and Memorial Playing Field, Halsall Road, Halsall and left the Chamber at the conclusion of this application.

**74 2019/0069/OUT - LAND TO THE EAST OF FIRSWOOD ROAD, LATHOM**

**RESOLVED:** That in respect of planning application 0069/OUT relating to Land to the East of Firwood Road, Lathom:

- (i) That the decision to grant planning permission be delegated to the Corporate Director of Place and Community in consultation with the Chairman or Vice Chairman of the Planning Committee subject to the applicant entering into a planning obligation under S106 of the Town and Country Planning Act 1990 to secure, subject to viability;

The terms and conditions of the affordable housing units;  
Accommodation suitable for the elderly;  
The terms and conditions of pre-site public open space;  
Financial contribution towards the provision of/delivery of part of the Linear Park

- (ii) That any planning permission granted by the Corporate Director of Place and Community pursuant to the conditions as set out on pages 447 to 453 of the Book of Report.

75 **2019/0184/FUL - STATION HOUSE, RED CAT LANE, BURSCOUGH, ORMSKIRK, L40 ORA**

**RESOLVED:** That planning application 0184/FUL relating to Station House, Red Cat Lane, Burscough be approved subject to the conditions as set out on pages 460 to 463 of the Book of Reports.

76 **2019/0185/LBC - STATION HOUSE, RED CAT LANE, BURSCOUGH, ORMSKIRK, L40 ORA**

**RESOLVED:** That Listed Building Consent application 0185/LBC relating to Station House, Red Cat Lane, Burscough be approved subject to the conditions as set out on pages 467 to 469 of the Book of Reports

77 **2019/0487/FUL - SPORTS PAVILION AND MEMORIAL PLAYING FIELD, HALSALL ROAD, HALSALL**

**RESOLVED:** That planning application 0487/FUL relating to the Sports Pavilion and Memorial Playing Field, Halsall Road, Halsall be approved subject to the conditions as set out on pages 476 to 477 of the Book of Reports.

78 **2019/0990/FUL - 28 THE GREEN, HESKETH BANK, PRESTON, PR4 6SB**

**RESOLVED:** That planning application 0990/FUL relating to 28 The Green, Hesketh Bank, Preston be approved subject to the conditions as set out on page 482 of the Book of Reports.

79 **2019/0731/FUL - CAST NORTH WEST ECO CENTRE, COBBS BROW LANE, NEWBURGH, WN8 7SF**

**RESOLVED:** That planning application 0731/FUL relating to Cast North West Eco Centre, Cobbs Brow Lane, Newburgh relating to Cast North West Eco Centre, Cobbs Brow Lane, Newburgh be approved subject to the conditions as set out on pages 491 to 492 of the Book of Reports.

80 **2019/0371/OUT - LAND TO THE WEST OF TODDS LANE, TODDS LANE, BANKS**

**RESOLVED:** That planning application 0371/OUT relating to Land to the West of Todds Lane, Banks be approved subject to the conditions as set out on pages 500 to 503 of the Book of Reports.

81 **2019/0121/FUL - ST. ELIZABETH'S PARISH CENTRE, 10 HALL ROAD, SCARISBRICK, L40 9QE**

**RESOLVED:** That planning application 0121/FUL relating to St. Elizabeth's Parish Centre, 10 Hall Road, Scarisbrick be approved subject to the

conditions as set out on pages 511 to 513 of the Book of Reports.

**82 2019/0392/FUL - LAND ON THE SOUTH SIDE OF JACKSMERE LANE, SCARISBRICK**

**RESOLVED:** That planning application 0392/FUL relating to Land on the South Side of Jacksmere Lane, Scarisbrick be approved subject to the conditions as set out on pages 520 to 521 of the Book of Reports.

**83 2019/0803/FUL - BLACKHURST BARN, 396 BLACKGATE LANE, TARLETON, PRESTON, PR4 6JJ**

**RESOLVED:** That planning application 0803/FUL relating to Blackhurst Barn, 396 Blackhurst Lane, Tarleton, Preston be approved subject to the conditions as set out on pages 527 to 529 of the Book of Reports.

.....  
**Chairman**





LICENSING AND GAMBLING  
COMMITTEE: 3 DECEMBER  
2019

COUNCIL: 11 DECEMBER 2019

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Report of: Corporate Director of Place & Community

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

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**SUBJECT: APPROVAL OF REVISED STATEMENT OF LICENSING POLICY  
REQUIRED BY THE LICENSING ACT 2003**

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Wards affected: Borough wide

**1.0 PURPOSE OF REPORT**

1.1 To approve the revised Statement of Licensing Policy as required by the Licensing Act 2003.

**2.0 RECOMMENDATIONS TO LICENSING AND GAMBLING COMMITTEE**

2.1 That the Statement of Licensing Policy 2020 attached as Appendix C to this report be endorsed, prior to submission to Council for final approval and publication.

**3.0 RECOMMENDATIONS TO COUNCIL**

3.1 That the Statement of Licensing Policy 2020 attached as Appendix C to this report be approved.

3.2 That the Corporate Director of Place and Community be given delegated authority to publish and operate the Statement of Licensing Policy 2020 attached as Appendix C to this report.

3.3 That the Corporate Director of Place and Community be given delegated authority to make any minor/inconsequential amendments to the Statement of Licensing Policy.

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**3.0 BACKGROUND**

3.1 Members of the Licensing and Gambling Committee will recall the report of 2 July 2019 attached as Appendix B to this report (excluding Appendices), which requested approval of a revised draft statement of Licensing Policy (the Policy).

3.2 The draft Policy was approved and, in accordance with the statutory guidance issued under Section 182 of the Act (the Guidance), was subject public consultation. The consultation was carried out under existing delegations and lasted just over the recommended 12 weeks, running from 1 August 2019 until 31 October 2019.

#### **4.0 CURRENT POSITION**

4.1 Those responses received during the consultation period have been assessed and the detail is provided in Appendix D to this report. Those who submitted a response have been acknowledged and the comments have resulted in minor amendments to the final Policy Statement attached at Appendix C.

#### **5.0 ISSUES**

5.1 In order for the Council to comply with its statutory duties as Licensing Authority, the Policy attached as Appendix C to this report must be endorsed by the Licensing and Gambling Committee and subsequently approved by Council.

5.2 Assuming endorsement by the Licensing and Gambling Committee, the Policy will be presented to Council on 11 December 2019. If approved by Council, the Policy will be published before 7 January 2020, coming into force on 7 February 2020.

5.3 In addition, given the impending staff changes in April 2020 resulting from the Council's Sustainable Organisation Review Project, a delegation is also sought to the Corporate Director of Place and Community to make minor/inconsequential amendments to the Policy to ensure the content remains accurate.

#### **6.0 SUSTAINABILITY IMPLICATIONS**

6.1 The operation of the Act has the potential to impact upon many areas within the Community, particularly upon licensed premises directly and the Council's ongoing licensing responsibilities to the public within West Lancashire.

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

7.1 There are no financial implications associated with this report.

#### **8.0 RISK ASSESSMENT**

8.1 The Council has a legal duty to carry out the functions of the Act and must review the current Policy Statement before 7 February 2020. Any failure to administer a review of the Policy appropriately is a breach under the Act and would render any future licensing decisions potentially unlawful. Accordingly, there is significant involvement from, and impact upon, relevant statutory bodies, the licensed trade, the public and other interested parties.

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## **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.

Guidance issued under section 182 of the Licensing Act 2003 – April 2018

## **Equality Impact Assessment**

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

## **Appendices**

- A Equality Impact Assessment
- B Licensing and Gambling Committee report: 2 July 2019 and related minutes
- C West Lancashire Borough Council: Licensing Act 2003 – Statement of Licensing Policy 2020
- D Consultation response analysis
- E Minute of Licensing and Gambling 3 December 2019 (Council only)

# Equality Impact Assessment Form



<b>Directorate: Leisure and Environment</b>		<b>Service: Licensing</b>	
<b>Completed by: Paul Charlson</b>		<b>Date: 08/11/19</b>	
<b>Subject Title: APPROVAL OF REVISED DRAFT STATEMENT OF LICENSING POLICY REQUIRED BY THE LICENSING ACT 2003</b>			
<b>1. DESCRIPTION</b>			
Is a policy or strategy being produced or revised:	Yes	<i>*delete as appropriate</i>	
Is a service being designed, redesigned or cutback:	No		
Is a commissioning plan or contract specification being developed:	No		
Is a budget being set or funding allocated:	No		
Is a programme or project being planned:	No		
Are recommendations being presented to senior managers and/or Councillors:	Yes		
Does the activity contribute to meeting our duties under the Equality Act 2010 and Public Sector Equality Duty ( <b>Eliminating unlawful discrimination/harassment, advancing equality of opportunity, fostering good relations</b> ):	No		
Details of the matter under consideration:			
<p><i>If you answered <b>Yes</b> to any of the above go straight to Section 3</i></p> <p><i>If you answered <b>No</b> to all the above please complete Section 2</i></p>			
<b>2. RELEVANCE</b>			
Does the work being carried out impact on service users, staff or Councillors (stakeholders):	No	<i>*delete as appropriate</i>	
If <b>Yes</b> , provide details of how this impacts on service users, staff or Councillors (stakeholders): <i>If you answered <b>Yes</b> go to <b>Section 3</b></i>			
If you answered <b>No</b> to both Sections 1 and 2 provide details of why there is no impact on these three groups: <i>You do not need to complete the rest of this form.</i>			
<b>3. EVIDENCE COLLECTION</b>			
Who does the work being carried out impact on, i.e. who is/are the stakeholder(s)?	Licensing Authorities, service users, members of the public.		
If the work being carried out relates to a universal service, who needs or uses it most? (Is there any particular group affected more than others)?	All sections of the public and businesses use or operate the licences outlined in this report.		

Which of the protected characteristics are most relevant to the work being carried out?	<i>*delete as appropriate</i>
Age	No
Gender	No
Disability	No
Race and Culture	No
Sexual Orientation	No
Religion or Belief	No
Gender Reassignment	No
Marriage and Civil Partnership	No
Pregnancy and Maternity	No
<b>4. DATA ANALYSIS</b>	
In relation to the work being carried out, and the service/function in question, who is actually or currently using the service and why?	Licensing Authorities, Responsible Authorities, licensed trade, service users, and members of the public.
What will the impact of the work being carried out be on usage/the stakeholders?	The draft Policy has been subject to consultation and the responses shaped the final document for approval and use.
What are people's views about the services? Are some customers more satisfied than others, and if so what are the reasons? Can these be affected by the proposals?	The draft Policy has been subject to consultation and the responses shaped the final document for approval and use.
What sources of data including consultation results have you used to analyse the impact of the work being carried out on users/stakeholders with protected characteristics?	The draft Policy has been subject to consultation and the responses shaped the final document for approval and use.
If any further data/consultation is needed and is to be gathered, please specify:	N/A
<b>5. IMPACT OF DECISIONS</b>	
In what way will the changes impact on people with particular protected characteristics (either positively or negatively or in terms of disproportionate impact)?	None.
<b>6. CONSIDERING THE IMPACT</b>	
If there is a negative impact what action can be taken to mitigate it? (If it is not possible or desirable to take actions to reduce the impact, explain why this is the case (e.g. legislative or financial drivers etc.).	N/A
What actions do you plan to take to address any other issues above?	No actions  <i>If no actions are planned state no actions</i>

<b>7. MONITORING AND REVIEWING</b>	
When will this assessment be reviewed and who will review it?	Upon further review of the Policy.



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Report of: Director of Leisure and Environment

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

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

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Wards affected: Borough wide

## **1.0 PURPOSE OF REPORT**

1.1 To approve the revised draft Statement of Licensing Policy as required by the Licensing Act 2003 prior to public consultation.

## **2.0 RECOMMENDATIONS**

2.1 That the revised draft Statement of Licensing Policy attached at Appendix 2 to this report be approved.

2.2 That the Director 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 January 2020.

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## **3.0 BACKGROUND**

3.1 Members will be aware that the Council acts as Licensing Authority (the Authority) when discharging its functions under the Licensing Act 2003 (the Act). As part of these responsibilities, the Authority is required to produce a Statement of Licensing Policy (the Policy) every 5 years. The current Policy came into force on 7 February 2015, and so a revised Policy must be approved and published before 7 January 2020, coming into force on 7 February 2020.

## **4.0 POLICY CHANGES**

4.1 Section 4 of the Act provides that, in carrying out its functions, the Authority must 'have regard to' guidance issued by the Secretary of State under Section 182 of the Act (the Guidance). Accordingly, the draft Statement of Licensing Policy (the draft Policy) attached at Appendix 2 to this report has been revised and updated throughout using all available legislation and guidance. However, it is not intended for the draft Policy to replicate the information already in the public domain, rather it is to focus on those issues that have a direct implication for the Borough or where required to do so by the Guidance. All amendments are provided as 'tracked changes' in order to make any changes easier to identify.

4.2 Members' attention is drawn to the following key changes in the draft Policy:

- Clearer definition of public nuisance to allow a wider context when considering contested applications;
- Updated table of delegations to the Director of Leisure and Environment;
- Substantive changes to the review provisions, which outline the options available as well as the expectations for licence breaches and / or criminal activity, thereby allowing removal of the outdated yellow and red card scheme;
- The cumulative impact section has been amended to ensure consistency with the available guidance.

## **5.0 ISSUES**

5.1 In order for the Council to comply with its statutory duties as Licensing Authority, the appended draft Policy must be approved for publication and consultation for a minimum of 12 weeks. Accordingly, and if approved, the draft Policy will be subject to public consultation from 1 August 2019 to 31 October 2019.

5.2 The consultation will involve direct contact with those listed under Section 5(3) of the Act, namely:

- The chief officer of Lancashire Constabulary;
- Lancashire Fire and Rescue Service;
- Lancashire County Council Director of Public Health;
- Those representative of premises licence holders, club premises certificate holders, personal licence holders, businesses and residents in the Borough.

5.3 Furthermore, the consultation will also include the Community Safety Partnership, local A&E departments, Trading Standards, local tourism representatives, local performers' representatives etc. This list has been made deliberately wide to enable the Authority to undertake a comprehensive consultation exercise with anyone who may be affected by, or otherwise have an interest in, the draft Policy.



5.4 In addition, the following activities will be undertaken to ensure increased awareness of the draft statement:

- Updates in the local press to draw attention to the draft Policy and the need for contributions;
- The draft Policy will be posted on the Council's website;
- Presentation of the draft Policy to the Council's MALT (Multi Agency Licensing Team).

5.5 Once the consultation period has ended, the draft Policy will be amended to take account of any views received. The final version of the Policy will be submitted to this Committee and Council for approval before publication. The final Policy must be published no later than 7 January 2020 in advance of it coming into force on 7 February 2020.

## **6.0 SUSTAINABILITY IMPLICATIONS**

6.1 The operation of the Act has the potential to impact upon many areas within the Community, particularly upon licensed premises directly and the Council's ongoing licensing responsibilities to the public within West Lancashire.

## **7.0 FINANCIAL AND RESOURCE IMPLICATIONS**

7.1 There are no financial implications associated with this report.

## **8.0 RISK ASSESSMENT**

8.1 Whilst, the Council has a legal duty to carry out the functions of the Act, it is not under a statutory obligation to review the current Policy Statement until 7 February 2020. However, the Licensing and Gambling Committee has previously made the decision to review the content of the current Policy Statement as it does not accurately reflect relevant legislation and guidance.

8.2 Any failure to administer a review of the Policy Statement appropriately is a breach under the Act and would render any future licensing decisions potentially unlawful. Accordingly, there is significant involvement from, and impact upon, relevant statutory bodies, the licensed trade, the public and other interested parties.

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### **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.

Guidance issued under Section 182 of the Licensing Act 2003 – April 2018

### **Equality Impact Assessment**

There is a significant direct impact on members of the public, employees, elected members and / or stakeholders. Therefore an Equality Impact Assessment is required A

formal equality impact assessment is attached as an Appendix to this report, the results of which have been taken into account in the Recommendations contained within this report

## **Appendices**

- 1 Equality Impact Assessment
- 2 West Lancashire Borough Council: Licensing Act 2003 – Draft Statement of Licensing Policy 2020

**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.

**LICENSING & GAMBLING COMMITTEE**

**HELD: Tuesday, 2 July 2019**

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 January 2020.

.....  
**Chairman**



# **Licensing Act 2003**

## **Statement of Licensing Policy**

**2020**

## **Forward**

The Licensing Act 2003 became law on 24<sup>th</sup> November 2005. Since that time West Lancashire Borough Council, like all local authorities in England and Wales, has taken the role of 'Licensing Authority' and overseen these controls. As part of these responsibilities, the Act requires Licensing Authorities to produce a statement of Licensing Policy to provide all stakeholders with guidance on the approach that it will take under the Act.

The aim of this Policy is therefore to promote West Lancashire as a safe and healthy environment in which responsible operators can provide lawful and responsible facilities for the enjoyment of the Borough's residents and visitors.

Licensed businesses and operations are vital to the Borough and for related sectors such as retail and tourism. Accordingly, the Council is keen to encourage a diverse range of premises catering for a wide range of age groups and uses. However, the Council also recognises the problems that can be caused if licensable activities are not properly managed and premises well run.

This Policy aims to reflect these issues and provides guidance for both Officers and elected Members to ensure that decisions are made in a fair and consistent manner, as well as being an invaluable tool for applicants, residents and other occupiers of property and investors.

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## **1.0 Introduction**

**1.1** West Lancashire Borough Council (the Council) is designated as the Licensing Authority (the Authority) under the Licensing Act 2003 (the Act), and is responsible for granting all authorisations / permissions designated under the Act in respect of the sale and / or supply of alcohol, the provision of regulated entertainment and late night refreshment within its boundaries.

**1.2** This Statement of Licensing Policy (this Policy) has been prepared under Section 5 of the Act and in accordance with the current version of the Secretary of State's Guidance issued under Section 182 of the Act (the Guidance). The Authority is therefore constrained by the provisions of the Act, the Guidance and the Regulations made under the Act. However, the Authority may depart from the Guidance if it has reason to do so, but will give full justification for such departure.

**1.3** This Policy covers all relevant provisions of the Act and it will not ignore, or be inconsistent with, these provisions. The Authority is committed to working with its licensing partners and stakeholders in delivering the licensing function. Accordingly, this Policy sets out the manner in which the Authority will generally take when exercising the functions of the Act. It replaces the 2015 version and was agreed by full Council on the 3<sup>rd</sup> December 2019, was published on the 7<sup>th</sup> January 2020 and came into force on the 7<sup>th</sup> February 2020. It shall remain in effect for five years and will be reviewed no later than the 7<sup>th</sup> February 2025. However, this Policy can be reviewed and revised by the Authority at any time.

**1.4** This Policy seeks to establish sensible controls and appropriate guidance to encourage and build upon the efforts that are being made by the Council and its partners, together with the licensed trade, to help the Authority deal with issues such as anti-social behaviour, crime and disorder, irresponsible promotions, noise and other nuisance, underage sales and poor licensing practices that arise from licensable activities. This will be achieved by:

- Establishing and building upon best practice within the industry;
- Recognising and facilitating the role of partners and stakeholders;
- Encouraging self-regulation by licensees and managers;
- Providing a clear basis for the determination of applications;
- Supporting related policies and strategies of the Council; and
- An inspection and enforcement regime targeted at premises that present a high risk i.e. those operations that have a track record of non-compliance.

**1.5** The Authority recognises the varied nature of the licensed operations within the Borough, which differ in size, occupancy, location and clientele. The management of these operations will have a differing impact on the Licensing Objectives (Section 4.0) depending on whether the focus is on the provision of alcohol, entertainment, late night refreshment or a combination of two or more of these activities.

**1.6** Accordingly, there is no definitive list of control measures that could (or should) be introduced by all premises. Licensed premises are assessed according to the



activities they provide and the manner of their provision. Procedures should be in place to appropriately address the individual risks at each premises.

- 1.7** Preventing crime, disorder, public nuisance, ensuring public safety and protecting children (those aged under 18) from harm are on-going responsibilities for all those licensed under the Act. Premises operators should address the risks relating to the activities their premises provides. Failure to do so may result in the relevant authorisation being reviewed and subsequently suspended or revoked.
- 1.8** The Authority does not want operators to lose their licences; it wants to see well managed premises that benefit from being able to provide the hours and the activities their customers and communities want. This means licensees should regularly consult with their local communities to inform them of the hours and activities they provide, gauging their concerns and addressing these. Licensees are encouraged to be both imaginative and proactive, seeking advice from Responsible Authorities (Appendix 2 - useful contacts) and other local organisations that have professional advice to offer.
- 1.9** Accordingly, the Authority recommends that existing licensed operations, as well as those undertaking any potential application, consider the following matters. The Authority will give due regard to the presence or absence of such action when determining applications or considering potential action against existing licensed operations:
- Read this Policy carefully – reading it indicates that the promotion of the Licensing Objectives is being taken seriously;
  - Think about the activities provided, the risks from those activities and the appropriate steps to tackle them;
  - Consult local residents, businesses and the Responsible Authorities to ascertain concerns or current problems;
  - Undertake appropriate risk assessments and take appropriate steps to address any risks;
  - Take action to put steps in place that will address risks and meet the concerns of the community;
  - Consider whether a variation of the authorisation is required to ensure all necessary measures are in place to meet the four Licensing Objectives. This can reassure local residents, businesses and Responsible Authorities that operators are taking their responsibilities seriously and are a valuable asset to the community;
  - Licensed premises will be monitored (Section 14.0 – Enforcement) on how they impact on their local communities. Where operators fail to adequately address the concerns of local residents / businesses with respect to the Licensing Objectives, their premises may have its Premises Licence (PL) or Club Premises Certificate (CPC) reviewed at any time.

