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Chief Executive
52 Derby Street
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20 September 2019

CORPORATE AND ENVIRONMENTAL OVERVIEW & SCRUTINY MEMBERS UPDATE

CORPORATE YEAR 2019/20

SEPTEMBER 2019 – ISSUE 2

The content of this MEMBERS UPDATE covers all services.

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

If a Member wants to place an item on the Committee agenda in connection with any article in the Update, please provide it to member.services@westlancs.gov.uk or telephone 01695 585017 by 12 Noon on Friday 27 September 2019.

Members Item / Councillor Call for Action

If a Member wants to place an item on the Corporate and Environmental O&S Committee Agenda, please complete the attached Member Item / Councillor Call for Action Pro Forma (Appendix B) and return it to member.services@westlancs.gov.uk by 12 Noon on Friday 27 September 2019.

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

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

For further information, please contact:-
Ethan Hales on 01695 585016
Or email ethan.hales@westlancs.gov.uk



**‘MEMBER UPDATE’ REQUEST
CORPORATE AND ENVIRONMENTAL OVERVIEW
SCRUTINY COMMITTEE**

MEETING: 10 October 2019

This form must be received by Member Services, 52 Derby Street, Ormskirk by:- 12 noon on Friday 27 September 2019.

Member Update Issue: 2

Councillor:	
Article No:	
Subject:	

If more information is required in relation to this item, please contact the officer indicated on the first page of the related report.

Please advise Member Services on 01695 585065 if at any time you wish to withdraw this item following receipt of further information or e-mail member.services@westlancs.gov.uk

<p>1. What are your reasons for requesting the item?:</p>
<p>2. What outcome would you wish to see following discussion of the item?</p>

FOR MEMBER SERVICES USE ONLY

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

CORPORATE AND ENVIRONMENTAL OVERVIEW AND SCRUTINY
COMMITTEE AGENDA - MEETING: 10 October 2019

This form must be received by Member Services, 52 Derby Street, Ormskirk, before 12 noon on Friday 27 September 2019.

Please advise Member Services on 01695 585065 if at any time you wish to withdraw this item following receipt of further information or e-mail member.services@westlancs.gov.uk

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

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

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

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

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

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

FOR MEMBER SERVICES USE ONLY

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



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

**MEMBER UPDATE 2019/20
ISSUE: 2**

Article of: Borough Solicitor

Contact for further information: Mr. E Hales (Extn 5016)
(E-mail: ethan.hales@westlancs.gov.uk)

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

Wards affected: Borough wide

1.0 PURPOSE OF ARTICLE

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

2.0 BACKGROUND

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

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

- Community Safety Partnership – 23 April 2019
- Ageing Well Partnership – 11 June 2019
- People and Communities – Newsletter August 2019
- Health and Wellbeing – 21 January 2019

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

3.0 SUSTAINABILITY IMPLICATIONS

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

4.0 FINANCIAL AND RESOURCE IMPLICATIONS

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

5.0 RISK ASSESSMENT

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

Background Documents

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

Equality Impact Assessment

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

Appendices

None.



CORPORATE & ENVIRONMENTAL OVERVIEW & SCRUTINY COMMITTEE:

MEMBERS UPDATE 2019/2020
ISSUE: 2

Article of: Borough Solicitor

Relevant Portfolio Holder: Councillor Wright

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

SUBJECT: MINUTES OF THE LANCASHIRE POLICE AND CRIME PANEL

Wards affected: Borough wide

1.0 PURPOSE OF ARTICLE

- 1.1** To keep Members apprised of developments in relation to the Lancashire Police and Crime Panel.

