



Jacqui Sinnott-Lacey  
Chief Operating Officer

52 Derby Street  
Ormskirk  
West Lancashire  
L39 2DF

1 March 2021

**TO: COUNCILLORS I MORAN, Y GAGEN, V CUMMINS, G DOWLING, D EVANS,  
J WILKIE, K WILKIE, K WRIGHT AND A YATES**

Dear Councillor,

A meeting of the **CABINET** will be held on **SKYPE** on **TUESDAY, 9 MARCH 2021** at **7.00 PM** at which your attendance is requested.

Yours faithfully

A handwritten signature in black ink, appearing to be "JS", written over a light blue circular stamp.

Jacqui Sinnott-Lacey  
Chief Operating Officer

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

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

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

- a) The Chief Operating Officer, on behalf of the Leader, obtains the agreement of the Chairman of the Executive Overview and Scrutiny Committee that the making of the decision cannot be reasonably deferred,

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

<b>3.</b>	<b>PUBLIC SPEAKING</b> Residents of West Lancashire, on giving notice, may address the meeting to make representations on any item on the agenda except where the public and press are to be excluded during consideration of the item. The deadline for submissions is 10.00am Friday 5 March 2021.	965 - 970
<b>4.</b>	<b>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.)	971 - 972
<b>5.</b>	<b>MINUTES</b> To receive as a correct record, the minutes of the extraordinary meeting of Cabinet held on 23 February 2021.	973 - 976
<b>6.</b>	<b>MATTERS REQUIRING DECISIONS</b>	
6a	Quarterly Performance Indicators (Q3 2020/21) (Relevant Portfolio holder: Councillor I Moran)	977 - 992
6b	Corporate Performance Reporting (Relevant Portfolio Holder: Councillor I Moran)	993 - 998
6c	Risk Management Framework & Corporate Risk Register (Relevant Portfolio Holder: Councillor A Yates)	999 - 1070
6d	HRA Revenue And Capital Monitoring (Relevant Portfolio Holder: Councillor J Wilkie)	1071 - 1076
6e	A Regeneration Plan For Skelmersdale Town Centre (Relevant Portfolio Holder: Councillor Ian Moran)	1077 - 1084
6f	Local Development Scheme Update (Relevant Portfolio Holder: Councillor D Evans)	1085 - 1110
6g	Ormskirk Eastern Gateway Consultation Feedback (Relevant Portfolio Holder: Councillor D Evans)	1111 - 1168
6h	Ormskirk Town Centre Strategy Action Plan Update 2021-2026 And The Heritage Action Zone Programme (Relevant Portfolio Holder: Councillor D Evans)	1169 - 1190
6i	Use Of Section 106 Funds On Bus Stop Improvements, Digmaor (Relevant Portfolio Holder: Councillor D Evans)	1191 - 1200

6j RIPA Act Regular Monitoring of use of powers – Annual Setting of the Policy (Relevant Portfolio Holder: Councillor I Moran) 1201 - 1228

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

**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)



## **REMOTE MEETINGS – GUIDANCE**

**This guidance is designed to assist members when attending remote meetings.**

**The guidance should be read in conjunction with the Council's Remote Meetings Protocol and Procedures Rules**

### **General**

1. If members wish to speak on a particular item it will assist the smooth running of the remote meeting if they indicate to the Chairman their wish to speak in advance of the meeting.
2. Please join the meeting no later than 15 minutes before the start of the meeting to ensure that the technology is working correctly.
3. It is a requirement of the remote meetings regulations that any member participating in a remote meeting must be able to be heard (and if practicable also be seen) by all other members, officers and public speakers participating in the meeting and, in turn, be able to hear (and if practicable see) those persons.
4. It is also a requirement that the meeting be live broadcast and so any camera (video-feed) should show a non-descript background and members should take care to ensure that no exempt or confidential papers can be seen in the video-feed.
5. At the start of the meeting please ensure that your microphone is muted and your video feed (if available on your device) is paused. Please remember to unmute your microphone (and unpauses your video feed if available) when invited to speak by the Chairman!
6. At the start of the meeting the Member Services Officer will read out which Members and Officers are present. The attendance of members will be recorded.