- 1.10** The Act and this Policy are not the primary mechanisms for the general control of nuisance and antisocial behaviour by individuals once they are away from licensed premises and therefore beyond the direct control of the licensee. Licensing is about regulating licensable activities on licensed premises and activities within the terms of the Act. However, to the extent that such matters are within their control, licensees are expected to take reasonable steps to prevent risks to the Licensing Objectives in the immediate vicinity of their premises. For example the behaviour of customers as they enter or leave, or the use of a beer garden, car park or smoking shelter. Nonetheless, licensing law will always be part of holistic approach to the management of the evening and night time economy.
- 1.11** Nothing in this Policy will undermine the rights of any person to apply for a variety of authorisations / permissions under the Act and have any such application considered on its individual merits.
- 1.12** Nothing in this Policy will override the right of any person to make relevant representations on any application or seek a Review of a PL or CPC where they are permitted to do so under the Act.
- 1.13** This Policy will also avoid duplication with other regulatory regimes (for example, the Health and Safety at Work etc. Act 1974) as far as is possible.
- 1.14** This Policy will also be kept under review. The Commercial, Safety and Licensing Manager will maintain an Issues Log in which all issues pertaining to this Policy will be recorded. Therefore the Authority will make revisions to this Policy at such times as it considers appropriate, for example where relevant issues have arisen, or where matters recorded in the Issues Log indicate that that such a review is required. The Issues Log is not a public document, but any concerns regarding this Policy Statement can be submitted to the Licensing Service (Appendix 2 – useful contacts).

## **2.0 The Borough of West Lancashire**

- 2.1** West Lancashire is the most southerly of the Local Authorities within Lancashire. It has a population of 110,700 (National Census 2011) and covers an area of over 34,000 hectares. The Borough has two market towns: Ormskirk and Burscough, with mainly rural parishes and villages to the north and the former New Town of Skelmersdale to the east. A map of the Borough is provided at Appendix 1.
- 2.2** There are approximately 350 premises that hold either a PL and / or CPC within the Borough. These premises mainly comprise of public houses, members only clubs, late bars/nightclubs, off licences and restaurants. In addition, there are approximately 100 hot food takeaways throughout the Borough.
- 2.3** The Council receives approximately 600 complaints about noise per year, with approximately 100 complaints relating to commercial premises, or their customers. Further information relating to the potential impact of licensed operations on public nuisance is provided in Section 4.0.
- 2.4** The Authority recognises that the good management of licensed businesses and the street environment within which they operate is vital to the infrastructure of the Borough and to attracting a wide range of people to work, visit or live in the Borough. However, the varied nature of the Borough means that the impact of Licensable Activities can vary. For example, the licensing issues in Ormskirk town centre can differ from those in Skelmersdale or other parts of the Borough. The Authority will expect all applicants to, where appropriate, specify the methods, precisely and clearly, by which they will promote the four Licensing Objectives and address the specific issues relating to the nature and location of the premises.

### **3.0 Development Process / Consultation**

- 3.1** This Policy has been developed after proper consultation with statutory consultees and other interested parties. A period of public consultation operated from the 1<sup>st</sup> August 2019 until the 31<sup>st</sup> October 2019 and the Authority has given due regard to the responses from this consultation process when formulating this Policy. The list of consultees is maintained separately from this Policy and is available from the Licensing Service using the contact details in Appendix 2.
- 3.2** This Policy has not been developed in isolation. The Authority has given regard to the Guidance and to good practice advice issued by approved Government advisory bodies. As such, this Policy also supports the Council's Corporate Vision, Values and Priorities.
- 3.3** Partnership working between licensing authorities in Lancashire has also enhanced the production of this Policy and will help ensure consistency in terms of both policy and enforcement where licensing boundaries meet.

## **4.0 Licensing Objectives and Licensable Activities**

### ***Licensing Objectives***

**4.1** In carrying out its functions under the Act, the Authority must have regard to the Licensing Objectives, namely:

- The prevention of crime and disorder;
- Public safety;
- The prevention of public nuisance;
- The protection of children from harm.

**4.2** Each of the Licensing Objectives is considered of equal importance for the purposes of the Act and this Policy. The promotion of the four objectives is the paramount consideration at all times. Accordingly, the Authority will expect all applicants and licence holders to, where appropriate, specify and implement the methods, precisely and clearly, by which they will promote the four Licensing Objectives. Guidance on the Licensing Objectives is available at [www.gov.uk](http://www.gov.uk)

### ***Licensable Activities***

**4.3** The Act covers certain ‘Licensable Activities’, namely:

- The sale by retail of alcohol;
- The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club;
- The provision of regulated entertainment and
- The provision of late night refreshment.

**4.4** Many aspects of regulated entertainment, particularly live music, have been deregulated and are not subject to control under the Act. This Policy recognises the need to facilitate a broad range of entertainment provision for enjoyment by the public, but this must be offset by any risk to the Licensing Objectives and then only where the legislation permits. Accordingly, this Policy will not inadvertently deter any entertainment that is not subject to control under the Act by imposing indirect costs or controls of a disproportionate nature.

**4.5** Schedule 1 to the Act sets out what activities are regarded as the provision of regulated entertainment and when they are licensable and those activities which are not and therefore exempt from the regulated entertainment regime. The definition of what constitutes regulated entertainment is complex and it cannot be assumed that a licence is required for all forms of entertainment or, even if a licence is required, that the Authority will necessarily have the power to impose restrictions or conditions on such entertainment. Guidance on Regulated Entertainment is available at [www.gov.uk](http://www.gov.uk) or from the Licensing Service using the contact details in Appendix 2.

- 4.6** Where an activity is licensable, the promotion of the Licensing Objectives is the paramount consideration for the Authority. With the exception of minor variation applications, in the absence of valid representations from Responsible Authorities or Interested Parties, all applications must be granted subject only to any prescribed mandatory conditions and such other conditions which are consistent with the Operating Schedule provided by the applicant. Mandatory conditions are dictated by legislation are imposed on all relevant PLs / CPCs and address such issues as irresponsible drinks promotions, availability of free drinking water, age verification policies. Where valid representations are received and maintained, the application will normally be determined at a hearing before the Council’s Licensing Committee. [The term ‘the Committee’ is used throughout this Policy, and shall be deemed to refer to the Council’s Licensing and Gambling Committee, or Sub-Committee thereof unless otherwise stated.]
- 4.7** The Committee will then assess whether the application would result in the Licensing Objectives being undermined to such an extent that the application should be refused, or whether it would be possible to grant the authorisation subject to such conditions as are felt appropriate by the Authority.
- 4.8** Conditions will reflect the general principles set out in the Guidance. They will be tailored to the size, style, characteristics and activities taking place at the premises concerned and will be focused on matters that are within the control of individual licensees and others granted relevant authorisations. Accordingly, these matters will centre on the premises and places being used for licensable activities and the vicinity of those premises and places.
- 4.9** In addressing such matters, consideration will primarily focus on the direct impact of the activities taking place at the licensed premises on members of the public living, working or engaged in normal activity in the area concerned. Whilst the imposition of standardised conditions is prohibited as being disproportionate and burdensome, the Authority will use standard wording when applying conditions in similar situations. This is done to promote consistency of approach.

#### ***Authorisations or permissions***

- 4.10** The Act provides for four different types of authorisation or permission, as follows:
- Premises licence – to use premises for licensable activities;
  - Club premises certificate – to allow a qualifying club to engage in qualifying club activities as set out in Section 1 of the Act;
  - Temporary Event Notice (TEN) – to carry out licensable activities at a temporary event;
  - Personal licence – to sell or authorise the sale of alcohol from premises in respect of which there is a premises licence.

### ***Prevention of Crime and Disorder***

- 4.11** Whilst the Authority considers the Police to be the main source of advice on crime and disorder, it will also seek to involve the Community Safety Partnership (CSP) in its holistic approach to licensing. The duty of the Authority under Section 17 of the Crime and Disorder Act 1998 is in addition to its duty under Section 4 of the Act to promote the prevention of crime and disorder. The Authority is therefore committed to supporting its partnership work in the fight against crime and disorder in West Lancashire. Accordingly, the Authority strongly encourages businesses to actively participate in local Pub Watch schemes, as these have proven to improve communication and therefore help to secure and / or promote the Licensing Objectives.
- 4.12** Licensed premises, especially those offering late night entertainment, alcohol and refreshment can be a source of crime and disorder problems. Therefore, the Authority will have particular regard to the likely impact on licensing related crime and disorder within the Borough, particularly when considering the location and impact of any application or existing authorisation.
- 4.13** National and local (available at [www.saferlancashire.co.uk](http://www.saferlancashire.co.uk)) crime statistics and research indicate that the consumption of alcohol can be a significant contributory factor to levels of crime and disorder. Applicants and existing licence holders will be expected to demonstrate in their Operating Schedule that sufficient measures have been identified, implemented and maintained to address crime and disorder within the premises and also in the vicinity of the premises. Controls must be relevant to the style and characteristics of the proposed activities.
- 4.14** The Authority recognises that only a minority of customers will behave badly and this Policy cannot address issues relating to behaviour of individuals or groups, unless they are in the vicinity of the applicants licensed premises. However, applicants and existing licence holders should note that this Policy is an integral part of a coordinated approach to reducing crime and disorder and they should therefore demonstrate in their Operating Schedules, and day-to-day operations, how they participate in and promote local policies and initiatives.
- 4.15** The Authority will pay equal regard to relevant representations from Responsible Authorities, but will pay particular regard to relevant representations from the Police to determine if the proposed measures are sufficient to reduce the risk of crime and disorder. The Authority will not grant an authorisation where representations have been made by the Police that express serious concern regarding the potential for crime and disorder, unless the applicant can demonstrate compelling reasons why the application should be approved in the light of these representations.
- 4.16** To ensure Operating Schedules adequately address these issues, applicants are advised to seek advice from the Police Licensing Unit before preparing their application (Appendix 2 - useful contacts).

**4.17** The issues in the following list, which is not exhaustive, are particularly relevant to the exercise of the Authority's licensing functions and ones which applicants and existing licensees need to consider:

- The capability of the Designated Premises Supervisor (DPS) or any other person appointed to be in charge of the premises to ensure effective and responsible management of the premises;
- Provision of sufficient numbers of staff and managerial support to run the premises effectively;
- The training given to staff in crime prevention measures. This would include how to identify offences, how to handle potential troublemakers and defuse difficult situations, how to recognise those who are drunk and to prevent sales to those who are drunk or passing alcohol to those who are drunk;
- Physical security features installed in the premises (i.e. location and standard of CCTV equipment);
- Procedures for risk assessing drinks promotions and events, and the plans to minimise such risks;
- Measures to control entry, including the employment of door supervisors licensed by the Security Industry Authority and weapon detection / search facilities;
- Measures to address the risk of drink-spiking;
- Measures to prevent the supply of illegal drugs, including staff training and search and entry policies (such policies also to include the banning of known offenders / targets);
- The participation in local 'Pub Watch' initiatives (where available) and methods to share information with the Police;
- The presence, or otherwise, of sufficient transport facilities to ensure that customers can leave the premises safely and swiftly;
- The use of plastic bottles and glasses and / or toughened glasses;
- Provision of sufficient numbers of toilets (in accordance with the relevant British Standard), which are sufficiently lit, kept clean and well maintained / routinely inspected;
- Adoption of best practice guidance in relation to safer clubbing etc.;
- The use of display materials conveying clear, relevant and consistent messages regarding safe drinking;
- The implications of the Health Act 2006 (smoking ban);
- For premises licensed for late night refreshment – risk assessment of persons congregating outside the premises and the methods to address potential problems.

**4.18** In order to meet the Public Safety and Crime and Disorder objectives, the Council reserves its right to use powers under the Anti-social Behaviour Crime and Policing Act 2014 to designate a Public Spaces Protection Order (PSPO) to address potential problems of anti-social alcohol drinking in public places.

### ***Public Safety***

**4.19** Licence holders have a responsibility to ensure the safety of those using their premises, as a part of their duties under the Act. The provision of Licensable



Activities may involve potential risks to the safety of the public and to persons working at the premises. Additionally, crime and disorder both inside and outside the premises may also compromise public safety. The Authority is committed to ensuring the safety of persons visiting and working in licensed premises. Accordingly, where other legislation fails to make suitable provision to ensure public safety and the Authority's discretion is engaged, the Authority will exercise its licensing functions to secure the safety of members of the public and staff. Accordingly, the Authority expects the standards of safety, which are evidenced by full compliance with the Health and Safety at Work etc. Act 1974 (and associated secondary legislation/guidance) and Fire Safety Legislation. A voluntary commitment in the Operating Schedule to higher standards of safety, such as the use of British Standard Specification accreditation for safety measures, would be encouraged and positively considered.

**4.20** The Authority will pay equal regard to relevant representations from Responsible Authorities, but will pay particular regard to relevant representations from the Council's Technical Officers as well as from Lancashire Fire and Rescue Service (the Fire Service) and the Police to determine if measures proposed are sufficient to ensure the safety of the public. The Authority will not grant an authorisation where relevant representations are made by one of these bodies expressing serious concern regarding public safety, unless the applicant can demonstrate compelling reasons why the application should be approved in the light of these representations.

**4.21** To ensure Operating Schedules adequately address these issues, applicants are advised to seek advice from the Council's Health and Safety Officers (or the Health and Safety Executive, where appropriate), the Fire Service and the Police before preparing their application (Appendix 2 – useful contacts).

**4.22** The issues in the following list, which is not exhaustive, are particularly relevant to the exercise of the Authority's licensing functions and ones which applicants and existing licensees need to consider:

- The safe design and construction of the premises to relevant standards;
- The age, design and layout of the premises. This would include any particular features of the premises that may cause potential problems (i.e. stairwells, fireplaces, roof terraces, uneven flooring, external areas, lighting levels / special effects devices), as well as the necessary means of escape;
- The safe occupancy capacity of the premises, in particular having regard to floor area and means of escape;
- A facility to monitor and control capacity at the premises;
- The nature and duration of the licensable activities provided, in particular the sale of alcohol;
- Customer profile (age, disability etc.);
- The use of door supervisors (licensed by the Security Industry Authority);
- Any necessary heating or cooling of the premises and access to free drinking water;
- The necessary health and safety and fire risk assessments for the premises and other measures to reduce risk to public safety;

- The number of people employed or engaged to secure the safety of all persons attending the premises or event;
- Measures for the appropriate instruction, training and supervision of those employed or engaged to secure the safety of all persons attending the premises or event – including the response to emergencies;
- Where appropriate, noise exposure controls, for both staff and public, which have been detailed in accordance with the appropriate legislation;
- Arrangements to ensure that litter, generated by activities at the premises, does not present a fire hazard;
- The implications of the Health Act 2006 (smoking ban);
- Implementation of appropriate crowd management measures.

**4.23** The Authority will work closely with the Fire Service to assist in assessing/determining an appropriate maximum capacity, where required and not imposed by other legislation, at individual venues. This will be in accordance with the service protocol issued by Fire Service, which is maintained separately from this Policy and is available from the Fire Service using the contact details in Appendix 2.

### ***Prevention of Public Nuisance***

**4.24** Public nuisance is given a statutory meaning in many pieces of legislation. It is however not narrowly defined in the Act and retains its broad common law meaning.

**4.25** The Act enables the Authority and Responsible Authorities, through representations, to consider what constitutes public nuisance and what is appropriate to prevent it in terms of conditions attached to specific PLs and CPCs. In considering the promotion of this Licensing Objective, the Authority and Responsible Authorities focus on the effect of the Licensable Activities at the specific premises on persons living and working (including those carrying on business) in the area around the premises which may be disproportionate and unreasonable.

**4.26** Accordingly, the Authority is committed to ensuring that the operation of licensed premises does not unreasonably interfere with the personal comfort or amenity of immediate neighbours or the nearby community. The impact of night-time activity has caused some considerable concern to residential and business communities in the Borough. The Authority is able to address problems arising from the provision of licensable activities at licensed premises. However, the licensing process can only seek to control those measures within the control of the licensee and in the immediate vicinity of the premises.

**4.27** Where appropriate, the Authority will expect Operating Schedules to satisfactorily address these issues and provide information as to how the relevant nuisances will be prevented. It is essential that such measures, and the appropriate controls, described in the application relate to:

- Noise transmission and escape;
- Potential noise and / or disturbance associated with patrons – for example patrons using outside areas for smoking, or awaiting entry or leaving the premises;
- Potential noise from car parking and transport facilities;
- The use of outside areas;
- Any light pollution risks.

**4.28** Applicants are advised to seek advice from the Council’s Environmental Protection Section before preparing their application (Appendix 2 – useful contacts).

**4.29** In considering all relevant applications, the Authority will assess the impact of the proposed licensable activities and consider the evidence provided by the applicant, and any relevant representations, as to the adequacy of the measures proposed to deal with the potential for nuisance and disorder having regard to all of the circumstances of the application. The issues in the following list, which is not exhaustive, are particularly relevant to the exercise of the Authority’s licensing functions and ones which applicants and existing licensees need to consider:

- The type of activity, its frequency and the number and nature of customers likely to attend;
- Measures taken, or proposed, to prevent noise and / or vibration escaping from within the premises, or from the use of outside areas, given the location of the premises and proximity to residential and other noise sensitive premises (e.g. hospitals, hospices and places of worship). This would include music, ventilation equipment noise and human voice, whether amplified or not;
- Measures taken, or proposed, for management and supervision of the premises and open areas to minimise unreasonable disturbance by customers and staff arriving or leaving the premises, including the delivery of goods and services;
- The proposed hours of operation for all, or part, of the premises;
- The levels, and impact, of public transport available for customers and the likely means of public or private transport to be used;
- Means of access to the premises, including customer entrances and exits on principal pedestrian routes;
- Whether routes to and from the premises pass residential premises;
- The level of car parking on surrounding residential streets and its effects on local residents and traffic movements;
- The cumulative impact of licensed premises in an area and scope for mitigation for or against a Cumulative Impact Policy – should one be declared; (Section 15.0)
- Measures taken, or proposed, to prevent queuing. Where queuing is inevitable, measures to divert queues away from neighbouring premises, or otherwise manage the queue to prevent disturbance or obstruction;
- Arrangements made, or proposed, for security lighting at the premises, and the steps the applicant has taken or proposes to take to ensure that lighting will not cause a nuisance to residents;

- Whether the premises would result in increased refuse storage or disposal problems or additional litter in the vicinity of the premises, including measures taken to ensure collection of litter and disposal of litter and waste outside the premises;
- Measures to be taken to reduce drunkenness on the premises;
- If appropriate, a 'wind down' period between the end of the licensable activities and closure of the premises;
- Methods to promote access to local public transport;
- The implications of the Health Act 2006 (smoking ban) and the potential for disturbance by patrons using external areas for smoking;
- The times at which 'bottling up' or waste disposal is undertaken;
- A 'last admission time' policy.

**4.30** The extent to which the above matters need to be addressed will be dependent upon the nature of the area where the premises is situated, the type of premises, the licensable activities to be provided, operational procedures and the needs of the local community. In general, the Authority will expect more comprehensive measures to be in place at late night entertainment venues or in premises with a history of public nuisance problems.

**4.31** The Authority will pay equal regard to relevant representations from Responsible Authorities, but will pay particular regard to relevant representations from the Council's Technical Officers, as well as the Police, to determine if measures proposed are sufficient to reduce the risk of public nuisance. The Authority will not grant an authorisation where representations are made by one of these bodies expressing serious concern regarding the potential for public nuisance, unless the applicant can demonstrate compelling reasons why the application should be approved in the light of these representations. Such representations can include previous noise and / or statutory nuisance complaints and any formal action taken.