2.0 BACKGROUND AND CURRENT POSITION

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

3.0 SUSTAINABILITY IMPLICATIONS

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

4.0 FINANCIAL AND RESOURCE IMPLICATIONS

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

5.0 RISK ASSESSMENT

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

Background Documents

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

Equality Impact Assessment

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

Appendices

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

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

11 March 2019
8 July 2019



Agenda Item 2a

ARTICLE NO:

**CORPORATE & ENVIRONMENTAL
OVERVIEW & SCRUTINY
COMMITTEE**

**MEMBERS UPDATE 2019/20
Issue: 2**

Article of: Director of Housing and Inclusion Services

Contact for further information: Mrs T Berry (Extn. 5227)
(E-mail: tracy.berry@westlancs.gov.uk)

SUBJECT: MONITORING OF FORMAL COMPLAINTS (2018/19)

Wards affected: Borough wide

1.0 PURPOSE OF ARTICLE

- 1.1 To present data on the number of formal complaints received by the Council from April 2018 to March 2019.
-
-

2.0 BACKGROUND

- 2.1 Types, numbers and trends in complaints provide a valuable insight into the quality of services and can make a valuable contribution to improving them. In this respect they should also be considered alongside other information such as performance indicators and securing value for money. The Customer Experience Section is responsible for managing the overall co-ordination of the corporate complaints process.
- 2.2 The Council defines a complaint as an expression of dissatisfaction about the standard of service, actions or lack of action taken by the Council, or a person or body acting on behalf of the Council, affecting an individual or group of customers. Therefore, the complaints procedure is not simply logging initial service requests e.g. for pest control, missed refuse collections, housing repairs etc. The Council's complaints procedure is attached at Appendix 1.
- 2.3 If a complainant wishes to pursue an issue further after the Council's own internal procedures have been exhausted, this can be raised with either the Local Government and Social Care Ombudsman or the Housing Ombudsman, depending on the nature of the complaint.

3.0 CURRENT POSITION

- 3.1 Complaints provide valuable customer feedback and the principal purpose of monitoring and responding to complaints is always to improve service delivery. On the very few occasions where the Council acknowledged that the service was not up to the required standard, the focus is on putting the matter right and preventing any re-occurrence. By taking complaints seriously, the Council is ensuring that all genuine grievances are recognised and action taken to address the issue.
- 3.2 This update provides Members with details of the number of formal complaints received during 2018/19. Data on the number of formal complaints received by each Directorate during this period is set out in Appendix 2 to this report. The numbers recorded are all written expressions of dissatisfaction and are not necessarily substantiated.
- 3.3 During 2018/19 the Council received 32 formal complaints, this shows a reduction of 13 from the previous year i.e. from 45 in 2017/18 to 32 in 2018/19. Further details regarding the nature of the specific complaints are provided at Appendix 2.
- 3.4 The details provided at Appendix 2 demonstrate that where there have been genuine complaints/ issues, these have been dealt with accordingly and wherever possible, improvements have been made to prevent re-occurrence.

4.0 SUSTAINABILITY IMPLICATIONS/COMMUNITY STRATEGY

- 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 significant financial or resource implications arising from this article.

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 article.

Background Documents

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

Equality Impact Assessment

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

Appendices

1. Corporate Complaints Procedure
2. Formal Complaints Received April 2018 to March 2019



West Lancashire Borough Council

Comments, Compliments and Complaints

The Council is always looking to improve services and you can help us do this by contacting the relevant Service Manager with any comments, compliments or complaints.

Comments?

Comments on how services might be improved to better meet the needs of customers are always welcome. If you want to offer any comments on a Council service please contact the relevant Service Manager.

Compliments?

Everyone likes to receive compliments and Council officers are no exception. More importantly, compliments can help us to identify what our customers value and can highlight good practice. If you believe you have received good service from the Council our Service Managers will be pleased to hear from you.

Complaints?

We always try to get things right but there may be occasions when customers have cause for complaint. Such complaints can serve to highlight areas where services could be improved.

The Council defines a complaint as an expression of dissatisfaction about the standard of service, actions or lack of action taken by the Council, or a person or body acting on behalf of the Council, affecting an individual or group of customers.

The Council has procedures in place to ensure that complaints are thoroughly investigated and, where possible, resolved.

The Complaints Procedure

Stage 1 - Speak or write to the Service Manager

If you have a complaint you should first speak to or write to the relevant Service Manager and explain your problem so that we can try to put this right for you.

Please note that the following will not usually be treated as complaints:

- Requests for a service e.g. reporting a housing repair
- Requests for information or an explanation of Council policy or practice
- Matters for which there is a right of appeal or a more appropriate or prescribed legal remedy
- Complaints about the conduct of Councillors, which should be reported to the Monitoring Officer – Borough Solicitor
- Complaints about decisions, in respect of licences, permits, approvals, consents, permissions or registrations or any related enforcement actions.