7. Please remember to mute your mic/pause your video feed when you're not talking.
8. Only speak when invited to by the Chair.
9. Please state your name before you make an address.
10. If you're referring to a specific page or slide mention the page or slide number.
11. In the event of failure of the live broadcast then the Chairman will immediately adjourn the meeting until such time as the live broadcast is restored.
12. In the event that a member's individual remote connection should fail, the Chairman will call a short adjournment to determine whether the connection can be re-established (either by video technology or telephone connection). If connection cannot be restored after a reasonable period of time then the presumption is that the meeting should continue, providing the meeting remains quorate.
13. If connection to a member is lost during discussion of an item of business at a regulatory meeting (planning and licensing committees) that member will not be able to vote on that item (unless that part of the discussion during which connection was lost is, in the view of the Chairman, capable of being repeated for the benefit of the member concerned).

### **Public speaking**

14. Any member of the public participating in a meeting remotely in exercise of their right to speak must be able to be heard (and if practicable also be seen) by members, officers and public speakers participating in the same item of business and, in turn, be able to hear (and if practicable see) those persons.
15. The Member Services Officer will mute the member of the public once they have spoken and remove them from the remote meeting on the instruction of the Chairman once the relevant item of business has been dealt with. Note: members of the public will be able to view/listen to the remainder of the meeting via the live broadcast.

### **Voting**

16. Unless a recorded vote is called by a member, the method of voting will be, at the discretion of the Chairman, by:
  - General assent by the meeting (where there is no dissent); or
  - By the Member Services Officer calling out the name of each member present with members stating "for", "against" or "abstain" to indicate their vote when their name is called. The Member Services Officer will then clearly state the result of the vote (to be confirmed by the Chairman)
17. Details of how members voted will not be minuted, unless a recorded vote is called for prior to the vote taking place.

### **Declarations of Interest**

18. Any member participating in a remote meeting who declares a disclosable pecuniary interest, or pecuniary interest that would normally require them to leave the room in which the meeting is taking place must leave the remote meeting. Their departure will be confirmed by the Member Services Officer who will invite the relevant member to re-join the meeting at the appropriate time.

### **Exclusion of the Press and Public**

19. There are times when council meetings are not open to the public when confidential, or "exempt" items (as defined in Schedule 12A of the Local Government Act 1972) are under consideration. The Member Services Officer will ensure that there are no members of the public in remote attendance and the live broadcast is ended, once the exclusion has been agreed by the meeting for that item(s).
20. Every Member in remote attendance must ensure there are no other persons present in their remote location who are able to hear, see or record the proceedings (unless those such persons are also entitled to be so present). Members must declare to the meeting, if at any point during discussion of the item, this requirement is not met.

## **PUBLIC SPEAKING – PROTOCOL**

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

### **1.0 Public Speaking**

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

### **2.0 Deadline for submission**

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

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

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

### **3.0 Scope**

- 3.1 Any matters raised must be relevant to an item on the agenda for the meeting.
- 3.2 The Legal & Democratic Services Manager may reject a submission if it:
  - (i) is defamatory, frivolous or offensive;
  - (ii) is substantially the same as representations which have already been submitted at a previous meeting; or

- (iii) discloses or requires the disclosure of confidential or exempt information.

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

- 4.1 A maximum of one form per resident will be accepted for each Agenda Item.
- 4.2 There will be a maximum of 10 speakers per meeting. Where there are more than 10 forms submitted by residents, the Legal & Democratic Services Manager will prioritise the list of those allowed to speak. This will be considered having regard to all relevant matters including:
  - a. The order in which forms were received.
  - b. If one resident has asked to speak on a number of items, priority will be given to other residents who also wish to speak
  - c. Whether a request has been submitted in relation to the same issue.

No amendments will be made to the list of speakers once it has been compiled (regardless of withdrawal of a request to speak).

- 4.3 All submissions received will be published on the Council's website and circulated to Members of the relevant body and officers for consideration.

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

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

(Note: If a Resident wishes to have their Borough Councillor speak on their behalf, the Borough Councillor is not a member of the body considering the item.)

5.5 Speakers may leave the meeting at any time, taking care not to disturb the meeting.

(Please see attached form.)





## REQUEST FOR PUBLIC SPEAKING AT MEETINGS

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

**NAME** .....

**ADDRESS** .....

Post Code .....