**4.32** Where appropriate, applicants and existing licensees will be expected to propose practical steps to prevent nuisance to local residents and have regard to the 'Good Practice Guide on the control of Noise from Pubs and Clubs' produced by the Institute of Acoustics and / or other suitable available guidance that is to the satisfaction of the Authority. In relation to noise from within the building, and where appropriate, the Authority will expect the applicant to have carried out sound tests to ascertain whether there is sound leakage. Noise problems may not only relate to music, but also to ventilation equipment or customers. If there is sound leakage, the Authority will expect this to have been addressed in practical ways, such as:

- Keeping doors and windows closed and providing adequate mechanical ventilation, or if appropriate, air conditioning;
- Understanding the implications of the weather on the above point and making suitable contingencies;
- Reducing sound levels and installing a sound limiting device to prevent sound exceeding the appropriate level;
- Installing soundproofing measures to contain sound and vibration.

**4.33** In premises where customers leave the premises late at night, or early in the morning, if appropriate, the Authority will expect the applicant to have included in the Operating Schedule such practical steps as:

- Erecting prominent notices at the exits to the premises asking customers to leave quietly and not to slam car doors;
- At appropriate times making suitable loud speaker announcements to the same effect;
- Instructing door supervisors (licensed by the Security Industry Authority) to ask customers leaving the premises to leave the area quietly;
- Reducing the volume of music towards the end of the evening and where appropriate playing quieter, more soothing music as the evening winds down;
- Improving availability of licensed hackney carriages or private hire vehicles to take customers from the premises;
- Where appropriate, requiring door staff (licensed by the Security Industry Authority) to monitor adjacent streets to assess for themselves whether there is a noise problem and how best to deal with it (having regard to only operating controls within the vicinity of the premises);
- Refusing entry to people who regularly leave in a noisy manner;
- The supervision of any queues so as to keep noise and disturbance to a minimum;
- The implications of the Health Act 2006 (smoking ban) and the need to take action to control potential disturbance by patrons using external areas for smoking.

#### ***Protection of Children from Harm***

**4.34** Activities associated with premises that sell alcohol or provide regulated entertainment may, in certain circumstances, give rise to concerns for the health and welfare of children (a child for the purpose of this Policy is any person under the age of 18).

**4.35** The Authority recognises Lancashire County Council Social Services Safeguarding Children's Board as being competent to advise on matters relating to the protection of children from harm (Appendix 2 – useful contacts). The Authority will pay equal regard to relevant representations from Responsible Authorities, but will pay particular regard to relevant representations from Social Services to determine if measures proposed are sufficient to reduce the risk to children. The Authority will not grant an authorisation where representations are made by this organisation expressing serious concern regarding the potential for harm to children, unless the applicant can demonstrate compelling reasons why the application should be approved in the light of these representations.

**4.36** The Authority will not seek to limit the access of children to any premises unless it is necessary for the prevention of physical, moral or psychological harm. In all other cases it will be left to the discretion of the licensee. The Authority is committed to protecting children from harm and applicants will therefore need to demonstrate how they will promote this Licensing Objective – including any necessary supervision / safeguarding arrangements and relevant staff training. Where

appropriate, conditions preventing or restricting the admission of children will be imposed. The Authority will not, however, impose any condition that requires the admission of children to licensed premises.

**4.37** It is an offence to allow unaccompanied under 16s into primarily drinking venues. However, the Authority recognises that family friendly premises typically experience fewer problems of crime, disorder and public nuisance. The issues in the following list, which is not exhaustive, are particularly relevant to the exercise of the Authority's licensing functions and ones which applicants and existing licensees need to consider:

- What measures have been put in place to create a safe, child-friendly environment;
- How vigilance regarding the sale of alcohol to under 18s, to those who are drunk and to those passing on drinks to under 18s / those who are drunk is maintained;
- Controls preventing those who are drunk from gaining entry to the premises and methods employed to require those who become drunk on the premises to leave;
- The specification of areas, activities and times that are suitable for children instead of merely placing restrictions on access to those areas, activities and during those times that are appropriate.

**4.38** It is obviously not possible to properly anticipate every issue of concern that could arise in respect of children with regard to individual premises, therefore each application will be considered on its individual merits. However, where appropriate, applicants will be expected to demonstrate, and provide evidence that, suitable controls are in place. Such areas of particular concern in respect of children would include premises where:

- There have been convictions of members of the current staff at a given premises for serving alcohol to minors or with a reputation for underage drinking;
- There is a known association with drugs, drug taking or drug dealing;
- (Without prejudice to the controls set out in the Gambling Act 2005) there is a strong element of gambling on the premises;
- There is entertainment or services of an adult or sexual nature. This would include controls ensuring that underage persons cannot enter the premises and the prevention of advertising (including the use of photographs or visual images) such entertainment outside or in the vicinity of the premises. It should also be noted that the Council has passed a resolution that the amendments made by Section 27 of the Policing and Crime Act 2009 to Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 be adopted and shall apply to the Borough of West Lancashire. A Sexual Entertainment Venue Policy is maintained separately from this Policy. More information can be obtained from the Licensing Service using the contact details in Appendix 2;
- There is risk of being exposed to incidents of violence or disorder;
- There is a risk of child sexual exploitation;

- There is risk of being exposed to excessive noise;
- There is risk of being exposed to other specific hazards including falls from height;
- There is a risk of purchasing cigarettes from vending machines;
- The supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided at the premises.

**4.39** Where appropriate, and taking account of the above information and the controls contained in the Gambling Act 2005, in premises where there are suitably permitted gaming machines, the Authority will expect Operating Schedules to demonstrate the measures to be taken to prevent access by children in accordance with the Gambling Act 2005. The Authority will also expect that where there is access by children, all such machines are located within sight of bar staff so to prevent their use by children.

#### *Under age / proxy sales*

**4.40** Applicants and existing licensees must have satisfactory arrangements in place to prevent underage alcohol sales. The issues in the following list, which is not exhaustive, are particularly relevant to the exercise of the Authority's licensing functions and ones which applicants and existing licensees need to consider:

- The adoption of a well-publicised Challenge 21 policy (i.e. asking those who appear to be under 21 to produce appropriate ID proving they are over 18 before considering serving them);
- The refusal of service to those believed to be passing on alcohol to under 18s (except where over 18s are buying beer, wine or cider for 16 or 17 year olds for consumption with a table meal);
- The provision of appropriate accredited staff training on the law relating to alcohol and those aged under 18 (e.g. a 'Responsible Retailing' course);
- Methods to ensure sufficient staffing and managerial support to monitor outside areas and to make the identification of those passing on drinks to under 18s practicable;
- How instances of potential proxy sales are reported to the Police;
- The use of a 'refusal book' to record details of instances where staff have refused a customer thought to be under age;
- The use of CCTV to assist the above controls;
- Where necessary, the use of an identified child 'safeguarder'.

**4.41** To ensure compliance with underage and proxy sales legislation, test purchasing initiatives will be conducted with liaison with the Police and / or Lancashire County Council Trading Standards, which will be coordinated via the Council's Multi Agency Licensing Team (MALT) (Section 14.0).

## **5.0 Integration Strategies**

### *General*

- 5.1** There are a large number of stakeholders affected by the Act, covering a wide range of disciplines. Many are involved, directly or indirectly, in the promotion of the Licensing Objectives, particularly those relating to the prevention of crime and disorder and public nuisance. Accordingly, there is a range of strategic influences and statutory controls which affect the licensing regime in terms of policy formulation, administration and enforcement activities. The Authority will seek to have an active involvement in the development and review of these and all other related Council strategies by ensuring an appropriate exchange of dialogue between the Authority and other relevant regimes. Such involvement may result in the imposition of conditions and formulation of policies supporting the relevant strategies where appropriate.
- 5.2** Therefore, whilst many of the issues arising from licensable activities will be under the remit of one or more of the Responsible Authorities, the Authority will use the MALT (Section 14.0) to ensure that appropriate liaison arrangements are in place to ensure proper integration of local crime prevention, planning, local transport (including taxis, buses and rail), tourism, equality, economic and cultural strategies.

### *Planning and Building Control*

- 5.3** Planning, building control and licensing regimes will be properly separated to avoid duplication and inefficiency. The proposed development / provision of licensed premises involves an assessment of the planning merits of the scheme and therefore is a matter for the Council's Planning Committee and the market, not the Authority or this Policy.
- 5.4** The granting of an authorisation / permission will not override any requirement of the planning system or vice-versa. The licensing system will provide for the detailed control of operational matters, which are unlikely to be addressed through planning processes. However, there will be overlapping issues of interest (e.g. disturbance) which will remain material considerations for planning purposes as well as being relevant in terms of the Licensing Objectives. Applicants and existing licensees should ensure that they have due regard to any planning restrictions on the use of premises to avoid any possible enforcement action.
- 5.5** The Act does not prevent an application being submitted before any relevant planning permission has been sought or granted. However, it is advisable to only submit licensing applications for businesses with planning permission or that are lawful for other reasons. The planning consent or other reason for the use being lawful in planning terms should be demonstrated in the supporting documentation in the PL or CPC application. Therefore, prospective applicants must be aware of potential breaches of legislation arising from the decision process of both regimes. This is particularly pertinent in relation to opening hours. For example, if a closing time has been set through the planning regime, which is different from the time set through the licensing regime, the applicant must observe the earlier closing time. Similarly, where the variation of an authorisation involves a material alteration to a



building, this does not relieve the applicant of the need to obtain the relevant planning or building control permissions.

- 5.6** To preserve these arrangements, Officers involved in the planning regime will be kept regularly appraised of licensed premises within the Borough through the MALT meetings (Section 14.0).

*Electronic applications*

- 5.7** All applications and relevant provisions under the Act, with the exception of applications for, and renewals of, Personal Licences, reviews and representations, can be accessed at [www.gov.uk](http://www.gov.uk) or [www.westlancs.gov.uk/licensing](http://www.westlancs.gov.uk/licensing)

- 5.8** Plans, for written and electronic applications, will not be required to be submitted in any particular scale, but they must be in a format which is 'clear and legible in all material respects', i.e. they must be accessible and provide sufficient detail for the Authority to be able to determine the application, including the relative size of any features relevant to the application. There is no requirement for plans to be professionally drawn as long as they clearly show all the prescribed information.

*Promotion of equality*

- 5.9** This Policy recognises that the Equality Act 2010 places a legal obligation on the Authority to have due regard to the need to eliminate unlawful discrimination, harassment and victimisation; to advance equality of opportunity; and to foster good relations, between persons with different protected characteristics. The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, and sexual orientation. All reports submitted to the Committee contain an Equality Impact Assessment Form, which aims to highlight any such issues relevant to the report and the matter to be determined.

## **6.0 Administration, Exercise and Delegation of Functions**

- 6.1** The Authority is involved in a wide range of licensing decisions and functions and the Licensing and Gambling Committee will administer this responsibility, where required by the Act. This Committee consists of 15 elected Members and has 1 chairman and 1 vice chairman. This Committee is further divided into a Sub-Committee of 3 elected Members.
- 6.2** A meeting of the full Licensing and Gambling Committee will be held when it is considered necessary to review the contents of this Policy, to comply with any requirements of the Act or to determine any other matter of relevance to the Authority.
- 6.3** The Sub-Committee will sit to hear applications for authorisations as required in the Act. In practice this will mean those applications that have attracted relevant representations from an Interested Party and / or Responsible Authority or a Review of an existing authorisation.
- 6.4** Applications that do not attract relevant representations are determined under delegation to the Corporate Director of Place & Community. Table 6.8a summarises this delegation procedure.
- 6.5** Where a representation is considered to be irrelevant, repetitious, frivolous or vexatious, the Authority will inform the author of the representation in writing and give reasons for this decision. The Authority will also inform the applicant and / or licensee when such a decision is taken.
- 6.6** In exceptional circumstances it may be appropriate for the Licensing Sub-Committee to refer any matter that it is unable to deal with because of the number of its Members who are unable to take part in the consideration or discussion of any matter on any question with respect to it, to the Licensing and Gambling Committee.
- 6.7** In exceptional circumstances it may be appropriate for the Licensing and Gambling Committee to refer any matter that it is unable to deal with because of the number of its Members who are unable to take part in the consideration or discussion of any matter on any question with respect to it, to the Licensing Authority, which in normal circumstances will mean Full Council.
- 6.8** All decisions made by either the Licensing and Gambling Committee, a Sub-Committee thereof or the Corporate Director of Place & Community will be confirmed in writing to the applicant and any person who has made a relevant representation forthwith or within the requirements of the Act, relevant Regulations or the Guidance.

**Table 6.8a - delegations**

Matter to be dealt with	Delegated authority to:	
	Licensing Committee	Corporate Director of Place & Community
Application for a Personal Licence	If a Police objection is made	If no objection is made
Application for a Personal Licence with unspent convictions	All cases	-
Application for a PL / CPC	If a relevant representation is made	If no relevant representation is made
Application for a Provisional Statement	If a relevant representation is made	If no relevant representation is made
Application to vary a PL / CPC	If a relevant representation is made	If no relevant representation is made
Application to vary Designated Premises Supervisor	If a Police objection is made	All other cases
Request to be removed as Designated Premises Supervisor	-	All cases
Application for transfer of a PL	If a Police objection is made	All other cases
Applications for Interim Authorities	If a Police objection is made	All other cases
Application to Review a PL / CPC	All cases	-
Decision on whether a representation is irrelevant, frivolous, vexatious, etc.	-	All cases
Decision to object when local authority is a consultee and not the relevant authority considering the application	All cases	-
Determination of an objection to a Temporary Event Notice	All cases	-
Determination of application to vary premises licence at community premises to include alternative licence condition	If a Police objection is made	All other cases
Decision whether to consult other responsible authorities on minor variation application	-	All cases
Determination of minor variation application	-	All cases

## **7.0 Applications, notifications and determination**

**7.1** The procedure and documentation required for the various applications and notices is prescribed by the Act and Regulations. Failure to comply with the statutory requirements may result in an application or notice being invalid and / or rejected. Further advice on these processes is available from [www.gov.uk](http://www.gov.uk) or the Licensing Service using the contact details in Appendix 2.

### *Representations*

**7.2** Making a comment relating to any application or notification is called a ‘representation’, but not everyone has the right to make a representation. There is a prescribed period from the time the Authority receives an application for representations to be received. This is usually 28 days but varies depending on the type of application under consideration. Representations can include positive / supportive comments as well as objections.

**7.3** Responsible Authorities (Appendix 2 – useful contacts) and Interested Parties (including members of the public, businesses or their representatives) can submit a representation whenever the Authority receives an application for a new PL or CPC, for a full variation to an existing authorisation or an application for a Review. In addition, certain Responsible Authorities (but not Interested Parties) can also make representations on other types of applications and notifications such as applications for Personal Licences or notifications for temporary events. With the exception of a minor variation application, if no representations are received, the Authority must grant the application as applied for (including where appropriate any conditions volunteered by the applicant,) and events become authorised.

**7.4** Applications where only the Police have a right to make representations on limited grounds (for example transfer of licences, transfer of Designated Premises Supervisor etc.) are not covered by this Policy but will be determined on their own individual facts.

**7.5** All representations should relate to the likely effect of the application on the promotion of at least one or more of the Licensing Objectives. Any representation that fails to do this will be considered as ‘irrelevant’ for the purposes of the Act. Therefore, it is important to note that Responsible Authorities or Interested Parties who submit representations cannot expect their views to be automatically taken into account. Representations must be based on the requirements of the law before they can be accepted as relevant. Responsible Authorities or Interested Parties (and members of the public in particular) have a vital role in the licensing process, but this cannot be in contradiction with legislation, natural justice and decided case law.

**7.6** Representations must be made in writing to the Licensing Service (Appendix 2 – useful contacts). Representations may be made by email as long as the email contains the name and address of the person (or body) making the representation.

- 7.7** Representations cannot normally be made anonymously, even if a local MP, councillor or organisation etc. is making the representation on behalf of another. This is because the Authority needs to be satisfied that the representation is not irrelevant, frivolous, vexatious or repetitious. It is also important that an applicant is able to respond to a representation; for example, if they believe that it is not a 'relevant' representation. If Interested Parties are concerned about possible intimidation or other repercussions, they could consider approaching the Police or another appropriate Responsible Authority, which could make a representation on their behalf - so long as the Responsible Authority was satisfied with the available evidence. Where the Authority considers that an Interested Party has a genuine and well-founded fear of intimidation and may be deterred from making a representation on this basis, it may decide to withhold some or all of the person's personal details from the applicant, giving only minimal details (such as street name or general location within a street). However, withholding such details will only be considered where the circumstances justify such action.
- 7.8** Representations will be determined on their own merits as to whether they are considered to be relevant, frivolous, vexatious or repetitious.
- 7.9** The content of each representation will form part of a report to the Committee. Responsible Authorities and / or Interested Parties must note that such reports are public documents and therefore subject to public scrutiny. Any matters of a confidential nature should be considered carefully. The Authority will remove any personal information from its reports; however the specific details of all representations must be given to the applicant, including the name and address of each representation. Where the Authority considers a representation to be libellous, it will ask for the representation to be reworded. If the representation is not suitably reworded, the Authority reserves the right to refuse to publish the representation.

*Representations submitted on behalf of others (including MPs, Councillors and community / residents associations etc.)*

- 7.10** It must be clear who has submitted any representation. Community / residents associations may submit a representation on behalf of its members; however, these must state the names and addresses of all persons who wish to be party to the representation. Accordingly, each person who wishes a representation to be submitted on their behalf should make their request in writing so that the individual / organisation can demonstrate the origin of the representation and the permission to address the Authority on their behalf. It will be a matter for the MP, Councillor, community / residents association etc. to decide whether they should agree to such requests. However, it should be noted that Councillors who are part of the Committee hearing a specific application will not be able to enter into discussions with any person about that application, outside of the formal hearing.

### *Content of representations*

**7.11** Any representation must provide the following information as a minimum:

- The name and address of the person (or body) making the representation;
- The grounds for the representation, including supporting evidence;
- The signature of the person (or representative of the body) making the representation;
- The date the representation was made.

**7.12** There is no requirement to produce a recorded history to support a representation, which of course would not be possible for new premises. However, it will assist the Authority if representations are specific to the premises and evidence based. The Authority must be satisfied that there is an evidential and causal link between the representations made, and the effect on the Licensing Objectives, in order to place any restrictions upon any premises. In borderline cases, the benefit of the doubt about any aspect of a representation will be given to the person making that representation.

**7.13** Whilst Regulations allow for further information to be put forward at any subsequent hearing, that material must relate to the initial representation. It is therefore vitally important that as much detail and evidence as possible is included at the time the representation is made. Representations made without supporting detail and evidence may be viewed as frivolous or vexatious and disregarded.

**7.14** In the case of Reviews, it should be noted the evidence must be specific to the given premises. For example, evidence regarding the nuisance caused by patrons returning home would need to prove that this problem came from the premises in question and the reason that patrons are causing a nuisance is that the licence holder was not implementing suitable controls.

**7.15** With regard to applications to vary existing authorisations, the Authority can only consider the part(s) of the authorisation proposed to be amended. Accordingly, any representations that do not relate to the variation, or are not linked some way to what the authorisation holder is asking to be changed, will be considered irrelevant and the representation dismissed.

### *Determination of applications – Licensing Principles*

**7.16** The matters which can be taken into account once the Authority's discretion has been engaged vary depending on the type of application / notification concerned. These matters are discussed in Sections 8.0, 9.0 and 10.0. The text in bold type within each section states the Authority's discretionary rules in relation to these matters – these are called 'Licensing Principles'. The reason for each Principle is shown in bold italics.

**7.17** The Licensing Principles contained in this Policy are discretionary and are distinct from the statutory Licensing Objectives contained in the Act. Whilst applicants are not obliged to meet any of the Licensing Principles in their Operating Schedules, they may find that Responsible Authorities and other persons and businesses are more likely to raise representations if they do not. This can lead to a delay with the

application having to be considered by the Committee, which may then either refuse the application or impose conditions if the application is not found to sufficiently promote the Licensing Objectives and meet this Policy. On appeal, the Court is also obliged to have regard to the terms and requirements of this Policy and can only depart from it if it has good reason.

- 7.18** Any reference made to the imposition of conditions refers to conditions imposed in accordance with the requirements of the Act.