Stage 2 – Submit a formal complaint

If, after speaking or writing to the Service Manager, your complaint remains unresolved, you can either:

- Submit an online complaints form
- Send a letter, email or a downloaded paper complaints form (complaints forms are also available from Customer Services and Service Managers) to the relevant Complaints Co-ordinator setting out your complaint
- Contact Customer Services on 01695 577177 who will complete a complaints form with you over the phone

Your complaint will be investigated by the Head of Service who will aim to respond within 10 working days.

Stage 3 – Ask the Chief Executive for a review

If you believe your complaint remains unresolved, then the final stage of the complaints procedure is a review by the Chief Executive. Please explain fully why you believe your complaint remains unresolved. The Chief Executive will aim to respond within 10 working days.

Following the review by the Chief Executive, if you still believe your complaint remains unresolved, you can refer the matter to the relevant Ombudsman. The Chief Executive will write to you advising how you can do this.

For more information please contact Customer Services via email customer.services@westlancs.gov.uk or by calling 01695 577177

APPENDIX 2

Service	No. of Complaints 2017/18	No. of Complaints 2018/19	Comments
Leisure & Environment Services	1	4	<p>All of the complaints received were relating to Refuse & Recycling and in particular in relation to missed bin collections, non-delivery of a bin, and policy changes for charging for bins.</p> <p>Of the four complaints, three were upheld, apologies were given to the customers and measures put in place to avoid reoccurrence through discussions with the operatives.</p> <p>Following investigation, it was established that the remaining complaint was unfounded, however discussions were held with the customer and as a result a revised process was agreed for their assisted collection.</p>
Housing & Inclusion Property Services Voids & Allocations Tenancy Management Homelessness	26	16 6 1 8 1	<p>The majority of complaints related to Tenancy Management; four were regarding Estate Management issues and four related to Anti-Social Behaviour Issues. Of these eight complaints, only one was upheld which resulted in an apology being given and works completed to improve the situation.</p> <p>Of the six relating to Property Services, two related to compliance and four to response maintenance. Of these complaints, only two were upheld, which resulted in apologies being issued and works completed to resolve.</p> <p>Following investigation it was established that the remaining complaints received were unfounded and the Council was not at fault.</p>
Development & Regeneration Services	9	7	<p>Five complaints related to planning and building control. In these cases it was found that correct procedures were followed and there was no fault of the Council.</p>

			Two letters related to the Investment Centre and in particular to car parking and the air conditioning system. Measures were introduced to address car park concerns and new air conditioning installed. As a result of this feedback, we will be improving our communications with our tenants.
Legal & Democratic Services	0	2	Two complaints were received in relation to Legal & Democratic Services. Both were dealt with by providing explanations to the customers, consisting of guidance, policies and the procedures involved.
Finance & HR Services	4	0	No complaints were received for 2018/19.
Revenues & Benefits	5	3	Out of the three complaints received, the first was resolved by an explanation to the customer regarding existing policies and procedures which had been followed, further guidance and support was also offered to the customer. The remaining two complaints arose due to incorrect information being received by the Council from the customers. In both cases an apology was provided, as well as further advice and assistance given to the customer to rectify.
Total	45	32	



ARTICLE NO:

**CORPORATE AND ENVIRONMENTAL
OVERVIEW AND SCRUTINY
COMMITTEE**

**MEMBERS UPDATE - 2019/20
ISSUE: 2**

Article of: Borough Solicitor

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

SUBJECT: LOCAL GOVERNMENT OMBUDSMEN – STATISTICS 2018/19

Wards affected: Borough wide

1.0 PURPOSE OF ARTICLE

1.1 To inform Members of the Council's performance in respect of the Local Government Ombudsmen statistics 2018/19.

2.0 BACKGROUND

- 2.1 The Council is overseen by two ombudsmen following changes brought about by the Localism Act 2011.
- 2.2 The Housing Ombudsman (HO) deals with complaints by Council housing tenants about matters such as estate management, repairs to Council house properties, rent and service charges, possession proceedings and mutual exchanges.
- 2.3 The Local Government and Social Care Ombudsman (LGSCO) deals with all other complaints against the Council across all the services it provides, including complaints by Council housing tenants about matters such as housing improvement grants, homelessness and statutory noise nuisance. The Council's response to enquiries and complaints received from the LGSCO and the HO are co-ordinated by the Deputy Borough Solicitor.
- 2.4 In July 2019 the LGSCO published an annual review letter which provides a summary of statistics on enquiries and complaints made in respect of the Council for the period 1st April 2018 to 31st March 2019. The annual review letter can be found at Appendix 1.
- 2.5 The HO does not currently publish an annual review of individual landlord performance. The Council's records indicate that the HO did not proceed to determine any complaints about the Council during 2018/19.

3.0 LOCAL GOVERNMENT AND SOCIAL CARE OMBUDSMAN PERFORMANCE-2018/19

- 3.1 During 2018/19 the LGSCO made decisions on 11 enquiries and complaints about the Council.
- 3.2 Of those 11 matters, 6 were referred back to the Council for local resolution (because the Council had not had an opportunity to properly consider the enquiry or complaint) and 4 were closed after initial enquires. Only 1 complaint proceeded to an investigation (Appendix 2).
- 3.3 This complaint concerned the construction of a barn on agricultural land near to the complainant's property. Certain agricultural developments benefit from a grant of planning permission from central government. Such permission, called permitted development, does not require a full planning application to be submitted to the Council for approval. Instead applicants are required to submit a prior notification application. Unlike standard planning applications, when considering an application for agricultural permitted development, the Council does not consider material planning considerations. It can only consider the siting, design and external appearance of the proposed building. With regard to this application the Council did not state on its decision notice whether prior approval was needed or not. This meant the decision notice was invalid and as more than 28 days had passed since the prior notification application was submitted the development was deemed lawful and the applicant was entitled to erect the barn in accordance with the submitted plans.
- 3.4 The Council accepted it was at fault for the way it handled the prior notification application. However, the LGSCO found that the Council could not prevent the construction of the barn on land near to the complainant's house had it acted without fault. The LGSCO found that the barn would have been visible from the complainant's property regardless of its location within the applicant's land. So while the Council was at fault, the LGSCO did not consider this has resulted in the injustice to the complainant. In addition, the LGSCO was satisfied that since identifying the fault the Council has changed its procedures to ensure it follows the correct approach to prior notification applications in future.
- 3.5 Using information provided by the LGSCO I have prepared a table (Appendix 3) to allow a comparison of the Council's performance with the 11 other non-unitary district councils within Lancashire. Of the 11 other non-district unitary councils, 6 had at least one complaint upheld, whilst 5 had no upheld complaints.

4.0 SUSTAINABILITY IMPLICATIONS

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

5.0 FINANCIAL AND RESOURCE IMPLICATIONS

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

6.1 RISK ASSESSMENT

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

Background Documents

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

Equality Impact Assessment

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

Appendices

Appendix 1: Local Government and Social Care Ombudsman – Annual Review Letter – West Lancashire Borough Council – 2018/19

Appendix 2: Ombudsman Decision: Complaint 17 017 480

Appendix 3: Local Government and Social Care Ombudsman - Table of Detailed Investigations – Lancashire Non-Unitary Councils – 2018/19

24 July 2019

By email

Kim Webber
Chief Executive
West Lancashire Borough Council

Dear Ms Webber

Annual Review letter 2019

I write to you with our annual summary of statistics on the complaints made to the Local Government and Social Care Ombudsman about your authority for the year ending 31 March 2019. The enclosed tables present the number of complaints and enquiries received about your authority, the decisions we made, and your authority's compliance with recommendations during the period. I hope this information will prove helpful in assessing your authority's performance in handling complaints.

Complaint statistics

As ever, I would stress that the number of complaints, taken alone, is not necessarily a reliable indicator of an authority's performance. The volume of complaints should be considered alongside the uphold rate (how often we found fault when we investigated a complaint), and alongside statistics that indicate your authority's willingness to accept fault and put things right when they go wrong. We also provide a figure for the number of cases where your authority provided a satisfactory remedy before the complaint reached us, and new statistics about your authority's compliance with recommendations we have made; both of which offer a more comprehensive and insightful view of your authority's approach to complaint handling.