**PHONE** .....

**Email** .....

Please indicate if you will be in attendance at the meeting

**YES/NO\***

\*delete as applicable

Please indicate if someone will be speaking on your behalf at the meeting

**YES/NO\***

\*delete as applicable

If someone is speaking on your behalf please provide their contact details:

**NAME** .....

**PHONE** .....

**Email** .....

Note: This page will not be published.

(P.T.O.)





	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 5

**CABINET**  
(EXTRAORDINARY)

**HELD: Tuesday, 23 February 2021**  
Start: 7.00 p.m.  
Finish: 7.11 p.m.

## **PRESENT:**

Councillors:	<u>Portfolio</u>
Councillor Ian Moran	Leader of the Council and Portfolio Holder for Economic Regeneration
Councillor Yvonne Gagen	Deputy Leader of the Council and Portfolio Holder for Leisure & Human Resources
Councillor Vickie Cummins	Portfolio Holder for Health and Wellbeing
Councillor Gareth Dowling	Portfolio Holder for Communities and Community Safety
Councillor David Evans	Portfolio Holder for Planning
Councillor Jenny Wilkie	Portfolio Holder for Housing and Landlord Services
Councillor Kevin Wilkie	Portfolio Holder for Street Scene
Councillor Kevin Wright	Portfolio Holder for Emergency Planning, Preparation and Implementation
Councillor Adam Yates	Portfolio Holder for Resources & Transformation

In attendance:  
Councillors

Councillors: Paul O'Neill, Adrian Owens, Anne Sutton, David Westley and David Whittington

Officers:

Jacqui Sinnott-Lacey, Chief Operating Officer  
Chris Twomey, Corporate Director of Transformation & Resources  
Heidi McDougall, Corporate Director of Place & Community  
Simon Burnet, Head of Wellbeing and Leisure  
James Pierce, Head of Finance, Procurement & Commercial Services  
Ian Gill, Head of Growth and Development  
Matt Jones, Legal and Democratic Services Manager  
Rachel Kneale, Estates and Valuation Manager  
Jill Ryan, Senior Member Services Officer  
Chloe McNally, Member Services Apprentice

## 71 **APOLOGIES**

There were no apologies for absence.

**72 DECLARATIONS OF INTERESTS**

The following declaration of interest was received.

Councillor Gagen declared a non-pecuniary interest in agenda items relating to Lancashire County Council (LCC) as an employee of Lancashire County Council and did not enter into detailed discussions, which affected LCC.

**73 PUBLIC SPEAKING**

There were no items under this heading.

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

There were no items of special urgency.

**75 MINUTES**

RESOLVED: That the minutes of the Cabinet meeting held on 12 January 2021 were received as a correct record and signed by the Leader.

**76 EXCLUSION OF PRESS AND PUBLIC**

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

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

**77 MATTERS REQUIRING DECISIONS**

Consideration was given to report relating to the following matters requiring decisions and contained on pages 945 – 964 of the Book of Reports.

**78 PURCHASE OF LAND AT FAIRLIE, SKELMERSDALE**

Consideration was given to the report of the Corporate Director of Place and Community, which sought authority to purchase land at Fairlie, Skelmersdale.

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

RESOLVED: That subject to Council approving paragraph 3.1 of the report, acquisition of the land at Fairlie, Skelmersdale for £350,000, hatched on the plan attached to the report (Appendix A), on behalf of the HRA be agreed and authority be given to the Corporate Director of Place and Community to enter into all necessary arrangements with regard to the proposed purchase from Lancashire County Council.

79 **LEISURE CONTRACT EXTENSION 2021 / 22 FINAL PROPOSAL**

Consideration was given to the report of the Corporate Director of Place and Community, which provided Cabinet with details of the proposed 2021/2022 Leisure Contract extension between WLBC, West Lancashire Community Leisure Trust (WLCLT) and Serco and to seek agreement to proceed with the extension.

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

- RESOLVED A. That Cabinet agree to the financial proposal detailed in Section 6.7 of the report.
- B. That the Corporate Director of Place and Community, in conjunction with the Portfolio Holder for Leisure and Human Resources, be authorised to take all necessary actions required to enter into the contract extension.