## **8.0 Consideration of Premises Licences (PL) & Club Premises Certificates (CPC)**

- 8.1** A PL or CPC is required for any premises where it is intended that a licensable activity (not otherwise authorised by a Temporary Event Notice) should take place. Applications for new PLs or CPCs, or variations of the same, should be made in accordance with the Act and relevant Regulations. Applications should also take account of the discretion of this Authority as detailed in this Policy. The application should clearly and precisely identify the steps by which the applicant intends to meet the Licensing Objectives. Therefore, the information contained in the Operating Schedule should address practically how the proposed steps (and associated controls) are to be achieved.
- 8.2** The process of applying for new PL or CPC and full variations of current PLs or CPCs are dealt with in same way and involve serving the application on all Responsible Authorities and advertising the application in the prescribed way. If representations are received (and are not subsequently withdrawn following negotiation) the matter will be heard by the Committee.
- 8.3** In order for a representation to be accepted by the Authority it must be considered 'relevant', that is it should be positively tied or linked by a causal connection to the application premises and should relate to one or more of the Licensing Objectives. In most cases, the Act creates a presumption that applications will be granted unless a valid representation is raised. An application will then be determined by the Committee unless the issue that lead to the representation can be negotiated to an agreed conclusion between the parties. The Licensing Service will seek to facilitate mediation between parties in such cases.
- 8.4** The Authority will also seek to facilitate mediation between licensees, relevant agencies, other persons and businesses where significant issues have arisen relating to an existing authorisation. This will not override the right of any, person or business from making an application for the Review of a PL or CPC. However, where possible and appropriate, the Authority expects Responsible Authorities, other persons and businesses to give early notice to PL / CPC holders of any concerns about problems identified at a premises and of the need for improvement. It is expected that requests for a Review of any authorisation will be sought only if such notice has failed to resolve the matter or problem.
- 8.5** Where representations are received, the characteristics of an area and the impact that the premises may have upon that area in terms of the promotion of the Licensing Objectives will be a fundamental consideration in determining whether a licence should be granted and, if so, what conditions should be attached to it.

### *Minor variations*

- 8.6** The process for a Minor Variation to a current PL or CPC is different. Minor Variations are those which should not have a material effect on the way in which the premises are operated. For example, Minor Variations can be used to:
- Vary times of licensable activities (but not to increase the hours when alcohol can be sold);



- Make minor structural alterations to the premises (which are to be reflected by an amendment to the Licence Plan);
- Add or remove conditions from the authorisation.

**8.7** The granting of a Minor Variation is determined by Officers after consultation with those Responsible Authorities affected. If the application is refused, the applicant can still apply to make the same changes under the full variation process.

***Licensing Principle 1***

**8.8** **The Authority expects to see evidence of the effective and responsible management of the licensed premises, the effective instruction, training and supervision of staff and the adoption of best practice being specifically addressed within the Operating Schedule.**

***REASON: To ensure the promotion of the Licensing Objectives.***

**8.9** Licensing law is not the primary mechanism for the general control of the antisocial behaviour of patrons once they have left the vicinity of the licensed premises, rather it is part of a holistic approach to the management of such issues.

**8.10** Where appropriate, the Authority will seek to identify mechanisms that are available to address the potential impact of anti-social behaviour arising both in respect of the management and operation of licensed premises themselves and that arising once patrons leave the licensed premises. Regard will be made to the Guidance in this respect and the following may be employed to address such behaviour and the potential for Cumulative Impact:

- Planning controls;
- Measures to create a safe and clean town centre environment in partnership with local businesses, transport operators and other Council departments;
- The provision of CCTV surveillance, taxi ranks, provision of public conveniences open late at night, street cleaning and litter patrols;
- Powers of Local Authorities to designate parts of the Local Authority area as places where alcohol may not be consumed publicly;
- Police enforcement of the general law concerning disorder and anti-social behaviour, including the issuing of Fixed Penalty Notices;
- Prosecution for the offence of selling alcohol to a person who is drunk (or allowing such a sale);
- Police powers to close down instantly for up to 24 hours (extendable to 48 hours) any licensed premises in respect of which a TEN has effect on grounds of disorder, the likelihood of disorder or noise emanating from the premises causing a nuisance;
- The power of the police, other Responsible Authorities or other persons to seek a review of a licence or a certificate;
- Any other local initiatives that similarly address these problems.

***Licensing Principle 2***

**8.11** **When preparing or considering applications, Applicants, Responsible Authorities, Interested Parties and the Authority should, where appropriate, take into account**

**the following matters in assessing both the potential for the Licensing Objectives to be undermined and the appropriateness of, any conditions which may be offered or imposed on any resulting licence, certificate or permission:**

- The nature of the area within which the premises are situated;
- Any measures proposed by the applicant as outlined in the Operating Schedule;
- The nature (principally in terms of the age and orderliness) and number of any customers likely to attend the licensed premises;
- Means of access to and exit from the premises;
- Transport provision in the area and the likely means of public or private transport that will be used by customers either arriving or leaving the premises;
- Parking provision in the area;
- The cumulative impact of licensed premises in an area and scope for mitigation; (Section 15.0)
- The precise nature, type and frequency of the proposed activities;
- Other means and resources available to mitigate any impact;
- Such other matters as may be relevant to the application.

***REASON: To ensure that all relevant matters are taken into consideration during the application process.***

**8.12** Levels of noise from licensed premises, which may be acceptable at certain times of day, may not be acceptable later in the evening or at night when ambient noise levels are much lower. The impact of customers arriving, queuing and leaving should be confined to principal pedestrian routes as far as possible. The impact of noise arising from patrons that are temporarily outside the premises (e.g. smoking) must be recognised and mitigated against.

**8.13** Applicants should carefully consider the hours that they will wish to operate for each licensable activity and when to close their premises for the entry of customers and to require them to leave. They should consider each licensable activity separately and carefully, and reflect this in their Operating Schedule. Shops, stores and supermarkets will normally be permitted to sell alcohol and / or late night refreshment at any time when they are open for shopping unless there are good reasons related to the promotion of the Licensing Objectives for restricting these hours. Applicants applying for new off-licences in residential areas should carefully consider the hours that they are applying for and, the Authority encourages and expects applicants to limit their terminal hour 23:00 in such circumstances so as to reduce the impact of noise and antisocial behaviour on the community.

**8.14** Applicants should consider the benefits of stopping serving alcohol before other licensable activities stop and a suitable time before the premises close and customers must leave. In noise sensitive areas, operators should consider ceasing the playing of dance music and switching to quieter, slower tempo music with a less pronounced beat for a period prior to the closure of the premises.

- 8.15** Applicants should also consider making arrangements with local transport operators to provide information to customers to ensure they can access public transport and leave the vicinity of the premises quickly by the most appropriate route.
- 8.16** The Authority is mindful of the responsibilities that licence holders have for preventing antisocial behaviour on their premises and within the vicinity. The Authority must, however, also bear in mind its statutory duty under the Crime and Disorder Act 1998 to do all it can to prevent crime and disorder in the Borough. Where appropriate, conditions will be imposed which reflect local Crime Prevention Strategies.
- 8.17** Applicants are expected to have carried out the relevant risk assessments under other legislation (e.g. fire precautions, health and safety at work, etc.) prior to submitting their applications. These risk assessments should be used to identify particular issues which may need to be addressed in the Operating Schedule in order to ensure that the Objectives will not be undermined.
- 8.18** In some cases it may be helpful for applicants and / or their advisors to discuss the draft Operating Schedule with Council Officers and representatives of Responsible Authorities, before it is formally submitted. This will help ensure it properly addresses all relevant issues that might give rise to concern.
- 8.19** Any conditions imposed by the Authority will be focused on matters that are within the control of individual licensees and others in possession of relevant authorisations. Consideration will primarily be given to the direct impact of the licensed activity on those who live, work or are engaged in business or other activities in the area concerned. Any condition attached to a PL or CPC should be:
- Clear;
  - Enforceable;
  - Evidenced;
  - Proportionate;
  - Relevant;
  - Expressed in plain language capable of being understood by those expected to comply.
- 8.20** Applicants and those making representations should bear these principles in mind when suggesting conditions to be attached to an authorisation.

### ***Licensing Principle 3***

**8.21** Where representations have raised concerns in respect of individual premises and it is felt that access of children should be restricted, the Authority will consider imposing conditions which may include the following:

- Limitations on the hours when children may be present;
- Age limitations for persons under 18;
- Limitations or exclusion when certain activities are taking place;
- Full exclusion of persons under 18 when certain licensable activities are taking place;
- Limitations of access to certain parts of the premises for persons under 18;
- A requirement for an accompanying adult to be present.

***REASON: To protect children from harm.***

**8.22** The issues and related concerns relating to the presence of children in licensed operations are provided in Section 4.0.

## 9.0 Consideration of Personal Licences

9.1 A Personal Licence is granted to an individual that authorises the sale and supply of alcohol in accordance with a PL. Applications for Personal Licences must be made to the Authority if the applicant is normally resident in the Borough of West Lancashire. All Personal Licences granted by the Authority must also be renewed with the Authority, until the Personal Licence lapses, is surrendered or revoked.

9.2 Where an applicant for a Personal Licence has relevant convictions, a licence will still be granted unless the Police lodge an objection within the prescribed period that states that the granting of the licence would undermine the Licensing Objectives. In such circumstances the application will be considered at a hearing of the Committee.

### ***Licensing Principle 4***

9.3 **In determining initial and renewal applications for Personal Licences where the Police has lodged an Objection Notice, the Authority will take the following matters into consideration:**

- The circumstances in which the offences were committed;
- The period that has elapsed since the offence(s) were committed;
- Whether the offences reveal a pattern of offending or were a one off occurrence; and
- Any mitigating circumstances.

The Authority will reject the application unless the applicant can show exceptional and compelling grounds and that it is unnecessary to do so in order to promote the Crime Prevention Objective.

***REASON: Prevention of crime is both an objective of the Act and an important responsibility of the Authority under the Crime and Disorder Act 1998. Granting a licence to a person with relevant convictions will in many cases undermine rather than promote the Crime Prevention Objective.***

9.4 Where a Personal Licence holder is convicted of a relevant offence, the Court may order that the licence be forfeit. If an applicant is convicted of a relevant offence during the application period and this only comes to light after the licence has been granted or renewed, then the Authority must notify the Chief Officer of Police and if an objection notice is lodged within the relevant period a Hearing will be held to determine whether the licence should be revoked.

## **10.0 Consideration of Temporary Event Notices**

**10.1** There are two types of types of Temporary Event Notice (TEN) - a Standard TEN and a Late TEN. A standard TEN must be served no later than ten working days before the event to which it relates and this does not include the day it is given or the day of the event, and a late TEN is served no more than nine and not less than five working days before the event to which it relates.

**10.2** Whilst the Authority recognises that a standard TEN may be served at least ten clear working days prior to the commencement of a Permitted Temporary Activity (the event), the Guidance encourages a locally established preferred period of notice. There is a case for not serving such Notices too early as this could make it difficult for a sensible assessment to be made of the implications of such an event on the Crime and Disorder and Prevention of Public Nuisance Licensing Objectives.

**10.3** Accordingly, the Authority considers that a reasonable period of notice for the service of a standard TEN is 28 days. In any event, a standard TEN should not be served any more than 3 months before the event is due to take place. An exception is made for large or complex events where a greater period of time to adequately plan the event would be required.

**10.4** Persons serving TENs must also serve a copy notice on the Police and the Responsible Authority for Environmental Health functions i.e. the Council's Environmental Protection section.

**10.5** Only the Police and Environmental Health Officer have the right to make representations in respect of TEN. In the event of representations being received from either, the Authority's powers are limited to either allowing the event to:

- Proceed as notified;
- Serve a Counter Notice to render the event unauthorised;
- In cases where the notification relates to premises which are already licensed, to applying any relevant conditions on the licence to the event.

### *Temporary Structures*

**10.6** The Authority has adopted the provisions of Section 35 of the County of Lancashire Act 1980 which must be followed when dealing with applications relating to temporary structures.

**10.7** It should be noted that the giving of a TEN does not relieve the premises user from any requirements under planning law for appropriate planning permission where it is required.

**10.8** More information can be obtained from the Licensing Service using the contact details in Appendix 2.

## **11.0 Hearings**

**11.1** A Hearing will be arranged to deal with any applications that have attracted representations and which cannot be dealt with under delegated powers or resolved by agreement between applicants and Interested Parties and / or Responsible Authorities. The details of the specific Hearing will be provided in the format of a report to the Committee which will contain all the relevant information to the case. Copies of this report will be provided to all parties to the Hearing.

**11.2** Each case will be determined on its individual merits and the Authority will give appropriate weight to:

- The Act and relevant Regulations;
- The steps appropriate to promote the Licensing Objectives;
- The Licensing Officer's report;
- The information provided by all parties to the Hearing;
- The Guidance;
- This Policy.

**11.3** Hearings will be held at the earliest possible date having regard to the Regulations and the laws of natural justice. The Committee will conduct a quasi-judicial consideration of the application and relevant representations. Members of the Committee will carefully consider their position should they be requested to hear a matter which occurs in their own Ward.

**11.4** A legal advisor, advocate or a friend may represent any party to the Hearing, where such individuals choose not to represent themselves. Accordingly, in an effort to assist all parties when preparing for and participating in a Hearing, the Authority has prepared a Hearing procedure. This procedure will be adhered to in all Hearings, a copy of which will be provided to all parties in advance of the Hearing. This Hearing procedure is maintained separately from this Policy and is available from the Licensing Service using the contact details in Appendix 2.

**11.5** Whilst the Committee will usually meet in public, they do have the power to hear certain applications in private. Where this is required all parties to the Hearing shall be informed.

**11.6** The Authority will aim to provide all parties to the hearing with the decision in writing within five working days of the date of the hearing. The decision determined by the Committee will be accompanied with clear reasons for the decision, having regard to the Licensing Objectives and all relevant legislation.

**11.7** The decision of the Committee may involve the imposition of conditions on authorisations. Any such condition(s) will be appropriate for the promotion of one or more of the Licensing Objectives and in accordance with this Policy.

### *Site visits*

**11.8** Site visits will normally be made to the premises concerned (and any relevant locations) where the following applications have been submitted:

- New application for a PL and / or CPC;
- Application to Review a PL and / or CPC.

**11.9** Site visits will not normally be conducted for any other application or authorisation. However, notwithstanding the previous sentence, any contested application or authorisation that presents one or more of the following may also attract a site visit:

- A substantial number of representations have been made in relation to the application or authorisation;
- The nature of the application or authorisation is sufficiently complex;
- It is reasonably foreseeable that the nature of the application or authorisation could present a significant impact on the Licensing Objectives.

**11.10** The Members of the Committee that will hear the application will conduct the site visit. The visit is conducted to ensure Members have a full understanding of the application, the premises and the locality. To preserve the integrity of the Hearing process, any such visit will be carried out in accordance with a strict protocol. This protocol is maintained separately from this Policy and is available from the Licensing Service using the contact details in Appendix 2.

### *Decisions*

**11.11** The Authority will provide comprehensive written reasons for its decisions following any hearing. These reasons will address the extent to which the decision has been made with regard to the matters of the case, the legislation, the Guidance and this Policy. The reasons will be given to all parties to the hearing.



## **12.0 Reviews**

**12.1** The review process is a key protection for the community and Responsible Authorities where problems associated with the Licensing Objectives occur after the grant or variation of a PL or CPC.

**12.2** At any stage following the grant of a PL or CPC, a Responsible Authority or an Interested Party may ask for a review of that specific authorisation. In all cases, evidence will be required to demonstrate that the concerns relate to a particular premises and is relevant to one or more of the Licensing Objectives. Requests for reviews will therefore be rejected where, in the view of the Authority, the request is not relevant (to the Licensing Objectives), or in the case of requests from Interested Parties, it is frivolous, vexatious or repetitious.

**12.3** The powers of review are to be used in the interests of the wider community and not that of the individual authorisation holder. However, it will always be important that any detrimental financial impact that may result from the Authority's decision is appropriate and proportionate to the promotion of the Licensing Objectives. But where premises are found to be trading irresponsibly, the Authority will not hesitate, where appropriate to do so, to take tough action to tackle the problems at the premises and, where other measures are deemed insufficient, to revoke the licence.

**12.4** Accordingly, where authorised persons and Responsible Authorities have concerns about problems identified at particular premises, the Authority would expect them to give licence holders early warning of their concerns and the need for improvement, including what steps they need to take to address those concerns. Where such warnings have been issued by any Responsible Authority, these will normally be discussed at the MALT meetings (Section 14.0) to ensure that the Authority, as well as the other Responsible Authorities, are aware of the issues. To this end, the Authority recognises that the promotion of the Licensing Objectives requires a partnership approach and will seek to promote cooperation in this regard, and whilst a review should not be used to undermine this cooperation, any failure by the holder to respond to such warnings would be likely to lead to a review.

### *Determination of a review*

**12.5** Where a review hearing is held, the Authority has a variety options:

- Take no action and /or issue an informal warning;
- Modify conditions, including adding new conditions or any alteration or omission of an existing condition permanently or for a temporary period not exceeding 3 months;
- Exclude a licensable activity;
- Remove the Designated Premises Supervisor;
- Suspend the PL / CPC for a period not exceeding three months;
- Revoke the PL / CPC.

- 12.6** In deciding which of these powers to invoke, the Authority will aim to establish the cause or causes of the concerns that the representations identify. The remedial action taken will generally be directed at these causes and will be appropriate and proportionate to address the causes of problems identified. However, where Responsible Authorities have already issued oral and /or written warnings requiring improvement that have failed as part of their own stepped approach to address concerns, the Authority is unlikely to repeat this approach and will take this into account when considering what further action is appropriate.

#### *Reviews associated with crime*

- 12.7** A review may arise in connection with crime that is not directly connected with Licensable Activities. In such cases, the Authority will not judge the criminality or otherwise of any issue. Its role is not to establish the guilt or innocence of any individual, but to ensure the promotion of the crime prevention objective. Reviews therefore need not be delayed pending any court action, but where such action has been taken, it will not be for the Authority to attempt to go beyond any finding by the courts, which will be treated as a matter of undisputed evidence. To this end, it will treat those criminal matters listed in the Guidance particularly seriously.

- 12.8** Conversely, it is important to recognise that certain criminal activity or associated problems may be taking place or have taken place despite the best efforts of the licence holder and the staff working at the premises and despite full compliance with the conditions attached to the licence. In such circumstances, the Authority still has the option to take any appropriate steps to remedy the problems.

#### *Persistent sales of alcohol to children*

- 12.9** Where there are systems in place designed to prevent underage sales, the Authority will take a proportionate approach toward any identified breaches. However, where persistent sales of alcohol to children have occurred, and it is apparent that those managing the premises do not operate a responsible policy or have not exercised appropriate due diligence, the Authority would expect Responsible Authorities to consider taking steps to ensure that a review of the licence takes place. This is particularly the case where there has been a prosecution for the offence under Section 147A or a Closure Notice has been given under section 169A of the Act. In determining the review, the Authority will consider revoking the licence if it considers this appropriate.

#### *Summary reviews*

- 12.10** Summary reviews can be undertaken when the Police consider that the premises concerned are associated with serious crime or serious disorder (or both) and should be reserved for the most serious matters which cannot be adequately or otherwise redressed unless urgent action is taken. It allows interim conditions to be attached to a PL and a fast track licence review. However, the powers apply only where a PL authorises the sale of alcohol. They do not apply in respect of other PLs or to CPCs.

- 12.11** The summary review process is set out under sections 53A-53D of the Act and is detailed in the Guidance.

*Licensing Authority representations*

**12.12** The Authority may apply for a review if it is concerned about licensed activities at premises. However, this will not normally be on behalf of other persons, such as local residents or community groups, as these individuals or groups are entitled to apply for a review in their own right. Furthermore, the Authority would not normally seek a review on behalf of, or instead of, another Responsible Authority where the basis for the intervention falls within the remit of that other authority. For example, the Police would take appropriate steps regarding crime and disorder or the Council's Environmental Protection team would address concerns about noise nuisance.

*Repetitious grounds for review*

**12.13** The Authority is required to safeguard the review process and prevent attempts to review licences merely as a further means of challenging the grant of the licence following the failure of representations to persuade the Authority on an earlier occasion. It will therefore examine each application in the context of previous applications and decisions.

## **13.0 Appeals**

**13.1** There is a right of appeal against the decision and / or any condition attached to an authorisation. An appeal would normally be lodged with the Justices' Chief Executive of the South West Lancashire Magistrates' Court within a period of 21 days, beginning from the day on which the Authority notified the applicant of the decision.

**13.2** On determining an appeal, the Court may review the merits of the decision on the facts and consider points of law or address both. It is obliged to have regard to the terms and requirements of this Policy and can only depart from it if it has good reason. In addition, the court is entitled to disregard any part of this Policy that it holds to be ultra vires to the Act and therefore unlawful.

**13.3** On determining an appeal, the Court may:

- Dismiss the appeal;
- Substitute for the decision appealed against any other decision which could have been made by the Authority;
- Remit the case to the Authority to dispose of it in accordance with the direction of the Court;
- Make such order as to costs as it thinks fit.

**13.4** As soon as the decision of the Magistrates' Court has been made, the Authority will not delay its implementation and necessary action will be taken forthwith unless ordered by a higher court to suspend such action (for example as a result of a Judicial Review). Except in the case of Closure Orders, the Act provides no further appeal against the decision of the Magistrates' Courts and normal rules of challenging decisions of Magistrates' Courts will apply.