The new statistics on compliance are the result of a series of changes we have made to how we make and monitor our recommendations to remedy the fault we find. Our recommendations are specific and often include a time-frame for completion, allowing us to follow up with authorities and seek evidence that recommendations have been implemented. These changes mean we can provide these new statistics about your authority's compliance with our recommendations.

I want to emphasise the statistics in this letter reflect the data we hold and may not necessarily align with the data your authority holds. For example, our numbers include

enquiries from people we signpost back to your authority, some of whom may never contact you.

In line with usual practice, we are publishing our annual data for all authorities on our website, alongside our annual review of local government complaints. For the first time, this includes data on authorities' compliance with our recommendations. This collated data further aids the scrutiny of local services and we encourage you to share learning from the report, which highlights key cases we have investigated during the year.

New interactive data map

In recent years we have been taking steps to move away from a simplistic focus on complaint volumes and instead focus on the lessons learned and the wider improvements we can achieve through our recommendations to improve services for the many. Our ambition is outlined in our [corporate strategy 2018-21](#) and commits us to publishing the outcomes of our investigations and the occasions our recommendations result in improvements for local services.

The result of this work is the launch of an interactive map of council performance on our website later this month. [Your Council's Performance](#) shows annual performance data for all councils in England, with links to our published decision statements, public interest reports, annual letters and information about service improvements that have been agreed by each council. It also highlights those instances where your authority offered a suitable remedy to resolve a complaint before the matter came to us, and your authority's compliance with the recommendations we have made to remedy complaints.

The intention of this new tool is to place a focus on your authority's compliance with investigations. It is a useful snapshot of the service improvement recommendations your authority has agreed to. It also highlights the wider outcomes of our investigations to the public, advocacy and advice organisations, and others who have a role in holding local councils to account.

I hope you, and colleagues, find the map a useful addition to the data we publish. We are the first UK public sector ombudsman scheme to provide compliance data in such a way and believe the launch of this innovative work will lead to improved scrutiny of councils as well as providing increased recognition to the improvements councils have agreed to make following our interventions.

Complaint handling training

We have a well-established and successful training programme supporting local authorities and independent care providers to help improve local complaint handling. In 2018-19 we delivered 71 courses, training more than 900 people, including our first 'open courses' in Effective Complaint Handling for local authorities. Due to their popularity we are running six more open courses for local authorities in 2019-20, in York, Manchester, Coventry and London. To find out more visit www.lgo.org.uk/training.

Finally, I am conscious of the resource pressures that many authorities are working within, and which are often the context for the problems that we investigate. In response to that situation we have published a significant piece of research this year looking at some of the

common issues we are finding as a result of change and budget constraints. Called, [Under Pressure](#), this report provides a contribution to the debate about how local government can navigate the unprecedented changes affecting the sector. I commend this to you, along with our revised guidance on [Good Administrative Practice](#). I hope that together these are a timely reminder of the value of getting the basics right at a time of great change.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'M King', with a horizontal line underneath.

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

Local Authority Report: West Lancashire Borough Council
For the Period Ending: 31/03/2019

For further information on how to interpret our statistics, please visit our [website](#)

Complaints and enquiries received

Adult Care Services	Benefits and Tax	Corporate and Other Services	Education and Children's Services	Environment Services	Highways and Transport	Housing	Planning and Development	Other	Total
0	2	0	0	4	0	1	2	0	9

Decisions made

Detailed Investigations							
Incomplete or Invalid	Advice Given	Referred back for Local Resolution	Closed After Initial Enquiries	Not Upheld	Upheld	Uphold Rate (%)	Total
0	0	6	4	0	1	100	11

Note: The uphold rate shows how often we found evidence of fault. It is expressed as a percentage of the total number of detailed investigations we completed.

Satisfactory remedy provided by authority

Upheld cases where the authority had provided a satisfactory remedy before the complaint reached the Ombudsman	% of upheld cases
0	0

Note: These are the cases in which we decided that, while the authority did get things wrong, it offered a satisfactory way to resolve it before the complaint came to us.