.....  
**Leader**





**CABINET: 9 MARCH 2021**

**CORPORATE & ENVIRONMENTAL  
OVERVIEW & SCRUTINY COMMITTEE:  
11 MARCH 2021**

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

**Relevant Portfolio Holder: Councillor I Moran**

**Contact for further information: Ms A Grimes (Extn. 3211)  
(E-mail: [alison.grimes@westlancs.gov.uk](mailto:alison.grimes@westlancs.gov.uk))**

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**SUBJECT: QUARTERLY PERFORMANCE INDICATORS (Q3 2020/21)**

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Wards affected: Borough wide

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

- 1.1 To present performance monitoring data for the quarter ended 31 December 2020.

### **2.0 RECOMMENDATIONS TO CABINET**

- 2.1 That the Council's performance against the indicator set for the quarter ended 31 December 2020 be noted.
- 2.2 That the call-in procedure is not appropriate for this item as the report will be submitted to the meeting of the Corporate & Environmental Overview & Scrutiny Committee on 11 March 2021.

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

- 2.1 That the Council's performance against the indicator set for the quarter ended 31 December 2020 be noted.
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## **4.0 CURRENT POSITION**

- 4.1 Members are referred to Appendix A of this report detailing the quarterly performance data for key performance indicators. The performance information aims to help demonstrate performance in service-specific information.
- 4.2 The suite of indicators for 2020/21 includes the quarterly indicators provided in Appendix A.
- 4.3 There are 47 items within the quarterly suite. Of the 36 PIs with targets reported:
- 26 indicators met or exceeded target
  - 4 indicators narrowly missed target
  - 6 were 5% or more off target.

A direct comparison with the same quarter of the previous year is not possible due to changes in indicators and targets, however performance in Q3 2019/20 gave 24 (from 42) performance indicators on or above target at that time. Due to the temporary suspension of some SLAs relating to the Revenues and Benefits Service the number of 'data only' items has increased to 11.

- 4.4 Performance plans are prepared by service managers for those indicators where performance falls short of the target by 5% or more for this quarter. These plans provide the narrative behind the outturn. Progress on actions from previous Performance Plans where indicators are no longer red are provided in Appendix C.

## **6.0 SUSTAINABILITY IMPACTS**

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

## **7.0 FINANCIAL AND RESOURCE IMPLICATIONS**

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

## **8.0 RISK ASSESSMENT**

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

## **9.0 HEALTH AND WELLBEING IMPLICATIONS**

9.1 There are no health and wellbeing implications arising from 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**

Appendix A: Quarterly Performance Indicators for Q3 October-December 2020/21

Appendix B: Performance Plans

Appendix C: Actions from Previous Performance Plans

## APPENDIX A: QUARTERLY PERFORMANCE INDICATORS

Icon key					
PI Status			Performance against same quarter previous year		
	OK (within 0.01%) or exceeded	26		Improved	22
	Warning (within 5%)	4		Worse	14
	Alert (by 5% or more)	6		No change	9
	PIs awaiting data	0	/	Comparison not available	2
	Data only	11		Awaiting data for comparison	0
	'Data only' awaiting data	0		Total number of indicators/data items	47

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

Page 9 of 10	Code & Short Name	Q4 2018/19	Q1 2019/20	Q2 2019/20	Q3 2019/20	Q4 2019/20	Q1 2020/21	Q2 2020/21	Q3 2020/21	Current Target	Comments	Benchmark <sup>2</sup>	Q3 20/21 vs Q3 19/20	Quarter Status
	ICT1 Severe Business Disruption (Priority 1)	100%	100%	100%	100%	100%	100%	100%	100%	99%		/		
	ICT2 Minor Business Disruption (P3)	99%	100%	99%	100%	99%	100%	100%	99%	97%		/		
	ICT3 Major Business Disruption (P2)	100%	100%	100%	100%	100%	100%	100%	100%	98%		/		
	ICT4 Minor Disruption (P4)	99%	100%	100%	100%	100%	100%	100%	100%	98%		/		
	R1 % of Council Tax collected	96.46%	28.96%	56.04%	83.52%	96.29%	27.55%	53.74%	80.21%		Decisions taken by the council in support of residents and businesses with regards to COVID have severely impacted revenue collection activity. Previously agreed targets on recovery SLAs have therefore been suspended.	<sup>L</sup> 19/20 Lower Quartile		
	R2 % council tax previous years arrears collected	25.88%	8.1%	13.74%	20.02%	23.68%	4.66%	19.76%	21.33%	N/A	As above	/		
	R3 % of Business Rates	98.22%	29.65%	56.14%	80.98%	98.02%	24.16%	49.13%	69.49%		As above	<sup>L</sup> 19/20 Second		