## **14.0 Enforcement**

### *General*

- 14.1** Once licensed, it is essential that premises are maintained and operated so as to ensure the continued promotion of the Licensing Objectives and compliance with the specific requirements of the Act.
- 14.2** Where the Authority considers enforcement is necessary, any such action will be taken in accordance with its Enforcement Policy, which is available from the Licensing Service using the contact details in Appendix 2. Accordingly, the key principles of consistency, transparency and proportionality will be maintained.
- 14.3** The Authority will make arrangements to monitor premises and take appropriate enforcement action so as to ensure the continued promotion of the Licensing Objectives through compliance with the conditions attached to the PL / CPC. Enforcement visits will therefore be carried out as a response to a complaint(s) or as part of a proactive risk based inspection regime and / or targeted initiative.

### *Multi-Agency Licensing Team (MALT)*

- 14.4** The coordination of its duties under the Act requires the Authority to maintain close and regular liaison with Responsible Authorities as well other bodies involved in the licensing process. The MALT has been established for this purpose and is coordinated by the Authority. All Responsible Authorities are represented at the MALT, which meets approximately every 8 weeks (or more frequently if required).
- 14.5** The MALT ensures that a coordinated and proactive approach to the issues arising from licensable activities can be formulated and delivered. Those premises that have been identified as presenting a risk to the Licensing Objectives from the perspective of one or more MALT members will be targeted. Such premises could expect increased monitoring and MALT members may conduct more frequent visits to such premises. This affords the licensed operation sufficient opportunity, as well as support, to address the problems. Should the risks to the Licensing Objectives be sufficiently serious and / or the operation does not take the necessary action to address the problems, the premises will be subject to further intervention. These premises will be subject to close scrutiny and a coordinated approach to enforcement devised between the appropriate MALT members. Such premises may also be the subject of further action taken by any Responsible Authority outside of the licensing regime and / or be the subject of a review application.
- 14.6** This approach ensures an efficient and proportionate deployment of resources engaged in enforcing relevant legislation within licensed premises, as only problem and / or high-risk premises are targeted.
- 14.7** However, the role of the MALT is not solely focused upon enforcement activity. It also sees the promotion and encouragement of best practice within the industry as being fundamental in the development of responsibly managed licensed operations.

## **15.0 Cumulative Impact**

### *Cumulative impact vs need*

- 15.1** The concept of cumulative impact has been used since the commencement of the Act and 'Cumulative impact assessments' were introduced Act by the Policing and Crime Act 2017 on 6 April 2018. Cumulative impact is the potential impact on the promotion of the Licensing Objectives of a number of licensed premises concentrated in one area. The 'need' for licensed premises concerns the commercial demand for another pub or restaurant or hotel and is a matter for the Council's Planning Authority and for the market. This is not a matter for the Authority in discharging its licensing functions or for this Policy and it will not seek to limit the number of licensed premises that will be permitted on the basis of 'need'.
- 15.2** Where the number, type or density of licensed premises, such as those selling alcohol or providing late night refreshment, is high or exceptional, serious problems of nuisance and disorder may arise outside or some distance from those premises. Such problems generally occur as a result of large numbers of drinkers being concentrated in an area, for example when leaving premises at peak times or when queuing at fast food outlets or for public transport.
- 15.3** Queuing in itself may lead to conflict, disorder and anti-social behaviour. Moreover, large concentrations of people may also attract criminal activities such as drug dealing, pick pocketing and street robbery. Local services such as public transport and street cleaning may not be able to meet the demand posed by such concentrations of drinkers leading to issues such as street fouling, littering, traffic and public nuisance caused by concentrations of people who cannot be effectively dispersed quickly.
- 15.4** Variable licensing hours may facilitate a more gradual dispersal of customers from premises. However, in some cases, the impact on surrounding areas of the behaviour of the customers of all premises taken together will be greater than the impact of customers of individual premises. These conditions are more likely to arise in town and city centres, but may also arise in other urban centres and the suburbs, for example on smaller high streets with high concentrations of licensed premises. It is such situations that cumulative impact could be considered.

### *Cumulative impact assessments*

- 15.5** A cumulative impact assessment (CIA) may be published by a licensing authority to help it to limit the number or types of licence applications granted in areas where there is evidence to show that the number or density of licensed premises in the area is having a cumulative impact and leading to problems which are undermining the licensing objectives. CIAs relate to applications for new PLs and CPCs and applications to vary existing PLs and CPCs in a specified area.
- 15.6** The legislation and Guidance describes the process to publish a CIA, which clearly states that there must be an evidential basis for the decision and also outlines the types of evidence that should be considered.

*Current situation*

**15.7** At time of publication of this Policy, no CIA has been published. However, the number of licensed premises within the Borough has increased - particularly within Ormskirk town centre, where the student population from Edge Hill University has also increased. The MALT (Section 14.0) will continue to regularly monitor the need for a CIA.

**15.8** Furthermore, other mechanisms, both within and outside the licensing regime, also exist to address such issues, including:

- Planning controls;
- West Lancashire CSP – which works towards, and supports initiatives designed to have a positive impact on, maintaining a safe environment throughout the Borough, including best practise schemes such as Best Bar None or Pubwatch;
- Community Protection Notices;
- The provision of CCTV surveillance;
- The power to designate parts of the Borough as places where alcohol may not be consumed publicly;
- The confiscation of alcohol from adults and children in designated areas;
- Police enforcement of the general law concerning disorder and anti-social behaviour, including the issuing of fixed penalty notices;
- Prosecution for the offence of selling alcohol to a person who is drunk (or allowing such a sale);
- Raising a contribution to policing the late night economy through the Late Night Levy;
- Early Morning Alcohol Restriction Orders.

## **16.0 Provisional Statements**

**16.1** Where premises are being or are about to be constructed, extended or otherwise altered for the purpose of being used for one or more licensable activities, investors may be unwilling to commit funds unless they have some assurance that a PL covering the desired licensable activities would be granted for the premises when the building work is completed. In such cases, where sufficient information may not be available to allow the Authority to issue a PL which would include the date on which it would come into effect, a person (if an individual aged 18 years or over) who has an interest in the premises may apply for a Provisional Statement.

**16.2** The procedure for a provisional statement is detailed in the legislation and Guidance. Where relevant representations have been made, applications for Provisional Statements will be dealt with in a similar manner to applications for PLs.

**16.3** An application for a Provisional Statement must be accompanied by a schedule of the following details:

- Details of the premises;
- The works to be done;
- Licensable activities proposed;
- Plan of the premises;
- Any such other information as prescribed by Regulation.

**16.4** If voluntarily available, the Authority would find the following additional information useful:

- Whether planning consent has been granted for the application;
- Proposed times of activities;
- Proposed hours of opening;
- Where the applicant wishes the licence to have effect for a limited period, that period;
- The name of the proposed Designated Premises Supervisor (where the sale or supply of alcohol is proposed);
- Basic details as to how the Licensing Objectives would be promoted.

**16.5** Applicants will be required to notify Responsible Authorities and advertise their application in a similar way to the arrangements for applications for PLs. Therefore, where Responsible Authorities or Interested Parties make representations, a Hearing will be held. In such circumstances, the Authority will determine whether, on the basis of any representations and the provisional statement application, it would consider it appropriate to:

- Attach conditions to the licence;
- Rule out any of the licensable activities applied for;
- Refuse to specify the person nominated as the premises supervisor;
- Reject the application.



**16.6** If, on the work being satisfactorily completed, the Authority believes it would grant a PL in the form described in the Provisional Statement, it will issue the applicant with a statement which:

- Gives details of the determination; and
- States the Authority's reasons for its decision as to the steps, if any, to take as outlined in above.

**16.7** If a Provisional Statement has been issued and the person subsequently applies for a PL in respect of the premises (or a part of the premises or premises which are substantially the same) representations by Responsible Authorities and Interested Parties will be excluded in certain circumstances. These are where:

- The application for a licence is in the same form as the licence described in the Provisional Statement; and
- The work in the schedule of works has been satisfactorily completed;
- Given the information in the application for a Provisional Statement, the person objecting could have made the same, or substantially the same, representations about the application but has failed to do so without reasonable excuse; and
- There has been no material change in circumstances relating either to the relevant premises or to the area in the vicinity of those premises.

**16.8** Applicants are advised that whilst there is no limit to the duration of a Provisional Statement, the longer there is a delay before a PL is applied for, the greater the potential is for representations not to be excluded due to a genuine and material changes in circumstances. Accordingly, the PL will not become effective until a date stipulated by the Authority.

## **17.0 Interim Authorities**

**17.1** Generally, a PL / CPC will remain in force for as long as the holder continues to operate the business, unless:

- It is specified that the licence has effect for a limited period and that period has expired;
- The authorisation has been surrendered;
- The authorisation has been suspended;
- The authorisation has been revoked.

**17.2** If a PL holder dies, becomes bankrupt or mentally incapable then the licence will lapse. However, if within a seven day period of such circumstances (beginning with the day after the licence lapsed) a person who had an interest in the premises or who is connected to the former holder or if the licence, gives the Authority an Interim Authority Notice, the PL will be reinstated for a period of two months.

**17.3** A person is deemed to be connected to the former holder of a PL, if:

- The person is the personal representative in the event of the holder's death;
- In respect of someone who has become mentally incapable is acting under Section 6 of the Enduring Powers of Attorney Act 1985; or
- In the event of insolvency/bankruptcy is acting as an Insolvency Practitioner;
- Any other person prescribed by Regulation.

**17.4** Interim Authority Notices must also be served on the Police within the seven-day period of being served on the Authority. Where required, the Police may raise an objection to the notice under the 'prevention of crime and disorder' Licensing Objective. The Authority will then hold a Hearing to consider the objection.

**17.5** The Authority recognises the need to consider any objections in these circumstances quickly.

## Appendix 1: Key locations in the Borough of West Lancashire



## Appendix 2: Useful contacts

### Licensing Service:

West Lancashire Borough Council, Robert Hodge Centre, Stanley Way, Skelmersdale WN8 8EE  
Telephone: 01695 585015  
Fax: 01695 585126  
Email: [licensing.enquiries@westlancs.gov.uk](mailto:licensing.enquiries@westlancs.gov.uk)  
Internet: [www.westlancs.gov.uk/licensing](http://www.westlancs.gov.uk/licensing)

### Crime and disorder:

Lancashire Constabulary  
Licensing Unit,  
Preston Operating Centre, Lancaster Road North,  
Preston PR1 2SA  
Telephone: 01772 209794  
Email: [Richard.Horton@lancashire.pnn.police.uk](mailto:Richard.Horton@lancashire.pnn.police.uk)

### Fire Safety:

Lancashire Fire and Rescue Service  
Fire Safety Officer - Skelmersdale Fire Station  
Tanhouse Road, Skelmersdale,  
Lancashire WN8 9NN  
Telephone: 01695 723853  
Fax: 01695 731172  
Email: [skelmersdaleFireSafety@lancsfirerescue.org.uk](mailto:skelmersdaleFireSafety@lancsfirerescue.org.uk)

### Health & Safety:

Paul Charlson - Commercial, Safety and Licensing  
Manager  
West Lancashire Borough Council  
Robert Hodge Centre, Stanley Way, Skelmersdale  
Lancashire WN8 8EE  
Telephone: 01695 585246  
Fax: 01695 585126  
Email: [paul.charlson@westlancs.gov.uk](mailto:paul.charlson@westlancs.gov.uk)

### Statutory nuisances / Community Safety:

Andrew Hill - Environmental Protection and  
Community Safety Manager  
West Lancashire Borough Council  
Robert Hodge Centre, Stanley Way, Skelmersdale  
Lancashire WN8 8EE  
Telephone: 01695 585243  
Fax: 01695 585126  
Email: [a.hill@westlancs.gov.uk](mailto:a.hill@westlancs.gov.uk)

### Planning:

West Lancashire Borough Council  
Development Control Service  
52 Derby Street, Ormskirk  
Lancashire L39 2DF  
Telephone: 01695 577177  
Email: [plan.apps@westlancs.gov.uk](mailto:plan.apps@westlancs.gov.uk)

### Protection of children:

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

### Trading Standards:

Lancashire County Council  
Licensing  
County Hall  
Pitt Street  
Preston  
Lancashire PR1 0LD  
Telephone: 01772 533569  
Email: [tsgeneralmail@lancashire.gov.uk](mailto:tsgeneralmail@lancashire.gov.uk)

### Director of Public Health:

Lancashire County Council  
Licensing, Level 1 Christ Church Precinct  
County Hall  
Preston PR1 8XB  
Telephone: 0300 123 6701  
Email: [PHLicensing@lancashire.gov.uk](mailto:PHLicensing@lancashire.gov.uk)

The Licensing Act 2003, except for regulated entertainment, is the responsibility of the Home Office. Regulated entertainment licensing law is controlled by the Department for Digital, Culture, Media and Sport.

The Home Office  
2 Marsham Street  
London SW1P 4DF

Telephone: 020 7035 4848  
Email: [public.enquiries@homeoffice.gsi.gov.uk](mailto:public.enquiries@homeoffice.gsi.gov.uk)  
Internet: [www.homeoffice.gov.uk](http://www.homeoffice.gov.uk)

The Department for Digital, Culture, Media & Sport  
2-4 Cockspur Street  
London SW1Y 5DH

Telephone: 020 7211 6200  
Email: [enquiries@culture.gov.uk](mailto:enquiries@culture.gov.uk)  
Internet: [www.culture.gov.uk](http://www.culture.gov.uk)

**Appendix D: Consultation response analysis  
West Lancashire Borough Council  
Licensing Act 2003 - draft Statement of Licensing Policy 2020**

**Consultation representation analysis : consultation period 01/08/19 - 31/10/19**

Ref No.	Date	Respondent	Para	Comment	Appraisal	Response
1	14/08/19	resident - Ormskirk	4.4	Section 4:4. I know that the issue of live music has been excluded from the Licensing regulations, with some reference to the offset to this issue set out in the 4 objectives defined in this section. Section 4:32 refers to keeping doors and windows closed, and the provision of ventilation as a solution, though this will be difficult to enforce in hot weather. A time limit similar to that observed by convention by householders of say 11 pm might be appropriate here.	Noted. The stipulation of a specific time is not appropriate to all cases. However, the implications of warm weather should be taken into account.  The Licensing Principles are discretionary and are distinct from the statutory Licensing Objectives contained in the Licensing Act. If applicants do not address the principles, it is more likely that representations will be attracted and the matter brought to the Committee, which may then either refuse the application or impose conditions. On appeal, the Court is also obliged to have regard to the Policy and can only depart from it if it has good reason.	Additional bullet point added to para 4.32 :" Understanding the implications of the weather on the above point and making suitable contingencies".
			4.26	The omission of the deleted sentences in Section 4:26 regarding low-level nuisance affecting just a few people I find a bit alarming. The population of the Ormskirk town centre is increasing substantially with the construction of student apartments, and even a moderate level of noise until the early hours of the morning will cause a substantial nuisance. Incidentally I find the definition of public nuisance in 4.24 a very helpful and pragmatic way of handling this often very contentious issue. Also I find the reference to quieter music in section 4.33 and the reference to monitoring outside the premises very useful.	Noted. Para 4.26 was amended to ensure consistency with the guidance. the amendment does not detract away from the generality of para 4.26 which is intended to address nuisance from licensed premises regardless of low or high level.	No amendment made.

			12.12	<p>Section 15 covering cumulative effects is probably the key part of the document. This issue was ducked in the previous consultation, as the promised schedule of potentially affected areas was left blank. The inclusion of the Ormskirk town centre as a potential problem area (15:7) is one that many residents will applaud, though to be fair the majority of people who frequent licensed premises in later hours of the night tend to be people from outside Ormskirk where licensed premises close earlier. From my experience of students at Edge Hill, many prefer to save money by getting their alcohol from off-licence premises in Ormskirk. I think the variable licensing hours proposed in 15:4 will certainly help, but in general I think there needs to be some sort of control over the number of licensed premises in the Ormskirk town centre, given the association between alcohol and crimes of violence.</p>	<p>Noted. The process for cumulative impact within the statutory guidance is clear. As stated the number of premises is monitored by the MALT and cumulative impact would be likely be instigated by one or more of the partners represented at these meetings.</p>	No amendment made.
2	28/10/19	resident - Parbold	General	<p>Please take into consideration people who live in close proximity to these premises. It goes without saying that owners and employees need to make a living and they can also be an asset to the area but they need to be properly managed and with a licensing policy that is fair to all concerned.</p>	<p>Noted. The Policy clearly addresses these issues.</p>	No amendment made.
3	02/11/19 (outside of consultation period, but included for completeness)	resident - Ormskirk	General	<p>The voting public cannot understand why it is fair to grant licenses for premises to be able to sell alcoholic drinks long after midnight when we do not have the resources to police antisocial behaviour .</p> <p>This practice is very unpopular , and the residents would be grateful if it was stopped , at least until policing could prevent the antisocial behaviour.</p>	<p>Noted. The process for the determination of any licence application/permission is set by statute and statutory guidance. The Council and the Policy is bound by these requirements based on the available evidence, case law and the individual merits of the application.</p>	No amendment made.

Miscellaneous amendments						
4		Licensing Service	Various	Inconsequential typos.	N/A	N/A
5		Licensing Service	Various	Update of job titles throughout the document	N/A	N/A







**CABINET: 5 November 2019**

**EXECUTIVE OVERVIEW AND SCRUTINY  
COMMITTEE: 21 November 2019**

**COUNCIL: 11 December 2019**

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**Report of: Corporate Director of Place & Community and Corporate Director of  
Transformation & Resources (Interim)**

**Relevant Portfolio Holder: Councillors J Wilkie & A Yates**

**Contact for further information: Peter Quick (Extn. 5203)  
([peter.quick@westlancs.gov.uk](mailto:peter.quick@westlancs.gov.uk))**

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**SUBJECT: HRA REVENUE AND CAPITAL MID-YEAR REVIEW**

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Wards affected: Borough wide

## **1.0 PURPOSE OF THE REPORT**

1.1 To provide a summary of the Housing Revenue Account (HRA) and Housing capital programme positions for the 2019/20 financial year.

## **2.0 RECOMMENDATIONS TO CABINET**

2.1 That the 2019/20 HRA and Housing capital programme positions be noted.

2.2 That the proposed budget adjustments identified in Appendix One and Appendix Three be endorsed for consideration by Council.

2.3 That Call in is not appropriate for this item as the report is being submitted to the next meeting of the Executive Overview and Scrutiny Committee on 21 November 2019.

## **3.0 RECOMMENDATIONS TO EXECUTIVE OVERVIEW AND SCRUTINY COMMITTEE**

3.1 That the 2019/20 HRA and Housing capital programme positions be noted.

## **4.0 RECOMMENDATIONS TO COUNCIL**

4.1 That the 2019/20 HRA and Housing capital programme positions be noted.

- 4.2 That the proposed budget adjustments identified in Appendix One and Appendix Three be approved.

## **5.0 BACKGROUND**

- 5.1 In February 2019 Council agreed the HRA revenue and capital budgets for the 2019/20 financial year. Subsequently in July 2019 Council noted the favourable financial outturn position of the 2018/19 HRA and Capital Investment Programme and approved a number of budget changes and allocations.
- 5.2 As a result of previously approved policy options the HRA has been able to achieve a balanced budget position throughout the period of 1% per annum rent reductions. This financial year represents the fourth and final year.
- 5.3 From April 2020 the Government's new rents policy will apply which will return to annual increases of up to CPI + 1%. There is also a new regulatory framework which it is anticipated will be more robust. WLBC are participating in the voluntary pilot scheme with the new regulator during 2019/20 to ensure as smooth a transition to the new framework as possible.

## **6.0 HOUSING REVENUE ACCOUNT – PROJECTED OUTTURN**

- 6.1 Appendix One identifies proposed HRA budget adjustments in year. The aim of this is to amend revenue budgets that are showing a substantial favourable variance and to use that money in-year as a revenue contribution to capital, as this will reduce the amount of HRA borrowing required and the associated debt costs. All budgets and variances are based upon the current organisational structure and do not take into account the proposals agreed through the Sustainable Organisational Review.
- 6.2 A summary of the projected HRA revenue outturn against the proposed revised budget is set out in Appendix Two and shows that a favourable budget variance of £1,244,000 is expected, representing 4.9% of total turnover. This demonstrates that the HRA remains in a healthy financial position.
- 6.3 The main variances that are expected at this time include:
- There are a number of vacant posts, largely in Property Services, pending recruitment of the permanent staff to fill them. Consequently a significant favourable variance is anticipated on employee costs
  - Planned revenue works are unlikely to be fully undertaken in year, and the size of this budget will be reviewed during 2020/21 budget setting. In comparison, the planned capital programme is expected to largely be delivered.
  - Void repairs and responsive repairs are both demand-led so these budget requirements can change as circumstances evolve. This year so far responsive revenue works are below budget and this is expected to continue
  - The remaining budget contingency is not expected to be used
  - Dwelling rents are better than budget due mainly to a low void rate leading to less rental income being lost due to voids

- Service charge income is expected to be better than budget, reflecting the success in offering CAT 2 levels of tenant support to CAT 1 sheltered tenants (this initiative was identified in the February 2019 budget setting report)

6.4 It is intended that consideration will be given to how the projected favourable budget variance of £1,244,000 should be used at year end and as part of the budget setting process for 2020/21.