Compliance with Ombudsman recommendations

Complaints where compliance with the recommended remedy was recorded during the year*	Complaints where the authority complied with our recommendations on-time	Complaints where the authority complied with our recommendations late	Complaints where the authority has not complied with our recommendations	
0	0	0	0	Number
	0%		-	Compliance rate**
<p>Notes: * This is the number of complaints where we have recorded a response (or failure to respond) to our recommendation for a remedy during the reporting year. This includes complaints that may have been decided in the preceding year but where the data for compliance falls within the current reporting year. ** The compliance rate is based on the number of complaints where the authority has provided evidence of their compliance with our recommendations to remedy a fault. This includes instances where an authority has accepted and implemented our recommendation but provided late evidence of that.</p>				

The Ombudsman's final decision

Summary: Mr X complains mistakes in how the Council considered a neighbouring planning application have resulted in the completed building adversely impacting his property. The Council has accepted it was at fault for the way it handled the prior notification application and has taken action to prevent such faults happening again. However, the Council would not have been able to prevent the construction of the building. There is no evidence the fault by the Council has caused the injustice Mr X claims.

The complaint

1. Mr X complains mistakes in how the Council considered a neighbouring planning application have resulted in the completed building adversely impacting his property.

The Ombudsman's role and powers

2. We investigate complaints about 'maladministration' and 'service failure'. In this statement, I have used the word fault to refer to these. We must also consider whether any fault has had an adverse impact on the person making the complaint. I refer to this as 'injustice'. If there has been fault which has caused an injustice, we may suggest a remedy. (*Local Government Act 1974, sections 26(1) and 26A(1), as amended*)
3. We cannot question whether a council's decision is right or wrong simply because the complainant disagrees with it. We must consider whether there was fault in the way the decision was reached. (*Local Government Act 1974, section 34(3), as amended*)
4. If we are satisfied with a council's actions or proposed actions, we can complete our investigation and issue a decision statement. (*Local Government Act 1974, section 30(1B) and 34H(i), as amended*)
5. We cannot investigate late complaints unless we decide there are good reasons. Late complaints are when someone takes more than 12 months to complain to us about something a council has done. (*Local Government Act 1974, sections 26B and 34D, as amended*). I have decided to investigate the Council's planning decision in October 2015 as Mr X only became aware of the impact of the Council's decision in November 2016 and has since engaged in correspondence with the Council to try and resolve the matter before coming to the Ombudsman.

How I considered this complaint

6. I considered Mr X's written complaint and the Council's response to my enquiries. I also considered the original planning application, the planning officer's report and decision notice.
7. Mr X and the Council have had an opportunity to comment on this draft decision.

What I found

The Law

8. Planning controls the design, location and appearance of development as well as its impact on public amenity. Planning controls are not intended to protect private rights or interests. The Council may grant planning permission subject to planning conditions to control the use or development of land. Councils can take enforcement action if they find a developer has breached planning rules.
9. Some agricultural developments benefit from a grant of planning permission from central government. Such permission, called permitted development, does not require a full planning application to be put in to the Council for approval.
10. The developer must instead put in a prior notification application. The Council then has 28 days to consider whether the proposed development needs prior approval or not. If the Council does not respond in 28 days, and the development meets the criteria for permitted development, it is deemed lawful.
11. If the Council says that prior approval is needed it then has eight weeks to decide the application. Unlike standard planning applications, when considering an application for agricultural permitted development, the Council does not consider material planning considerations. It can only consider the siting, design and external appearance of the proposed building.

What happened

12. On 14 September 2015 the Council received a prior notification application from Mr X's neighbour. The application was to construct a new barn on land behind Mr X's house. On 9 October 2015 the Council issued a decision refusing the application.
13. Mr X wrote to the Council in April 2016. He said his neighbour had begun construction of the barn without planning permission. He asked the Council to take enforcement action as it had refused the application. The Council said it would investigate the matter.
14. Mr X's solicitor wrote to the Council again in May 2016 asking why it had not taken enforcement action. The Council responded saying it was seeking legal advice on the matter. In November 2016 the Council wrote to Mr X's solicitor. It said it had not followed the correct process in its handling of the prior notification application. The Council had failed to state on its decision notice whether prior approval was needed or not. This meant the decision notice was invalid.
15. As more than 28 days had passed since the prior notification application the development was deemed lawful and Mr X's neighbour was entitled to erect the barn. The Council said it could not take enforcement action.
16. Mr X complained to the Council in April 2017. He said the barn was not being used for agricultural purposes. The Council carried out an enforcement visit but could not access the barn. They spoke to the owner who said the barn contained agricultural equipment.