Collected (NNDR)												Quartile		
R4 Sundry Debtors % of revenue collected against debt raised	96.95%	51.95%	75.49%	89.93%	94.36%	29.26%	73.61%	79.71%		As above	/			
B1 Time taken to process Housing Benefit/Council Tax Support new claims and change events (days)	6.16	6.11	7.37	7.79	7.73	17.63	17.37	15.00	12.00	Updated Performance Plan attached at Appendix B1	/			
B2 Overpayment Recovery of Housing Benefit overpayments (payments received)	£370,939	£104,163	£186,937	£282,724	£377,501	£52,607	£95,842	£158,547	£144,713	/				

### Corporate & Customer Services

Code & Short Name	Q4 2018/19	Q1 2019/20	Q2 2019/20	Q3 2019/20	Q4 2019/20	Q1 2020/21	Q2 2020/21	Q3 2020/21	Current Target	Comments	Benchmark <sup>2</sup>	Q3 20/21 vs Q3 19/20	Quarter Status
	Value												
88 % invoices paid on time	98.59%	98.99%	98.49%	97.73%	98.21%	96.70%	97.89%	93.94%	98.75%	This relates to around 5,900 invoice processed in total. A reminder about process has been circulated to staff.	/		
WL85a Website: no. visits <sup>3</sup>	167,748	202,891	115,041	144,440	186,128	174,099	143,104	124,761			/		
WL85b Website: no. online forms submitted	2,190	10,996	7,195	4,239	4,150	28,451	7,450	4,967		Q3 figures are consistent with the annual trend. Three quarters of the online submissions are via Service Now	/		
WL85c Website: No. of payments processed online	13,065	21,067	17,820	14,092	12,011	33,173	16,849	14,605		In line with last year's Q3 data	/		
WL90 % of Contact Centre calls answered	61.6%	76.1%	84.6%	92.2%	93.4%	95.6%	96.4%	97.5%	88.0%	Relates to over 19K attempted calls.	/		
WL108 Average answered waiting time for callers to the contact centre (seconds)	326	185	141	82	74	37	36	23	145		/		

PI Code & Short Name	Q4 2018/19	Q1 2019/20	Q2 2019/20	Q3 2019/20	Q4 2019/20	Q1 2020/21	Q2 2020/21	Q3 2020/21	Current Target	Comments	Benchmark <sup>2</sup>	Q3 20/21 vs Q3 19/20	Quarter Status
	Value												
WL130 No. Service Now Customer Accounts	N/A	10,085	20,794	22,861	24,734	32,072	34,786	37,031			/		
WL131 No. Social Media Followers (WLBC FB, Twitter)	N/A	7,167	7,660	8,115	9,567	10,865	11,584	12,594	12,163		/		
WL132 FTE working days lost due to sickness absence per average FTE	N/A	2.38	2.95	2.55	2.59	1.94	1.51	1.19	2.02		/		
WL143 % of external calls to back office answered	N/A	85%	85%	84%	82%	74%	81%	80%		Relates to over 35K attempted calls.	/		

**Environmental Services**

Page Code & Short Name	Q4 2018/19	Q1 2019/20	Q2 2019/20	Q3 2019/20	Q4 2019/20	Q1 2020/21	Q2 2020/21	Q3 2020/21	Current Target	Comments	Benchmark <sup>2</sup>	Q3 20/21 vs Q3 19/20	Quarter Status
	Value												
ES01 No. grass cuts undertaken on the highway between April-October	N/A	3	6	7	7	4	7	8	8		/		
ES02 No. grass cuts undertaken in Sheltered Accommodation between April-October	N/A	3	7	9	9	4	7	9.6	10	Fractional outturn due to wet weather conditions preventing final cut on all sites	/		
ES04 % locations inspected falling into categories A/B - Litter (cumulative)	N/A	98.31%	98.74%	98.99%	99.15%	99.81%	100%	100%	90.00%	Collection period reported is cumulative to November	<sup>A</sup> Q3 20/21 Top quartile		
ES06 % locations inspected falling into categories A/B - Dog Fouling (cumulative)	N/A	100%	100%	100%	100%	100%	100%	100%	90.00%	As above	<sup>A</sup> Q3 20/21 Top quartile		
ES07 % locations inspected falling into categories C/D - Overflowing Litter Bins	N/A	08.70%	12.50%	12.12%	10.53%	00.00%	02.22%	01.06%	10.00%	Collection period reported is April-November Updated Performance Plan progress attached at Appendix C.	<sup>A</sup> Q3 20/21 Second quartile		