## **7.0 CAPITAL INVESTMENT PROGRAMME**

7.1 As part of the mid-year review, capital programme budgets have been examined to ensure that they continue to be required and that their level is appropriate, and proposed amendments are shown in Appendix Three.

7.2 A summary of the Housing Capital expenditure year to date position is shown in Appendix Four. Total expenditure to date is £3.186m which represents 29% of the total revised budget, and represents a good level of performance. For comparison purposes, at the mid-year point in 2018/19 expenditure was around 33%

7.3 In February 2019, delegated authority was given to the Director of Housing and Inclusion, in consultation with the Housing and Landlord Services Portfolio Holder, to utilise one for one capital receipt funding together with HRA borrowing to acquire new properties subject to there being a satisfactory business case. At mid-year a total of £0.591m has been spent on purchasing and bringing to a satisfactory standard seven properties, at an average cost after use of 141 receipts of £59.1k.

## **8.0 SUSTAINABILITY IMPLICATIONS**

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

## **9.0 RISK ASSESSMENT**

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

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### **Background Documents**

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

## **Equality Impact Assessment**

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

## **Appendices**

Appendix One – Proposed Changes to the HRA Budget

Appendix Two – HRA Revenue Projected Outturn

Appendix Three - Housing Revised Capital Programme Summary of Changes

Appendix Four - Housing Capital Year to Date Position

Appendix Five – Minute of Cabinet 5 November 2019 (Executive Overview and Scrutiny Committee only)

Appendix Six – Minute of Executive Overview and Scrutiny Committee 21 November 2019 (Council only)

## Appendix One – Proposed Changes to the HRA Budget

Budget Area	Original Budget £000	Budget Adjustment £000	Revised Budget £000
<b>HRA</b>			
Employee Expenses	4,711	-150	4,561
Void repairs and response repairs	2,879		2,879
Other premises costs	3,369	-300	3,069
Transport costs	187		187
Budget contingency	342	-80	262
Supplies and Services	1,134	30	1,164
Support Services and internal income (net)	255		255
Loan interest	3,057		3,057
Contributions to capital	9,151	550	9,701
Dwelling rents	-22,370	-50	-22,420
Other external income	-2,715		-2,715
<b>HRA Total</b>	<b>0</b>	<b>0</b>	<b>0</b>

### Notes:

1. Vacancies in the first half of the year have led to a favourable forecast variance. Remove £150k of this from the 2019/20 salary budgets
2. Reduce the in-year revenue planned maintenance budget by £300k as it won't be spent in 2019/20
3. £80k of budget contingency has been allocated to the HRA IT budget, (Supplies & Services), to facilitate delivery of in-year plans
4. Reduce the bad debt provision, (Supplies & Services), by £50k
5. Increase the dwelling rents budget by £50k to recognise lower voids rates than budgeted
6. Allocate the £550k of budget savings to revenue contributions to capital and reduce HRA borrowing by the same amount

## Appendix Two – HRA Revenue Projected Outturn

Budget Area	Revised Budget £000	Variance £000	Comment
Employee Expenses	4,561	-300	Staffing vacancies will lead to a favourable budget variance
Void repairs and response repairs	2,879	-180	Both budgets are demand-led so final outturn depends upon various factors.
Other premises costs	3,069	-300	Planned revenue works budget not expected to be fully used in 2019/20
Transport costs	187	-27	
Budget contingency	262	-262	No current calls on remaining budget contingency
Supplies and Services	1,164	-30	
Support Services and internal income (net)	255	0	
Loan interest	3,057	0	
Contributions to capital	9,701	0	
Dwelling rents	-22,420	-80	Void rate lower than budgeted so less income lost due to voids
Other external income	-2,715	-65	
<b>Total</b>	<b>0</b>	<b>-1,244</b>	Represents 4.9% of the overall turnover

### Appendix Three – Housing Revised Capital Programme Summary of Changes

Scheme	Current Budget £000's	Transfers £000's	Re-profiling £000's	Funding changes £000's	Revised Budget £000's	Comments
Re-Roofing Works	2,131				2,131	
External Works	1,004	-114	-140		750	£114k to Beechtrees, reprofile £140k to 2020/21 for enabling Whitburn and Waverley refurbishment
Heating System Upgrades	823				823	
Electrical Upgrades	737				737	
Kitchen Replacements	633				633	
Windows and Doors	581				581	
Bathroom Replacements	501				501	
Communal Fire Safety Works	426				426	
Walls	280				280	
Communal Areas Improvements	117				117	
<b>Capital Investment Programme</b>	<b>7,233</b>	<b>-114</b>	<b>-140</b>	<b>0</b>	<b>6,979</b>	
Beechtrees	1,176	114			1,290	£114k to fund additional highways and pavement works as well as associated contractor costs
Westec Development HRA Element	20				20	
Firbeck						
Professional Fees	700				700	
Adaptations for Disabled People	439				439	
Contingency/Voids	300				300	
Improvements to Binstores	299				299	
Environmental Programme	200				200	
Asset Management Assessment	185				185	

Lifts	168				168	
Sheltered Housing Upgrades	140				140	
Garages						
Structural Works						
<b>Other Housing Schemes</b>	<b>3,627</b>	<b>114</b>	<b>0</b>	<b>0</b>	<b>3,741</b>	
Digital Initiatives	57				57	
Purchase Service Charge Software	40				40	
Housing OR Recommendations	9				9	
<b>Total Expenditure</b>	<b>10,966</b>	<b>0</b>	<b>-140</b>	<b>0</b>	<b>10,826</b>	

### Resources

	Current Budget £000's	Transfers £000's	Re-profiling £000's	Funding changes £000's	Revised Budget £000's	Comments
Capital Receipts	9				9	
HRA Borrowing	1,806		-140	-550	1,116	Release £140k due to reprofiling
HRA/MRA Contribution	9,151			550	9,701	Switch funding from borrowing
<b>Total Resources</b>	<b>10,966</b>	<b>0</b>	<b>-140</b>	<b>0</b>	<b>10,826</b>	



## Appendix Four – Housing Capital Year to Date Position

<b>Scheme Description</b>	<b>Revised Budget £000's</b>	<b>Mid-year Spend £000's</b>	<b>Mid-year Spend %</b>
Re-Roofing Works	2,131	92	4%
Heating System Upgrades	823	307	37%
External Works	750	200	27%
Electrical Upgrades	737	116	16%
Kitchen Replacements	633	0	0%
Windows and Doors	581	25	4%
Bathroom Replacements	501	4	1%
Communal Fire Safety Works	426	233	55%
Walls	280	0	0%
Communal Areas Improvements	117	45	38%
<b>Capital Investment Programme</b>	<b>6,979</b>	<b>1,022</b>	<b>15%</b>
Beechtrees	1,290	984	76%
Westec Development HRA Element	20	92	460%
Firbeck		-10	
Professional Fees	700	638	91%
Adaptations for Disabled People	439	242	55%
Contingency/Voids	300	151	50%
Improvements to Binstores	299	95	32%
Environmental Programme	200	0	0%
Asset Management Assessment	185	0	0%
Lifts	168	0	0%
Sheltered Housing Upgrades	140	-5	-4%
Garages		-30	
Structural Works		4	
Energy Efficiency		1	
<b>Other Housing Schemes</b>	<b>3,741</b>	<b>2,162</b>	<b>58%</b>
Digital Initiatives	57	0	0%
Purchase Service Charge Software	40	0	0%
Housing OR Recommendations	9	0	0%
Rounding		2	
<b>Total Expenditure</b>	<b>10,826</b>	<b>3,186</b>	<b>29%</b>



**Minute of Cabinet - 5 November 2019**

**64 HRA REVENUE AND CAPITAL MID-YEAR REVIEW**

Councillor J Wilkie introduced the joint report of the Corporate Directors of Place & Community and Transformation and Resources (Interim) which provided a summary of the Housing Revenue Account (HRA) and Housing capital programme positions for the 2019/20 financial year.

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

- RESOLVED A. That the 2019/20 HRA and Housing capital programme positions be noted.
- B. That the proposed budget adjustments identified in Appendices 1 and 3 to the report be endorsed for consideration by Council.
- C. That call in is not appropriate for this item as the report is being submitted to the next meeting of the Executive Overview and Scrutiny Committee on 21 November 2019.



**Minute of the Executive Overview & Scrutiny Committee – 21 November 2019**

**39 HRA REVENUE AND CAPITAL MID-YEAR REVIEW**

Consideration was given to the joint report of the Corporate Director of Place and Community and Corporate Director of Transformation & Resources as circulated and contained on pages 311 to 322 of the Book of Reports that summarised the Housing Revenue Account (HRA) and Housing Capital Programme positions for 2019/2020 financial year. The report had previously been considered by Cabinet at its meeting on 5 November 2019 and was scheduled to be considered by Council at its meeting on 11 December 2019.

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

**RESOLVED:** That the 2019/20 HRA and Housing Capital Programme positions be noted.





COUNCIL: 11 December 2019

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**Report of: Head of Finance, Procurement and Commercial Property**

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

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**SUBJECT: GENERAL REVENUE ACCOUNT BUDGET UPDATE**

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Wards affected: Borough wide

## **1.0 PURPOSE OF THE REPORT**

1.1 To provide an update of the General Revenue Account (GRA) budget position for the current year and issues for the next financial year.

## **2.0 RECOMMENDATIONS**

- 2.1 That the financial position of the GRA be noted including the position on reserves and balances.
- 2.2 That the projected level of exit costs arising from the SORP be noted and that the costs of HRA staff are met from the projected favourable HRA budget variance in the current year and the costs of GRA staff are met from available capital receipts.
- 2.3 That the proposed costs to buy in additional consultancy support to enable work to continue on implementing the Sustainable Organisation Review Project (SORP) be noted.
- 2.4 That the existing Council Tax Support Scheme be continued for the next financial year.
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### **3.0 BACKGROUND**

- 3.1 The GRA is facing a challenging financial position primarily as a result of ongoing reductions in government grant funding. This position is being addressed over a medium term timescale primarily through the SORP process that was agreed at the Council meeting in July 2019. The effective implementation of the SORP measures will be a key factor in ensuring that the GRA maintains a healthy financial position.

### **4.0 CURRENT YEAR POSITION**

- 4.1 The Council has set a revenue budget of £12.855m for the current financial year. The mid-year review has identified that good progress is being made in delivering this budget position and that this target should be achieved at the year end. This will continue our strong track record of managing our financial performance to ensure that the outturn position is in line with the budget.
- 4.2 Employee costs form a significant proportion of the Council's total budget and consequently are very important from a budget management perspective. The active management of staffing levels is ensuring that employee costs are being effectively controlled and a favourable budget variance is expected in this area.
- 4.3 The external income that the Council generates can be one of the most volatile areas of the budget, with income going up and down due to factors outside our direct control. This year income levels are generally in line or are performing better than the budget targets, and in particular a high level of CIL funding is being received.
- 4.4 The purpose of the SORP was to undertake a significant review of the Council's operating model, and to identify opportunities for further efficiency and income generation to ensure the Council can continue to deliver its vision and priorities. A set of SORP proposals was agreed for implementation earlier this year. These proposals included the adoption of a new management structure which was put into place on 4<sup>th</sup> November. This new structure included the voluntary redundancy of the Chief Executive, Director of Development and Regeneration and the Borough Solicitor, which will deliver significant savings. As the SORP is currently being implemented it is not possible to quantify what level of savings and income will be delivered against the budget target for the year of £0.320m, but good progress is currently being made and in particular the new staffing structure should be fully implemented by April 2020.
- 4.5 The latest estimates of the staffing impact of the SORP are that there will be 26 voluntary redundancies by the end of the financial year, while 7 staff remain at risk of compulsory redundancy. The total exit cost of these redundancies would be £2.384m, and it is proposed that the exit costs of HRA staff of £0.213m are funded from the projected favourable HRA budget variance in the current year, and the balance of the exit costs of £2.171m for GRA staff are funded from available capital receipts. The exit costs, which comprise redundancy payments paid to staff and pension strain costs paid to the Pension Fund, have been calculated in line with normal Council policy. The Council's pay policy statement requires separate disclosure of exit costs of over £100,000 for individual members of staff and these are set out in the Appendix.



## **5.0 RESERVES AND BALANCES**

- 5.1 The Council agreed its annual Reserves Policy at its meeting in February. The Reserves Policy has taken various factors into account including the difficult medium term financial position facing the Council. Consequently the GRA will continue to have an adequate level of reserves in place that should enable it to deal with its financial challenges effectively.
- 5.2 The remaining balance on the SORP / Policy Options reserve is £0.453m after allowing for expenditure and commitments already incurred in the year. This reserve can be used to support the development and implementation of the SORP process, including providing funding to implement proposals and project resourcing, covering additional unexpected costs and delays in implementation.
- 5.3 The SORP contract that was agreed with Red Quadrant had 2 elements. Lot 1 was concerned with delivering the review that was reported to Council in July 2019. Lot 2 was then concerned with additional services to be bought in to assist with implementing the proposals, and it is intended that up to £180,000 will be used for this purpose. The additional services that will be bought in could include drawing up a new Organisational Development Strategy, assisting with detailed process reviews in a range of different service areas, reviewing accommodation requirements and helping to implement the new ICT Target Operating Model. The cost of this work will be met 80% from the SORP reserve and 20% from HRA resources in line with the previously agreed approach.

## **6.0 LOCAL COUNCIL TAX SUPPORT SCHEME**

- 6.1 The Government abolished the national scheme of Council Tax Benefit with effect from April 2013 and now requires that local authorities put in place a local Council Tax Reduction Scheme, more commonly known as a Council Tax Support (CTS) scheme. This requires each Council tax billing authority to design its own scheme to administer Council Tax Support, working within a framework set out in legislation. Each financial year the Council must consider whether to revise its existing scheme or replace it with another scheme. If it chooses to revise its existing scheme, or replace that scheme with another scheme, it must do so no later than 31 January in the financial year preceding the financial year the scheme is to have effect.
- 6.2 The Council agreed its local CTS scheme in December 2012, and this scheme has been in operation since that time. The main feature of this scheme is that it calculates CTS in line with the previous Council Tax Benefit system but then applies a percentage reduction of 22% for claimants of working age, which was designed to reflect the reduction in government funding for CTS. Full details on the scheme can be found on the Council's website using the following link:
- <https://www.westlincs.gov.uk/bills-benefits/benefits/council-tax-support.aspx>
- 6.3 The CTS scheme complies with statutory requirements and operates in an effective manner, and consequently no revisions are proposed to this scheme for the next financial year. Any values in the scheme will though be updated to reflect

changes in national benefit figures in line with our standard practices.

## **7.0 LOCAL GOVERNMENT FINANCE SETTLEMENT**

- 7.1 The Local Government Finance Settlement (which details levels of grant funding and other important financial details for Councils) is normally announced by the Government in late November or early December each year. At the time of writing this report it was not known when the settlement for 2020-21 would be announced, and consequently an analysis of its financial consequences will be circulated to Members by email in due course.

## **8.0 SUSTAINABILITY IMPLICATIONS**

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

## **9.0 RISK ASSESSMENT**

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

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### **Background Documents**

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

### **Equality Impact Assessment**

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

### **Appendices**

Appendix – Staff Exit Costs over £100,000 arising from the SORP

**APPENDIX - STAFF EXIT COSTS OF OVER £100,000 ARISING FROM THE SORP**

Post	Exit Costs
Chief Executive	£0.327m
Borough Solicitor	£0.241m
Heritage and Environment Manager	£0.180m
Deputy Director of Street Scene	£0.172m
Purchasing and Land Charges Manager	£0.157m
Director of Development and Regeneration	£0.155m
Principal Accountant	£0.125m
Assistant Contact Centre Manager	£0.106m





COUNCIL: 11 December 2019

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**Report of: Head of Finance, Procurement and Commercial Property**

**Contact for further information: Cathy Murphy (Ext. 5057)**

**(E-mail: [Cathy.Murphy@westlancs.gov.uk](mailto:Cathy.Murphy@westlancs.gov.uk))**

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**SUBJECT: REVISED CAPITAL PROGRAMME**

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Wards affected: Borough wide

## **1.0 PURPOSE OF REPORT**

1.1 To agree a Revised General Revenue Account (GRA) Capital Programme for 2019/2020 and provide an update on progress on capital schemes.

## **2.0 RECOMMENDATIONS**

2.1 That the revised Capital Programme, including the re-profiling, virements and budget adjustments contained within Appendix A, be approved.

2.2 That progress against the Revised Capital Programme at the mid-year point be noted.

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## **3.0 BACKGROUND**

3.1 The Capital Programme is set on a three-year rolling basis and the Programmes for 2019/2020, 2020/2021 and 2021/2022 were approved by Council in February 2019. It is also standard practice for unused funding from the previous year to be slipped into the current year.

3.2 In accordance with best practice, the Capital Programme is subject to revision during the year to ensure that it is based on the latest available information and to make monitoring of the Programme more meaningful. It enables Managers to review their schemes with the most up to date information and to review the

resources available. It also provides a base upon which to build future Capital Programmes.

- 3.3 Members are kept informed of the financial position of the Capital Programme through monitoring reports. The Housing Public Sector programme is the subject of a separate report elsewhere on the agenda and has also been presented to Cabinet on the 5<sup>th</sup> November. This report concentrates on the GRA programme.

#### **4.0 REVISED CAPITAL PROGRAMME**

- 4.1 The original budget that was set for the 2019/20 financial year together with slippage from the previous financial year totals £4.749m. Taken together with the £0.783m of funding agreed at July 2019 Council means that the current budget total is £5.532m
- 4.2 Heads of Service have reviewed their respective schemes and are now proposing that changes are made as a result of more up to date information that has become available. This review process has incorporated a number of considerations including:
- Re-profiling of schemes to match the anticipated timing of spending.
  - Increasing expenditure budgets to reflect new and / or additional external funding
  - Amending budgets to reflect anticipated levels of demand or new issues
- 4.3 The proposed changes to the 2019/2020 Programme are analysed in Appendix A. This shows a net decrease of £614k largely due to Tawd Valley £155k, CCTV works £240k, and Burscough Sports Centre £386K being re-profiled into the next financial year and the inclusion of the approval for the purchase of Land at New Court Way in Ormskirk. The revised GRA Capital Programme totals £4.918m for 2019/2020 following these changes. The overall programme is analysed by service in Appendix B along with a summary of the revised capital resources available.

#### **5.0 CAPITAL EXPENDITURE**

- 5.1 Generally, capital schemes are profiled with relatively low spending compared to budget in the early part of the financial year with increased spending as the year progresses. This reflects the fact that many new schemes have considerable lead in times, for example, because of the need to undertake the tendering process and other factors. Other schemes are dependent on external partner funding and can only begin once their funding details have been finalised. Other related issues include contract retentions or contingencies that will only be spent some time after completion of the contract.

- 5.2 For the current year, £0.998m (20%) of expenditure has been incurred by the midyear. This is lower than 2018/19, mainly due to the Westec Site Development being undertaken last year. Comparisons to previous years' programmes are shown in Table 1.

Year	Expenditure £m	Budget £m	% spend against Budget
2019/2020	0.998	4.918	20%
2018/2019	1.908	7.128	27%
2017/2018	0.455	2.634	17%
2016/2017	4.616	7.676	60%

## 6.0 CAPITAL RESOURCES

- 6.1 There are sufficient resources identified to fund the 2019/20 Revised Capital Programme as shown in appendix B.
- 6.2 The main area of the capital resources budget that is subject to variation is in relation to capital receipts. These are the useable proceeds from the sale of Council assets (mainly houses under Right to Buy legislation) that are available to fund capital expenditure. These receipts can vary significantly depending on the number and value of assets sold.
- 6.3 The budget for useable capital receipts (including the affordable housing element) to be generated from Council House sales in the year is set at £0.915m from 50 sales. At the mid-year point 34 sales had been completed and the target for the year is expected to be met.
- 6.4 In addition to receipts from council house sales the Council also has a programme to sell plots of land and other assets. The budget for this in the 2019/2020 Programme is £100,000. To date there has been no land sales, however one is expected to progress by the year end to the Council's development company, Tawd Valley Developments Ltd. A significant level of sales has also been achieved from the Westec Site Development.

## 7.0 SUSTAINABILITY IMPLICATIONS

- 7.1 The Capital Programme includes schemes that the Council plans to implement to enhance service delivery and assets. The Capital Programme also achieves the objectives of the Prudential Code for Capital Finance in Local Authorities by ensuring capital investment plans are affordable, prudent, and sustainable. This report provides an updated position on project plans and shows progress against them.