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17. The Council responded to Mr X's complaint in June 2017. It said it was investigating the use of the barn but could not enforce its removal. It apologised for the original error but said had it dealt with the application correctly the Council would still have had no legal basis to refuse the development or protect Mr X's views.
 18. Following further correspondence from Mr X's solicitor the Council carried out a second enforcement visit in September 2017. It inspected the barn and found it to contain agricultural equipment. It wrote to Mr X's solicitor saying it was satisfied the building was being used for agricultural purposes. The Council closed its enforcement file in October 2017. Mr X remained unhappy and complained to the Ombudsman.

My findings

19. The Council has accepted it was at fault for the way it handled the 2015 prior notification application. However, under the Town and Country Planning (General Permitted Development) Order 2015 the Council could not prevent the construction of the barn on the land to the rear of Mr X's house had it acted without fault. The Council could only control the design, siting and appearance of the barn.
20. The barn has the design and appearance of typical agricultural buildings. Mr X says the location of the barn adversely impacts his property and his view. The barn would have been visible from Mr X's property regardless of its location within the land to the rear of his property. So while the Council was at fault, I do not consider this has resulted in the injustice Mr X claims. Since identifying the fault in 2016, the Council has changed its procedures to ensure it follows the correct approach to prior notification applications in future. I am satisfied with the Council's actions.
21. The Council has investigated Mr X's allegations regarding the use of the barn. It has inspected the inside of the barn and is satisfied the barn is being used for agricultural purposes. The Council has found no breach of planning controls and has closed its enforcement file. This is a decision the Council is entitled to take. The Council is not at fault.

Final decision

22. I have decided to complete my investigation as there is no evidence fault by the Council has caused Mr X a significant injustice.

Investigator's decision on behalf of the Ombudsman

LGSCO – DETAILED INVESTIGATIONS – LANCASHIRE DISTRICT COUNCILS – COMPLAINTS UPHELD

	Detailed Investigations
	Complaint Upheld
Chorley	3
Preston	3
Rosendale	2
Pendle	1
Ribble Valley	1
West Lancs	1
Wyre	1
Burnley	0
Fylde	0
Hyndburn	0
Lancaster	0
South Ribble	0



CORPORATE AND ENVIRONMENTAL OVERVIEW & SCRUTINY COMMITTEE

MEMBERS UPDATE 2019/20
ISSUE: 2

Article of: Director of Housing and Inclusion

Relevant Portfolio Holder: Councillor Wright
Councillor Cooper (Older People's Grant)

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

SUBJECT: COMMUNITY CHEST GRANTS

Wards affected: Borough wide

1.0 PURPOSE OF ARTICLE

1.1 To inform Members of the mechanism for dealing with grant applications from the Community Chest and advise of the grants awarded in the first tranche of bids for the financial year 2019/20.

2.0 BACKGROUND

2.1 Applications for grants from the Community Chest are dealt with through the delegation procedures (see Constitution 4.3). The delegation in 2019/20 is to the Portfolio Holder for Health and Community Safety and the Older People's Champion (Older People's Grants only).

2.2 In reaching the decisions on Community Chest Applications and Older People's Grants, the Portfolio Holder, and Older People's Champion in consultation with Councillors, the Chief Executive and Directors, have considered the criteria set out on the application form to ensure the appropriate use of funding.

3.0 CURRENT POSITION

3.1 Applications were considered by Councillors Wright and Cooper, Portfolio Holder for Communities and Older People Champion respectively.