PI Code & Short Name	Q4 2018/19	Q1 2019/20	Q2 2019/20	Q3 2019/20	Q4 2019/20	Q1 2020/21	Q2 2020/21	Q3 2020/21	Current Target	Comments	Benchmark <sup>2</sup>	Q3 20/21 vs Q3 19/20	Quarter Status
	Value	Value	Value	Value	Value	Value	Value	Value					
(cumulative)													
ES08 % locations inspected falling into categories A/B - grounds maintenance (includes grass and shrubbery) (cumulative)	N/A	N/A	N/A	N/A	92.53%	100%	99.80%	99.79%	85.00%	Collection period reported is April-November	<sup>A</sup> Q3 20/21 Top quartile	/	
ES11 % locations inspected falling into categories C/D - Detritus (cumulative)	N/A	04.41%	05.30%	04.94%	04.16%	00.39%	03.04%	02.21%	10.00%	As above	<sup>A</sup> Q3 20/21 Second quartile		
ES14 Average of missed bins per fortnight (recycling / green)	N/A	131 <sup>4</sup>	53	104	102	61	65	80	50	Updated Performance Plan attached at Appendix B2.	/		
ES15 Average of missed bins per fortnight (recycling / blue)	N/A	131 <sup>4</sup>	49	123	122	76	77	90	50	As above	/		
ES16 Average of missed bins per fortnight (garden waste / brown)	N/A	41	55	75	67	68	100	53	50	As above	/		
ES17 Average of missed bins per fortnight (refuse / grey)	N/A	66	58	136	172	73	91	110	50	As above	/		
ES18 Flytip incidents reported	N/A	338	345	263	337	343	541	327			/		
NI191 Kerbside residual household waste per household (Kg)	122.11	118.91	136.35	144.36	144.26	85.13 <sup>5</sup>	82.1	85.13	125		/		
NI192 Percentage of kerbside household waste sent for reuse, recycling and composting	40.21%	49.31%	43.37%	37.42%	35.07%	52.50% <sup>5</sup>	53.20%	52.50%	50.00%		/		
WL122 % Vehicle Operator Licence Inspections Carried Out within 6 Weeks	100%	100%	98.72%	100%	100%	100%	100%	100%	100%		/		

**Growth & Development Services**

PI Code & Short Name	Q4 2018/19	Q1 2019/20	Q2 2019/20	Q3 2019/20	Q4 2019/20	Q1 2020/21	Q2 2020/21	Q3 2020/21	Current Target	Comments	Benchmark <sup>2</sup>	Q3 20/21 vs Q3 19/20	Quarter Status
	Value												
NI 157a Processing of planning applications: Major applications	100%	100%	92.86%	100%	85.71%	100%	100%	100%	75.00%	The Planning Service is undergoing a Service Review. As part of this processes and PIs including targets will be reviewed.	L 2018/19 Upper quartile		
NI 157b Processing of planning applications: Minor applications	86.79%	84.48%	93.55%	86.27%	84.91%	85.96%	90.00%	89.36%	80.00%		L 2018/19 Second quartile		
NI 157c Processing of planning applications: Other applications	90.68%	93.62%	90.78%	87.97%	92.50%	91.38%	96.75%	93.75%	85.00%		L 2018/19 Second quartile		