## **8.0 RISK ASSESSMENT**

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

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### **Background Documents**

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

### **Equality Impact Assessment**

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

### **Appendices**

- A 2019/2020 Revised Capital Programme Summary of Changes
- B 2019/2020 Revised Capital Programme Spend to Date Against Budget



**APPENDIX A- REVISED CAPITAL PROGRAMME SUMMARY OF CHANGES**£000  
5,532Current budget totalReprofiling of expenditure into future years

Purchase of Vehicles -47

Timing of purchase put back into 2020-21

Purchase of Wheelie Bins -58

Timing of purchase put back into 2020-21

Expand in-cab system to refuse/recycling vehicles  
residual to be put into 2020-21 -4Waste Collection Projects  
Route Optimisation monies put back into 2020/21 -15Website Contract Management System  
work on website to be put back to 2020/21 -5Customer Account Promotion Webpage  
work on website to be put back to 2020/21 -15Customer Relationship Mgt System (CRM)  
surplus spend delayed until 2020/21 -29Parish Capital Schemes  
Progress dependent on parish councils -15Capital Contingency / EVTCIF  
Review requirement in budget for 2020/21 -131Renovation Grants  
Recovery of grant, one large recovery make figures unusually high -52Tawd Valley Site works  
spend delayed until 2020/21 -155CCTV Replacement  
no further cameras planned for 2019/20 -240Hunters Hill Country Park  
CIL funding - delayed until 2020/21 -30Playground Improvements  
22K for 2020/21 and £22k to be used in 2021/22 -44

Land Charges - ICT upgrade

20K for 2020/21 and £20k to be used in 2021/22	-40
Alder Lane/ Bramble Way Landfill site spend delayed until 2020/21	-75
Burscough Sports Centre spend delayed until 2020/21	-386
	-1,341
<u>Other Adjustments</u>	
Parish Play Areas Cil Funding	54
Tawd Valley Agreed at Cabinet in June 2016	7
Tawd Valley Cil funding used for revenue in 2018/19	-3
Sluice Lane public right of way Cil Funding	31
Ormskirk Town Centre Gyrator Cil Funding	50
Bus/Rail Cycle link Cil funding	53
Bus/Rail Cycle link S106 funding	80
Abbey Lakes S106 funding	15
Rufford Village Hall S106 funding	54
Hunters Hill Cil funding	60
Carr Lane Sports Pavillion S106 funding	31
Park Pool funding re-allocated to Burscough sports Centre	-150

Burscough Sports Centre Grant £50K from Serco and £15k from WLCT	65
Scarisbrick Play areas Return to S106 pot as scheme no longer progressing	-13
New Court Way, Ormskirk (previously approved by council) Purchase of Land	393
	727
<u>Revised budget total</u>	<u><b>4,918</b></u>



**APPENDIX B - 2019/20 CAPITAL PROGRAMME**  
**SPEND TO DATE AGAINST BUDGET**

Service	Budget Approval	Spend to date	
	£000	£000	%
<b>EXPENDITURE</b>			
<b>Central Items</b>			
Financial Services	73	28	39%
Central Schemes	10	0	0%
Legal & Democracy	17	0	0%
<b>Leisure &amp; Environment</b>			
Leisure & Wellbeing - General	1,091	226	21%
Street Scene	257	74	29%
<b>Development &amp; Regeneration</b>			
Planning	269	0	0%
Technical Services	204	3	1%
Regeneration & Estates	493	9	2%
<b>Housing &amp; Inclusion</b>			
Corporate Property	600	47	8%
Housing Strategy	247	64	26%
Housing Private Sector	1,198	530	44%
IT Investment	460	17	4%
<b>Total</b>	<b>4,918</b>	<b>998</b>	<b>20%</b>

<b>RESOURCES</b>	
Capital Receipts	2,511
Grants & External Contributions	2,004
GRA Revenue Funding	10
Borrowing	393
<b>Total</b>	<b>4918</b>





COUNCIL: 11 December 2019

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**Report of:** Corporate Director of Transformation & Resources

**Relevant Portfolio Holder:** Councillor I Moran

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

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**SUBJECT: PARISH AND TOWN COUNCIL CHARTER FOR WEST LANCASHIRE  
- REVIEW**

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Wards affected: Borough wide

## **1.0 PURPOSE OF THE REPORT**

1.1 To consider the revised 'Parish and Town Council Charter for West Lancashire'.

## **2.0 RECOMMENDATIONS**

- 2.1 That the revised 'Parish and Town Council Charter for West Lancashire' attached at Appendix A, be endorsed and approved.
- 2.2 That the Corporate Director of Transformation & Resources be authorised to make any minor changes/updates to the Charter.
- 2.3 That it be noted, that the 'Parish and Town Council Charter for West Lancashire' will be reviewed every 2 years by the Parish Clerks Liaison Group, with any significant changes reported to Council and any minor changes being reported via the Corporate & Environmental Overview & Scrutiny Members Update.
- 2.4 That the request received from LALC (West Lancs Area Committee), detailed at paragraph 3.3 of the report, to extend the time limit for Parish Council representatives to speak at Planning Committee from 3 minutes to 5 minutes be referred to Planning Committee for consideration.

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## **3.0 BACKGROUND AND CURRENT POSITION**

3.1 The Parish and Town Council Charter for West Lancashire was launched in July 2006 following around two years of work which involved representatives from Parish Councils, LCC and West Lancashire Council.

- 3.2 The Charter has been reviewed by officers and Cabinet Members at West Lancashire Borough Council and circulated to Parishes in April 2019 for comments. The Charter was considered at the meeting of the Parish Clerks Liaison meeting in June 2019, updated with the comments received, re-circulated to Parish Councils and submitted to the LALC West Lancs Area Committee for comments. The Parish Clerks Liaison Group then considered the final draft of the Charter on 4 October 2019. A tracked changed version of the Charter is included at Appendix B to the report to show where changes have been made to the document. Appendix A incorporates all the changes suggested and is submitted to Council for approval.
- 3.3 LALC West Lancs Area Committee raised one additional matter in relation to the length of time allowed for Parish Councils to speak at Planning Committee, requesting that this be extended from 3 minutes to 5 minutes. It is therefore recommended that this matter is referred directly to Planning Committee for consideration.
- 3.4 The Parish Clerks Liaison Group has decided that it will review the Charter every two years. Any significant changes could be reported back to Council for approval. Any minor amendments such as title changes etc. could be dealt with under delegation arrangements and reported to Members every two years via the Members Update.

#### **4.0 SUSTAINABILITY IMPLICATIONS**

- 4.1 The Charter is a corporate document, included on the Council's website and recognises this Council's commitment to work with Parish Councils, in providing the best possible services for residents.

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

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

#### **6.0 RISK ASSESSMENT**

- 6.1 The Charter was established to provide greater day-to-day contact and swifter resolution of service requests/concerns to Councils in both tiers. The review of the Charter will ensure that it remains current and relevant to both the Borough and Parishes.

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#### **Background Documents**

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

#### **Equality Impact Assessment**

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

#### **Appendices**

- A. Revised 'Parish and Town Council Charter'
- B. Tracked changed version – Parish and Town Charter for West Lancashire



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52 Derby Street  
Ormskirk  
West Lancashire  
L39 2DF  
Tel: 01695 577177  
Website: [www.westlancs.gov.uk](http://www.westlancs.gov.uk)**

**A Parish and Town Council Charter for West Lancashire**

## Introduction

1. The Parish Councils of West Lancashire and West Lancashire Borough Council (the Borough Council) have agreed to publish a Charter which sets out how we aim to work together for the benefit of local people, whilst recognising our respective responsibilities as autonomous democratically elected, statutory bodies.

This Charter is the result of discussions locally to establish a new way of working and to confirm existing good practice. It is underpinned by the shared principles of:

- Openness
- Respecting each other's opinions
- Honesty
- Being non political

2. The Borough Council acknowledges that Parish and Town Councils are the grass roots level of local government. By working with them the Borough Council aims to act in partnership with our local communities, while balancing the needs of the wider community. This Charter recognises that Parish and Town Councils are different in size and aspiration and develop at different rates and seeks to accommodate this diversity.

3. In their role as democratically accountable bodies, Parish and Town Councils offer a means of shaping the decisions that affect their communities. They offer a means of decentralising the provision of certain services and of revitalising local communities. In turn the (signatory) Parish Councils recognise the strategic role of the Borough Council and the equitable, efficient and cost-effective distribution of services which it has to achieve.

4. Without wanting to exclude any Parish or Town Council, this Charter reflects the increasing importance attached by central government to partnership working and the development of 'Quality Status' for Parish and Town Councils.

### **Parish Champion**

5. Lancashire County Council's Champion for Parish and Town Councils is County Councillor Paul Rigby. The role of Parish Champion is to assist the Leader of the County Council and appropriate portfolio holders by advising on ways to sustain and improve effective working relationships between the county council and parish and town councils in Lancashire.

County Councillor Rigby can be contacted in the following ways:

Telephone: 07779 596592

Email: [paul.rigby@lancashire.gov.uk](mailto:paul.rigby@lancashire.gov.uk)

### **Parish Champion grant**

6. Parish and town councils are encouraged to bid for a grant from the Parish Champion to support projects and initiatives in their locality. Each year the Parish Champion has a budget of £10,000 for a range of projects and initiatives such as the purchase of a defibrillator, a life belt, picnic tables, playground equipment and memorial stones.

Contact email: [parishcouncils@lancashire.gov.uk](mailto:parishcouncils@lancashire.gov.uk)

### **Sustainability**

7. The Borough Council will work in partnership with all Parish and Town Councils in its area to provide sustainable social, economic and environmental development for the benefit of local communities.

### **One West Lancs Partnership**

8. The former duty for a local authority to prepare a Sustainable Community Strategy was repealed in 2014. The West Lancashire Sustainable Community Strategy, agreed through the Local Strategic Partnership, ran until 2017. The One West Lancs partnership, which aims to improve the quality of life for everyone in West Lancashire, was formed in April 2013 with partners of the local voluntary, public and business sectors and is administered by West Lancashire Council for Voluntary Service (CVS) - the key infrastructure charity for the voluntary, community and faith sector in West Lancs. The Lancashire Association of Local Councils (LALC) appoint a Parish Council representative to the One West Lancs Board.

### **Local governance**

9. The Town and Parish Councils and Borough Council are committed to ensuring effective liaison arrangements are in place in order to promote sustainable development and improve the well-being of the area.

These arrangements include:-

- The Borough Council will hold liaison meetings with Parish Clerks of all Parish and Town Councils that wish to take part.
- By agreement with the relevant Parish and Town Councils, Borough Ward Councillors will attend meetings and make themselves available to the local Council, in order to develop good communications between the two tiers of local government.
- Attendance by Borough Council officers where appropriate and with appropriate notice, at meetings of the Lancashire Association of Local Councils (LALC) by request to provide information, for specific agenda items.
- A commitment from the Parish and Town Councils who are signatories to this Charter to involve themselves in the above liaison arrangements.

10. The Borough Council will administer the holding of Parish and Town Council elections. The respective authorities will work together to limit the costs of holding such elections.

### **Consultation**

11. The Borough Council will aim to give Parish and Town Councils the opportunity to comment before making a decision which affects the local community. In furtherance of this, the Borough Council will circulate electronically, a list of its public reports to Parish clerks at the same time as they are sent to members of the Borough Council. Parish and Town Councils are encouraged to comment directly to members of the Borough Council. The Borough Council will inform Parish Councils of decisions by sending minutes of decisions relating to its public reports. In particular, the Borough Council will provide:-

- Weekly lists of planning applications electronically to all clerks.
- Weekly lists of licensing applications electronically to all clerks.
- Information relating to the proposed disposal of land within the Council's ownership.
- Consultation on street naming.
- Consultation on individual planning applications as appropriate.
- Encouragement to those submitting major planning applications to consult with local communities and Parish Councils.

12. It is our aim that only in exceptional circumstances will appropriate consultation not take place, in which case a written explanation will be given on request.

13. To help achieve the objectives laid down in this Charter, liaison and consultation (both formal and informal) will be further developed at Parish and Town Council level through regular meetings or specific service consultative groups and, at officer level, individually or through working parties and groups.

14. Councillors and officers of the Borough Council, wherever practicable, will attend meetings with the Parish and Town Councils (or groups of such Councils) by request and at a mutually agreed time to discuss matters of common interest.

15. Parish and Town Councils will send copies of their agendas to Borough Councillors for their area, on request. Officers and Councillors of the Borough Council will be given an opportunity to speak at Parish and Town Council meetings on matters of mutual interest.

## Information and complaints

16. When the Borough Council consults Parish Councils, it will provide them with sufficient information to enable them to reach an informed view on the matter, and give them adequate time to respond in accordance with the statutory requirements where applicable.

17. The Borough Council will keep Parish and Town Councils informed by sending them electronic copies of:

- The Chief Executive's Newsletter, West Lancs Now, in e-mail format on request.
- Copies of all Council press releases, in e-mail format, on request.
- Copies of public Cabinet, Council and other Committee papers and decisions, in e-mail format.
- The provision of these papers, and the decisions made, on the Council Website.
- The internal members contact card for telephone numbers and e-mail addresses of relevant officers, as and when it is updated, by e-mail.
- By provision of an outline service delivery plan for street scene services posted on the website.

18. The Borough Council and Parish and Town Councils will acknowledge e-mails and letters sent by the other partner and both will aim to provide substantive answers to letters which need a reply, if possible, within two weeks, i.e. 10 working days.

19. The Parish and Town Councils will communicate with the Borough Council by sending representatives to attend clerks liaison meetings and by sending the Borough Council copies of Parish Plans (where these exist) and newsletters (where these are produced). The Parish and Town Councils and Borough Council will work together to ensure that, as much use as possible is made of electronic communication. Where a Parish or Town Council has a website, it will ensure this is linked to the Borough Council website.

## Complaints

20. If either the Borough Council or a Parish or Town Council is dissatisfied with the other's actions, the responses to a request for information, or failure to consult, the matter will be dealt with informally in the first instance and in accordance with the relevant organisation's complaints procedure.

## Councillors' Code of Conduct

21. Both the Borough Council and the Parish and Town Councils have adopted codes of conduct, based on the national model code of conduct. The Parish Councils will work with the Borough Council's Monitoring Officer to promote and maintain high standards of conduct. The Borough Council has consulted and agreed the following arrangements with the Parish and Town Councils for the appointment of representatives to the Standards Committee.

All Parish Councils are invited to submit the name of a member that they would wish to see appointed to serve on the Standards Committee. The Member nominated should not be a Borough Councillor and ideally should not be a close friend of any member or officer of the Borough Council.

The nominees will be asked to prepare a brief personal profile set out on a standard proforma.

Parish Councils will then be contacted to vote for two candidates from the list of nominations. The two candidates with the highest number of votes will then be formally appointed by the Council, to serve on the Standards Committee for a three year period.

Parish Councils will be e-mailed with the details of the appointments made.

The Borough Council will invite all Parish Clerks and Councillors to the annual Code of Conduct training event on the Code of Conduct.

The Borough Council will publish on its website copies of each Parish Councillor's Register of Interests Form, unless the Parish has specifically advised that they will publish its own forms on the their own website.

## Delegating responsibility for service provision

22. If a Parish or Town Council (or group of local Councils) wishes to discharge functions on behalf of the Borough Council, the Borough Council will consider this where it provides best value (taking into account cost, quality, local preferences and practicality). Where it does not offer best value the Borough Council will, in consultation with the Parish or Town Council(s), explore alternative solutions to encourage more local-level input to service delivery. In particular the Borough Council will offer each Parish and Town Council up to two meetings a year to discuss and influence street scene issues with the Service Manager, the Director of Leisure & Environment or her representative.

## Financial arrangements

23. The Borough Council has put in place a clear set of financial arrangements for its relations with Parish Councils. The Borough Council will keep these arrangements under review and will consult with Parish Councils as and when changes are proposed to them.

24. Where a Parish Council takes on the provision of certain services, the level of funding and terms will be agreed by the Borough Council and the Parish Council.

(See Appendix 1)

## Local community life

25. The Borough Council will promote local community life through:

- The capital grants scheme for Parish and Town Councils.
- Working in partnership with Parish and Town Councils to develop local facilities and services (e.g. activities for young people) and attract external funding for these.
- Providing advice on the development of Parish Plans.

## Practical support

26. The Borough Council will, where practical, explore with Parish and Town Councils areas where they can offer access to its own support services enabling them to take advantage of these at a mutually agreed price. In particular, assistance will be offered:

- By helping to meet any training needs identified by Parish and Town Councils, by offering access to appropriate parts of the Council's ad hoc seminar and training programmes (if this is wanted by Parish and Town Councils).
- By providing advice, information and enabling access to Borough Council's Departments to help in the preparation and delivery of Parish Plans.
- By 'signposting' to services outside the Borough Council's remit and where Parish and Town Councils would find this of assistance, e.g. in relation to mediation.
- By facilitating joint approaches to issues involving several agencies.
- By providing named officer(s) as the first point of contact for Parish and Town Councils if they do not know who to go to within the Borough Council.
- By providing space for Parish and Town Council use, if appropriate and practicable, within Council publications.
- Through the provision of mail franking and address labels for mailings (subject to rules around releasing such information and at the expense of the Parish or Town Council).
- By offering new clerks access to the Council's induction Video and an opportunity to meet with relevant officers and members.
- By providing access to suppliers lists.

## Land use planning

27. Where a Parish or Town Council (or group of Councils) has prepared a Parish or Town Plan which includes proposals concerning land use and development planning issues (e.g. a village design statement) the Borough Council will consider the proposals as part of the preparation of any new relevant Local Development Framework (LDF) documents.

28. Therefore Parish or Town Councils are strongly advised to seek advice from the Borough Council before embarking on the development of Parish Plans or design statements, and involve themselves in the production of LDF documents.

## Quality Parish and Town Councils

29. The Parish and Town Councils and Borough Council recognise the potential benefits, in terms of the quality of service offered to local people, of Parish and Town Councils working towards and gaining, quality status. Efforts to achieve quality status are encouraged.

## Parish Plans

30. The Parish and Town Councils and Borough Council also recognise that the development of a Parish Plan can have a benefit in its own right and can provide a useful input to the community planning process for the whole Borough and that such plans can be developed independently of a policy in relation to seeking quality status. Consequently the Borough Council will encourage the production of Parish Plans by:

- Providing advice and information to assist the production of Parish plans.
- Ensuring the criteria of the Borough Council's capital grants scheme provide an incentive for those Councils preparing and/or having a Parish Plan in place or having 'adopted' the same.
- Encouraging strengthened links between Parish and Town Councils and the One West Lancs Partnership in order to improve the delivery of local priorities.

## Monitoring and Review

31. The Parish and Town Councils and Borough Council want this Charter to be a living document which helps to enhance communication and arrangements between the two layers of local democracy. Consequently, the operation of the Charter will be regularly monitored through the liaison arrangements described at paragraph 9 of this document. The Charter will be reviewed approximately every three years or sooner if required.

32. In between reviews, any Parish or Town Council within West Lancashire may give notice of its wish to become a signatory, or resign as a signatory, from the Charter.

## Conclusion

33. The following Parish and Town Councils of West Lancashire and West Lancashire Borough Council are committed to the principles and statements within the Charter, for the benefit of local people.

September 2019

Useful contact details:

(To be completed once the new structures are in place from 4 November 2019)

## Parish Council Capital funding

The Council makes provision in its budget setting for a small pot of funding to be available for Parish Councils to bid for Capital Schemes. Until the budget is set at the February Council meeting it is not known how much funding will be available. The process for applying for capital funding is set out below:

### Timeline

Autumn	Blank Applications sent to all Parish Clerks.
February	Final applications to be submitted to the Borough Council (deadline informed by email).
March	Application scored based on agreed scoring process.
April	Successful and unsuccessful Parish Clerks informed. Terms and Conditions sent out to be signed and returned.

Blank applications will be sent to Parish clerks via email. It is accompanied with information relating to completion, closing date for return of the application, and factors that are considered in the scoring process.

The factors that are used to rank bids are:

	Weighting
The proportion of match funding involved in the project	30%
How the scheme will help the Borough Council's Vision	25%
Previous years grant funding provided by the Borough Council	25%
Value for money and efficiency	10%
Level of Parish Reserves	10%

### Match Funding

Points are awarded in relation to the amount funded by the Parish and possibly other funders. For example if the capital scheme is £10,000 and the parish and possibly others are to fund £8,000 and a grant of £2,000 is being requested from the Borough Council then this will score more points than if the situation was reversed.

### Borough Council's Vision

Very simply the more your scheme matches the vision the higher the points that are awarded.

### Previous Years Grants Received

This category considers the amount of capital grant funding received by the parish over the previous four years and awards points accordingly. Where a parish has received no funding in these years then they will receive the maximum number of points awarded. Where a parish has received funding, consideration is then given to the number of electors in that parish, the higher the ratio (funding to electors) the lower the score.