3.2 The following grants were awarded from the General Fund.

Learning Stars	£500
Ormskirk and Maghull Lions	£500
Shirdley Hill Luncheon Club	£500
WeAreHopeSt	£500

3.3 The following grant was awarded from the Older Peoples Champion Fund.

West Lancashire Pensioners Forum £250

4.0 SUSTAINABILITY IMPLICATIONS

4.1 There are no significant sustainability implications associated with this update and in particular, no significant impact on crime and disorder. Applications received are from individuals and groups and the allocation of funding provide opportunities for culture, leisure and sport, including opportunities for education, training and life-long learning.

5.0 FINANCIAL AND RESOURCE IMPLICATIONS

5.1 The total remaining balance in the financial year 2019/20 is £17,750.00

5.2 The total spent in each category in 2019/20 so far is as follows:-

General	£2,250.00
Play	NIL
Arts	NIL
Sports/Talented Athlete	NIL
Older People's Champion	£500.00

6.0 RISK ASSESSMENT

6.1 The actions referred to in this Article are covered by the Scheme of Delegation to Cabinet and Portfolio Holders and any necessary changes have been made in the relevant risk registers.

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.

Application forms from:

Learning Stars	10.05.19
Ormskirk and Maghull Lions	14.05.19
Shirdley Hill Luncheon Club	15.05.19
WeAreHopeSt	17.06.19

Equality Impact Assessment

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

Appendices

1. Equality Impact Assessment.

Equality Impact Assessment Form



Directorate: Legal and Democratic Services		Service: Member Services
Completed by: Jill Ryan		Date: July 2019
Subject Title: Community Chest grants		
1. DESCRIPTION		
Is a policy or strategy being produced or revised:	No	
Is a service being designed, redesigned or cutback:	No	
Is a commissioning plan or contract specification being developed:	No	
Is a budget being set or funding allocated:	Yes	
Is a programme or project being planned:	No	
Are recommendations being presented to senior managers and/or Councillors:	No	
Does the activity contribute to meeting our duties under the Equality Act 2010 and Public Sector Equality Duty (Eliminating unlawful discrimination/harassment, advancing equality of opportunity, fostering good relations):	Yes	
Details of the matter under consideration:	Outcome of Community Chest Grant Applications	
<p><i>If you answered Yes to any of the above go straight to Section 3</i> <i>If you answered No to all the above please complete Section 2</i></p>		
2. RELEVANCE		
Does the work being carried out impact on service users, staff or Councillors (stakeholders):		
<p>If Yes, provide details of how this impacts on service users, staff or Councillors (stakeholders):</p> <p><i>If you answered Yes go to Section 3</i></p>		
<p>If you answered No to both Sections 1 and 2 provide details of why there is no impact on these three groups:</p> <p><i>You do not need to complete the rest of this form.</i></p>		
3. EVIDENCE COLLECTION		
Who does the work being carried out impact on, i.e. who is/are the stakeholder(s)?	Voluntary Organisations and Individuals under the age of 18.	
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)?	Voluntary Organisations and Individuals under the age of 18.	

Which of the protected characteristics are most relevant to the work being carried out?	
Age	Yes
Gender	Yes
Disability	Yes
Race and Culture	Yes
Sexual Orientation	Yes
Religion or Belief	Yes
Gender Reassignment	Yes
Marriage and Civil Partnership	Yes
Pregnancy and Maternity	Yes
4. DATA ANALYSIS	
In relation to the work being carried out, and the service/function in question, who is actually or currently using the service and why?	Residents who are recipients of a service provided by a voluntary/community organisation
What will the impact of the work being carried out be on usage/the stakeholders?	A grant will assist the voluntary/community organisation in its activities
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?	Not known
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?	Sought data on the application forms submitted by the voluntary/community organisations
If any further data/consultation is needed and is to be gathered, please specify:	None
5. IMPACT OF DECISIONS	
In what way will the changes impact on people with particular protected characteristics (either positively or negatively or in terms of disproportionate impact)?	A grant to a voluntary/community group will assist it in undertaking its activities within the Borough
6. CONSIDERING THE IMPACT	
If there is a negative impact what action can be taken to mitigate it? (If it is not possible or desirable to take actions to reduce the impact, explain why this is the case (e.g. legislative or financial drivers etc.).	No
What actions do you plan to take to address any other issues above?	No actions
7. MONITORING AND REVIEWING	
When will this assessment be reviewed and who will review it?	