**Housing & Regulatory Services**

Code & Short Name	Q4 2018/19	Q1 2019/20	Q2 2019/20	Q3 2019/20	Q4 2019/20	Q1 2020/21	Q2 2020/21	Q3 2020/21	Current Target	Comments	Benchmark <sup>2</sup>	Q3 20/21 vs Q3 19/20	Quarter Status
	Value												
HS27 % of properties with a valid Landlord Gas Safety Record (homes and buildings)	100.0%	100.0%	100.0%	100.0%	100.0%	99.5%	99.1%	99.9%	100.0%	Following our directive to our gas contractor we have succeeded in reducing the "at risk" properties to 6. In addition we have compiled a revised gas procedure which will be discussed and issued to the contractor Heat 2000.	/		
HS28 % of properties with a valid Electrical Installation Condition Report (homes and buildings)	98.8%	95.1%	95.4%	97.2%	97.6%	97.5%	98.7%	98.0%	100.0%	Despite the new Covid-19 restrictions we continue to reduce our out of date EICRs and the report relates to 114 properties out of date. These are profiled in a separate program and we will continue to focus on this list of properties. In addition we are on target to complete our 2020/2021 program.	/		
HS29 % non-domestic that require an asbestos	100.0%	100.0%	99.4%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%		/		

PI Code & Short Name	Q4 2018/19	Q1 2019/20	Q2 2019/20	Q3 2019/20	Q4 2019/20	Q1 2020/21	Q2 2020/21	Q3 2020/21	Current Target	Comments	Benchmark <sup>2</sup>	Q3 20/21 vs Q3 19/20	Quarter Status
	Value	Value	Value	Value	Value	Value	Value	Value					
management survey/re-inspection													
HS30 % of non-domestic properties with fire risk assessment in place	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%		/		
HS31 % of properties covered by water hygiene risk assessment (homes and buildings)	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%		/		
HS32 % emergency repairs completed on time	N/A - PI not developed at this time					100%	100%	100%	100%	Data relating to contractual KPIs are reported at monthly Operational and Core meetings.	/	/	
TS10a Rent collected from current and former tenants as a % of rent owed (excluding arrears and debt).	N/A	104.53	100.55	102.53	101.74	101.12	99.37	100.38	100.04	We are ensuring that those claiming UC secure direct payments to the rent account if necessary and are fully aware of how to pay rent. The team continue to promote payments by direct debit, payment of rent in advance and optimize use of discretionary housing payments.	<sup>H</sup> 19/20 Upper Quartile		
TS11 % of rent loss through dwellings being vacant	0.94%	0.7%	0.72%	0.79%	0.87%	1.36%	1.45%	1.47%	0.99%	Updated Performance Plan attached at Appendix B3.	<sup>H</sup> 19/20 Second Quartile		

### Wellbeing & Leisure Services

PI Code & Short Name	Q4 2018/19	Q1 2019/20	Q2 2019/20	Q3 2019/20	Q4 2019/20	Q1 2020/21	Q2 2020/21	Q3 2020/21	Current Target	Comments	Benchmark <sup>2</sup>	Q3 20/21 vs Q3 19/20	Quarter Status
	Value												
HW01 No. attending health, wellbeing and sport activities & courses		3,712	3,238	2,292	1,892	0	0	19		Covid restrictions/closures meant we could not deliver centre based activities for most of the quarter. In the small window of the centres opening, a course was started and referrals seen but minimal uptake due to health implications of	/		

PI Code & Short Name	Q4 2018/19	Q1 2019/20	Q2 2019/20	Q3 2019/20	Q4 2019/20	Q1 2020/21	Q2 2020/21	Q3 2020/21	Current Target	Comments	Benchmark <sup>2</sup>	Q3 20/21 vs Q3 19/20	Quarter Status
	Value												
										referrals. Serco staff who deliver weight/exercise referral courses were also on flexi furlough throughout November/December.			

Notes:

<sup>1</sup> Managed through LCC/BTLS contract. Contractual targets are annual. Quarter targets are provided as a gauge for performance only. ICT data and RBS data reflect progress to year end.

<sup>2</sup> Annual benchmarking information is provided as an indication of the Councils performance compared with other Councils. Most PIs are locally developed and therefore do not have comparison data. Where the Council is a member of a benchmarking group (<sup>a</sup> APSE 'Whole service', <sup>H</sup> Housemark Peer Group) that source is used (and may provide more current comparison data) otherwise information is taken from published sources in <sup>L</sup> LGA Inform against All English District Local Authorities. Data periods available for comparison due to collection and verification mechanisms and comparator groups are therefore dependent on the information source and may therefore have a delay before the previous year is available.