### Value for money and efficiency

Based on what is included on the application to demonstrate how these will be achieved.

### Level of Parish Reserves

The level of reserves held calculated as a percentage of the previous year's precept.  
The higher the percentage the lower the score.

When all categories have been evaluated, the points from each category are then added together to give an overall score, and the parishes with the highest overall scores are the parishes most likely to receive capital funding. The Borough Council has a limited budget for funding Parish Capital schemes and it is restricted to this limit each year.



## **Concurrent Grant and Council Tax Support Grant Funding**

In recent years the total level of concurrent grant and council tax support grant funding has reduced in line with the Borough Council's government grant funding. This position has now stabilised and at the current time no further significant reductions in government grant funding are expected. Consequently the level of revenue grant funding to Parish Councils remained unchanged in 2019/20. Going forward this position will be kept under review.

The concurrent contributions must be spent on concurrent activities and at least an equivalent amount must be funded through the parish precept. This means that if a Parish precepts for less than they would be entitled to under the scheme, the Parish will not receive any concurrent grant from the Borough Council.

## **Precept**

Information on each Parish's 'Council Tax base' will be provided to the Parish Clerks in December. Details of your agreed precept set at your budget meeting should be provided to the Borough Council by the deadline provided (first two weeks in February) in preparation for inclusion in setting the Council Tax at the end of February.



West Lancashire ~~Borough~~Distriet Council,  
~~P O Box 16~~  
52 Derby Street  
Ormskirk  
West Lancashire  
L39 2DF  
Tel: 01695 577177  
Website: [www.westlancsdc.gov.uk](http://www.westlancsdc.gov.uk)

A Parish and Town Council Charter for West Lancashire

## Introduction

1. The Parish Councils of West Lancashire and West Lancashire ~~District Borough~~ Council (~~hereinafter referred to as the District Borough~~ Council) have agreed to publish a Charter which sets out how we aim to work together for the benefit of local people, whilst recognising our respective responsibilities as autonomous democratically elected, statutory bodies.

This Charter is the result of discussions locally to establish a new way of working and to confirm existing good practice. It is underpinned by the shared principles of:

- Openness
- Respecting each other's opinions
- Honesty
- Being ~~apolitical~~non political

2. The ~~District Borough~~ Council acknowledges that Parish and Town Councils are the grass roots level of local government. By working with them the ~~District Borough~~ Council aims to act in partnership with our local communities, while balancing the needs of the wider community. This Charter recognises that Parish and Town Councils are different in size and aspiration and develop at different rates and seeks to accommodate this diversity.

3. In their role as democratically accountable bodies, Parish and Town Councils offer a means of shaping the decisions that affect their communities. They offer a means of decentralising the provision of certain services and of revitalising local communities. In turn the (signatory) Parish Councils recognise the strategic role of the ~~District Borough~~ Council and the equitable, efficient and cost-effective distribution of services which it has to achieve.

4. Without wanting to exclude any Parish or Town Council, this Charter reflects the increasing importance attached by central government to partnership working and the development of 'Quality Status' for Parish and Town Councils.

Part 1: All Parish and Town Councils and ~~the~~ Lancashire County Council

~~It is envisaged that this Charter will be completed with inclusion of Lancashire County Council's text once this had been agreed with Parish and Town Councils in West Lancashire.~~

### Parish Champion

~~5. Lancashire County Council's Champion for Parish and Town Councils is County Councillor Paul Rigby. The role of Parish Champion is to assist the Leader of the County Council and appropriate portfolio holders by advising on ways to sustain and improve effective working relationships between the county council and parish and town councils in Lancashire.~~

~~County Councillor Rigby can be contacted in the following ways:~~

~~Telephone: 07779 596592~~

~~Email: [paul.rigby@lancashire.gov.uk](mailto:paul.rigby@lancashire.gov.uk)~~

### Parish Champion grant

~~Parish and town councils are encouraged to bid for a grant from the Parish Champion to support projects and initiatives in their locality. Each year the Parish Champion has a budget of £10,000 for a range of projects and initiatives such as the purchase of a defibrillator, a life belt, picnic tables, playground equipment and memorial stones.~~

~~Contact email: [parishcouncils@lancashire.gov.uk](mailto:parishcouncils@lancashire.gov.uk)~~

Part 2: All Parish and Town Councils and the ~~District~~ Borough Council

### **Sustainability**

~~75. The District Borough Council will work in partnership with all Parish and Town Councils in its area to provide sustainable social, economic and environmental development for the benefit of local communities.~~

### ~~Community strategies and Local Strategic Partnerships~~ One West Lancs Partnership

~~86. The former duty for a local authority to District Council will involve Parish and Town Councils in the processes of preparing and implementing the a Sustainable Community Strategy was repealed in 2014. The West Lancashire Sustainable Community Strategy, agreed through the Local Strategic Partnership, ran until 2017. The One West Lancs partnership, which aims to promote or improve the quality of life for everyone in West Lancashire, was formed in April 2013 with partners of the local voluntary, public and business sectors and is administered by West Lancashire Council for Voluntary Service (CVS) - the key infrastructure charity for the voluntary, community and faith sector in West Lancs. The Lancashire Association of Local Councils (LALC) appoint a Parish Council representative to the One West Lancs Board. economic, social and environmental well-being of the area, incorporating the role of adopted Parish Plans, and discuss the role which Parish and Town Councils should take. The District Council will consult and involve Parish and Town Councils accordingly about the content and direction of the community strategy as it affects the local communities they represent~~

## Local governance

97. The Town and Parish Councils and DistrictBorough Council are committed to ensuring effective liaison arrangements are in place in order to promote sustainable development and improve the well-being of the area.

These arrangements include:-

- ~~Representation on the West Lancashire Local Strategic Partnership (LSP). The District Council will work with Parish and Town Councils to seek to ensure that these arrangements are regarded as suitable and sufficient.~~
- The DistrictBorough Council will hold liaison meetings with Parish Clerks representatives of all Parish and Town Councils that wish to take part. ~~These include meetings with Parish clerks several times a year; an annual celebration, update and networking event to which the chairmen of all Parish Councils and their clerks are invited; topic groups arranged on an ad hoc basis where similarity of interest is expressed by a number of Parish or Town Councils.~~

By agreement with the relevant Parish and Town Councils, DistrictBorough Ward Councillors will attend meetings and make themselves available to the local Council, in order to develop good communications between the two tiers of local government.

- Attendance by DistrictBorough Council officers where appropriate and with appropriate notice, at meetings of ~~Parish and Town Councils and the West Lancashire Association of Local Councils (LALC)~~ by request to provide information, for specific agenda items.
- A commitment from the Parish and Town Councils who are signatories to this Charter to involve themselves in the above liaison arrangements.
- ~~Representation from local Parish and Town Councils on the District Council's Standards Committee, and on overview and scrutiny commissions of the District Council where appropriate. Representatives will be chosen in line with democratic principles agreed with the signatories to this Charter.~~

108. The DistrictBorough Council will administer the holding of Parish and Town Council elections. The respective authorities will work together to limit the costs of holding such elections.

## Consultation

119. The DistrictBorough Council will aim to give Parish and Town Councils the opportunity to comment before making a decision which affects the local community. In furtherance of this, the DistrictBorough Council will circulate electronically, a list of its public reports to Parish clerks at the same time as they are sent to members of the DistrictBorough Council. Parish and Town Councils ~~can request a copy of any public report and~~ are encouraged to comment directly to members of the DistrictBorough Council. The DistrictBorough Council will inform Parish Councils of decisions by sending ~~them~~ minutes of decisions relating to its public reports. In particular, the DistrictBorough Council will provide:-

- Weekly lists of planning applications electronically to all clerks, ~~who can receive electronic versions. The paper service will continue by exception but will be phased out by April 2008.~~
- Weekly lists of licensing applications electronically to all clerks ~~who can receive electronic versions. The paper service will continue by exception but will be phased out by April 2008.~~
- Information relating to the proposed disposal of land within the Council's ownership.
- Consultation on street naming.
- Consultation on individual planning applications as appropriate.
- Encouragement to those submitting major planning applications to consult with local communities and Parish Councils.

1210. It is our aim that only in exceptional circumstances will appropriate consultation not take place, in which case a written explanation will be given on request.

134. To help achieve the objectives laid down in this Charter, liaison and consultation (both formal and informal) will be further developed at Parish and Town Council level through regular meetings or specific service consultative groups and, at officer level, individually or through working parties and groups.

142. Councillors and officers of the DistrictBorough Council, wherever practicable, will attend meetings with the Parish and Town Councils (or groups of such Councils) by request and at a mutually agreed time to discuss matters of common interest.

153. Parish and Town Councils will send copies of their agendas, ~~papers and minutes to the District Council. They will send copies of the same~~ to DistrictBorough Councillors for their area, on request. Officers and Councillors of the DistrictBorough Council will be given an opportunity to speak at Parish and Town Council meetings on matters of mutual interest.

## Information and complaints

164. When the DistrictBorough Council consults Parish Councils, it will provide them with sufficient information to enable them to reach an informed view on the matter, and give them adequate time to respond in accordance with the statutory requirements where applicable.

175. The DistrictBorough Council will ~~communicate with Parish and Town Councils and others in the community, by publishing 'The Voice' regularly and making it available to the local community. It will also~~ keep Parish and Town Councils informed by sending them electronic copies of:

- The Chief Executive's Newsletter, West Lancs Now7 Days, in ~~hard or~~ e-mail format on request.
- Copies of all Council press releases, in ~~hard or~~ e-mail format, on request.
- Copies of public Cabinet, Council and other Committee papers and decisions, in ~~hard or~~ e-mail format.
- The provision of these papers, and the decisions made, on the Council website.
- The internal ~~short~~ members contact card for guide to telephone numbers and e-mail addresses of relevant officers, as and when it is updated, by e-mail.
- ~~A copy of the Council's service standards leaflets, as and when they are updated.~~
- ~~A copy of the annual Citizens' Guide, incorporating a list of emergency numbers.~~
- By provision of an outline service delivery plan for street scene services posted on the website.

186. The DistrictBorough Council and Parish and Town Councils will acknowledge e-mails and letters sent by the other partner and both will aim to provide substantive answers to letters which need a reply, if possible, within two weeks, i.e. 10 working days.

197. The Parish and Town Councils will communicate with the DistrictBorough Council by sending representatives to attend clerks liaison meetings and by sending the DistrictBorough Council copies of minutes-of meetings, Parish Plans (where these exist) and newsletters (where these are produced). The Parish and Town Councils and DistrictBorough Council will work together to ensure that, as much use as possible is made of electronic communication. Where a Parish or Town Council has a website, it will ensure this is linked to the DistrictBorough Council website.

~~18. The District Council will provide advice on request to Parish and Town Councils on establishing a website via the Lancashire Community Portal.~~

## Complaints

1920. If either the DistrictBorough Council or a Parish or Town Council is dissatisfied with the other's actions, the responses to a request for information, or failure to consult, the matter will be dealt with informally in the first instance and in accordance with the relevant organisation's Complaints procedure.

## ~~Standards committee~~Councillors' Code of Conduct

210. Both the DistrictBorough Council and the Parish and Town Councils have adopted codes of conduct, based on the national model code of conduct. The Parish Councils will work with the DistrictBorough Council's ~~Standards Committee~~Monitoring Officer to promote and maintain high standards of conduct. The ~~Borough District~~ Council has consulted and agreed the following arrangements with the Parish and Town Councils for the appointment of representatives to the Standards Committee.

All Parish Councils are invited to submit the name of a member that they would wish to see appointed to serve on the Standards Committee. The Member nominated should not be a DistrictBorough Councillor and ideally should not be a close friend of any member or officer of the District Borough Council.

The nominees will be asked to prepare a brief personal profile set out on a standard proforma.

Parish Councils will then be contacted to vote for two candidates from the list of nominations. The two candidates with the highest number of votes will then be formally appointed by the Council ~~at its Annual Meeting~~, to serve on the Standards Committee for a three year~~the period specified~~.

~~The Council Secretary and Solicitor will write to the Parish Councils~~ will be e-mailed with the following the Annual Meeting, giving details of the appointments made.

The Borough Council will invite all Parish Clerks and Councillors to the annual Code of Conduct training event on the Code of Conduct.

The Borough Council will publish on its website copies of each Parish Councillor's Register of Interests Form, unless the Parish has specifically advised that they will publish its own forms on the their own website.



## Delegating responsibility for service provision

224. If a Parish or Town Council (or group of local Councils) wishes to discharge functions on behalf of the DistrictBorough Council, the DistrictBorough Council will consider this where it provides best value (taking into account cost, quality, local preferences and practicality). Where it does not offer best value the DistrictBorough Council will, in consultation with the Parish or Town Council(s), explore alternative solutions to encourage more local-level input to service delivery. In particular the DistrictBorough Council will offer each Parish and Town Council up to two meetings a year to discuss and influence street scene issues with the Unit Service Manager, the Director of Leisure & Environment or her/his representative.

## Financial arrangements

232. The DistrictBorough Council has put in place a set of ~~ut its~~ financial arrangements for its relations with Parish and Town Councils at Appendix 4 in accordance with the principles and good practice guidance. The DistrictBorough Council will keep these arrangements under review and will consult with Parish Councils as and when changes are proposed on them ~~to the financial arrangements~~.

243. Where a Parish ~~or Town~~ Council takes on the provision of certain services, the level of funding and terms will be agreed by the DistrictBorough Council and the Parish Council.

## Local community life

254. The DistrictBorough Council will promote local community life through:

- The capital grants scheme for Parish and Town Councils.
- Working in partnership with Parish and Town Councils to develop local facilities and services (e.g. activities for young people) and attract external funding for these.
- Providing advice on the development of Parish Plans.

## Practical support

265. The DistrictBorough Council will, where practical, explore with Parish and Town Councils areas where they can offer access to its own support services enabling them to take advantage of these at a mutually agreed price. In particular, assistance will be offered:

- By helping to meet any training needs identified by Parish and Town Councils, by offering access to appropriate parts of the Council's ad hoc seminar and training programmes (if this is wanted by Parish and Town Councils).
- By providing advice, information and enabling access to ~~the LSP, and~~ DistrictBorough Council's Departments/divisions to help in the preparation and delivery of Parish Plans.
- By 'signposting' to services outside the DistrictBorough Council's remit and where Parish and Town Councils would find this of assistance, e.g. in relation to mediation.
- By facilitating joint approaches to issues involving several agencies.
- By providing named officer(s) as the first point of contact for Parish and Town Councils if they do not know who to go to within the DistrictBorough Council.
- By providing space for Parish and Town Council use, if appropriate and practicable, within Council publications.
- Through the provision of mail franking and address labels for mailings (subject to rules around releasing such information and at the expense of the Parish or Town Council).
- By offering new clerks access to the Council's induction Video DVD and an opportunity to meet with relevant officers and members.
- ~~By providing advice on establishing Parish and Town Council websites through the Lancashire Community Portal.~~
- By providing access to suppliers lists.

## Land use planning

276. Where a Parish or Town Council (or group of Councils) has prepared a Parish or Town Plan which includes proposals concerning land use and development planning issues (e.g. a village design statement) the DistrietBorough Council will consider the proposals as part of the preparation of any new relevant Local Development Framework (LDF) documents.

287. Therefore Parish or Town Councils are strongly advised to seek advice from the DistrietBorough Council before embarking on the development of Parish Plans or design statements, and involve themselves in the production of LDF documents.

## Quality Parish and Town Councils

298. The Parish and Town Councils and DistrietBorough Council recognise the potential benefits, in terms of the quality of service offered to local people, of Parish and Town Councils working towards and gaining, quality status. Efforts to achieve quality status are encouraged.

## Parish Plans

2309. The Parish and Town Councils and DistrietBorough Council also recognise that the development of a Parish Plan can have a benefit in its own right and can provide a useful input to the community planning process for the whole DistrietBorough and that such plans can be developed independently of a policy in relation to seeking quality status. Consequently the DistrietBorough Council will encourage the production of Parish Plans by:-

- Providing advice and information to assist the production of Parish plans.
- Ensuring the criteria of the DistrietBorough Council's capital grants scheme provide an incentive for those Councils preparing and/or having a Parish Plan in place or having 'adopted' the same.
- ~~• Encouraging the Local Strategic Partnership to take account of the proposals and priorities within Parish and Town Plans in developing and implementing the community strategy.~~

- Encouraging strengthened links between Parish and Town Councils and the One West LancsLocal Strategic Partnership in order to improve the delivery of local priorities.

## Monitoring and Review

310. The Parish and Town Councils and DistrietBorough Council want this Charter to be a living document which helps to enhance communication and arrangements between the two layers of local democracy. Consequently, the operation of the Charter will be regularly monitored through the liaison arrangements described at paragraph 97 of this document. The Charter will be reviewed approximately every three years or sooner if required.

342. In between reviews, any Parish or Town Council within West Lancashire may give notice of its wish to become a signatory, or resign as a signatory, from the Charter.

## Conclusion

332. The ~~following undersigned~~ Parish and Town Councils of West Lancashire and West Lancashire DistrietBorough Council are committed to the principles and statements within the Charter, for the benefit of local people.

September 2019

Useful contact details:

(To be completed once the new structures are in place from 4 November 2019)

Appendix 1 (See clean version for insert)





COUNCIL: 11 December 2019

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**Report of:** Corporate Director of Transformation & Resources

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

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**SUBJECT: EXECUTIVE DECISIONS – SPECIAL URGENCY**

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Wards affected: Borough wide

## **1.0 PURPOSE OF THE REPORT**

- 1.1 To advise that, for the period 1 December 2018 to 30 November 2019, one decision was taken under Access to Information Procedure Rule 16 (Special Urgency).

## **2.0 RECOMMENDATION**

- 2.1 That it be noted that Access to Information Rule 16 (Special Urgency) was exercised once during the period 1 December 2018 to 30 November 2019 at the Cabinet meeting held on 12 March 2019 in relation to the item "Local Plan Review Preferred Options – Initial Feedback".
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## **3.0 ACCESS TO INFORMATION PROCEDURES**

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

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

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

- (a) obtains the agreement of the Chairman of a relevant Overview and Scrutiny Committee; or

if there is no Chairman of the relevant Overview and Scrutiny Committee; or if the Chairman of each relevant Overview and Scrutiny Committee is unable to act, then the agreement of the Chairman of the Council (the Mayor), or in his/her absence the Vice Chairman (the Deputy Mayor), that the making of the decision is urgent and cannot reasonably be deferred; and

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

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

3.4 I can advise that Procedure Rule 16 (Special Urgency) was exercised once in the period 1 December 2018 to 30 November 2019 at the Cabinet meeting held on 12 March 2019 in relation to the item "Local Plan Review Preferred Options – Initial Feedback". The reasons that the decision was urgent and could not reasonably be deferred is stated as: "that the Local Development Scheme, setting out the timetable for the preparation of the Local Plan Review, expects a Publication version of the new Local Plan to be put before Cabinet in June 2019. Given that, after the 12 March meeting, there is no Cabinet meeting scheduled until 11 June, this item needs to be urgently brought before Cabinet to enable Cabinet to provide a decision on the options for meeting unmet housing need arising from Sefton in the new Local Plan. This matter is one that is central to setting a housing requirement for the new Local Plan, which in turn effects what sites should be allocated, how Green Belt boundaries should be amended and a number of other policies. Therefore, in order to be able to prepare a Publication version of the Local Plan by June, officers need the input of Cabinet at the 12 March meeting."

#### **4.0 SUSTAINABILITY IMPLICATIONS**

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

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

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

#### **6.0 RISK ASSESSMENT**

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

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### **Background Documents**

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

## **Equality Impact Assessment**

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

## **Appendices**

None.







COUNCIL: 11 December 2019

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**Report of:** Corporate Director of Transformation & Resources

**Contact for further information:** Mrs J Denning (Extn. 5384)  
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**SUBJECT: APPOINTMENT OF VICE-CHAIRMAN OF EXECUTIVE OVERVIEW & SCRUTINY COMMITTEE**

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Wards affected: Borough wide

## **1.0 PURPOSE OF THE REPORT**

1.1 To appoint the Vice-Chairman of Executive Overview & Scrutiny Committee.

## **2.0 RECOMMENDATION**

2.1 That a Councillor who is a Member of the Executive Overview & Scrutiny Committee, be appointed Vice-Chairman of the Executive Overview & Scrutiny Committee for the remainder of the 2019/20 Municipal Year.

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## **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 At the Annual Meeting of the Council on 15 May 2019, Councillor Furey was appointed Vice-Chairman of the Executive Overview & Scrutiny Committee. This position have now become vacant.

## **4.0 SUSTAINABILITY IMPLICATIONS**

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

## **5.0 FINANCIAL AND RESOURCE IMPLICATIONS**

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

## **6.0 RISK ASSESSMENT**

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

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### **Background Documents**

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

### **Equality Impact Assessment**

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

### **Appendices**

None.