<sup>3</sup> WL85a Website: no. visits Q2 19/20 - Due to a change in data collection technology data collected between 21 August to 10 October is not complete. The issue has been resolved.

<sup>4</sup> ES14 & 15: Q1 19/20 reflected outturn for both blue and green bins. The data is split for Q2 19/20 onwards.

<sup>5</sup> A review of performance data gathering and process within the new Environmental Services team identified that the categorisation and coding detail used for all waste collections had not previously been used to its full capacity. Refined coding has been used for Q1 submissions onwards. Previous quarter data cannot be retrospectively assessed to bring it into line with the improved categorisation.

<b>PERFORMANCE PLAN</b>	
<b>Indicator</b>	B1 Time taken to process Housing Benefit/Council Tax Support new claims and change events
<b>Reason(s) for not meeting target</b>	
Impact from increased benefits workload as a result of COVID 19	
<b>Additional commentary / background</b>	
<p>The outturn for Q3 is 15 days against a target of 12 and continues to improve toward the annual SLA Target. As a result of COVID, the service continues to receive high volumes of claims which impacts on performance.</p> <p>Whilst claim activity has slowed slightly compared to earlier in this financial year, New claims received to date in 20/21 compared to the same period in 19/20 have increased by nearly 20% and Change of Circumstances received increased by 7%.</p> <p>The increase in Universal Credit backlog claims received via the DWP also continues to impact on the performance of the Benefit Service. Although the service is processing these claims in a timely fashion once received, the effective start dates registered with the DWP at first point of claim are used in the calculation of the claim time which continue in many cases to date back many weeks, hence impacting on the overall time taken to process.</p> <p>In addition, the Service continues with a number of additional activities i.e. support to Housing in processing manual adjustments to Housing Rent Accounts for backdated adjustments due to the inadequacy of the automated systems in this respect and support to the Test and Trace payment process.</p> <p>The Service has entered its busiest Quarter of the year in terms of critical preparation for the annual calculation and notification of updated Benefit notifications for the 21/22 financial year, which is also supported from within existing staff resources, working additional hours throughout this period</p> <p>The above additional work activity continues to be supported by overtime working and general commitment from staff.</p> <p>Despite the above additional commitments, it is hoped that the annual SLA target of 12 days will be met subject obviously, to further fluctuations on demand due to the impact of COVID.</p> <p><b>Proposed actions</b></p> <p>We will continue to monitor and resource plan accordingly to best meet the increased Benefits workload. This includes having staff work overtime and at weekends to help deal with the increasing work volumes and where necessary reduce backlogs.</p> <p>As a result of this management to date, we have seen a reductions in the number of days by Q3 (15) from 17.37 in Q2, despite continuously increasing volumes. This will remain a key focus of service delivery as we aspire to improve performance in this area over the coming months.</p> <p>It should be noted however that that potential further increases in claims and possibly backlogs are anticipated as a result of the impact of the second national lockdown.</p>	

**Resource implications**

As outlined above

**Priority**

Resources are being prioritised to mitigate impact.

**Future targets** Target is a contractual annual SLA. Quarter targets are provided as a gauge for performance only. No change currently planned.

**Action plan****Tasks to be undertaken**

Managing resource to help improve performance includes staff working overtime and at weekends.

**Completion due date**

Action is currently being implemented.

<b>PERFORMANCE PLAN</b>	
<b>Indicator</b>	ES14: Average of missed bins per fortnight (recycling green - paper & cardboard) ES15: Average of missed bins per fortnight (recycling blue - comingled) ES16: Average of missed bins per fortnight (recycling brown - garden waste) ES17: Average of missed bins per fortnight (refuse/grey)
<b>Reason(s) for not meeting target</b>	
<p>The target has not been achieved for Q3 2020/21.</p> <p>The Q4 2019/20 performance plan committed to improvements by Q3 however due to restrictive ways of working during COVID with the introduction of additional ancillary vehicles for social distancing the current PI's cannot be achieved as performance monitoring of individual team performance is unable to be undertaken.</p> <p>A second Waste Management Loader travelling to site independently, parking and re-parking a vehicle numerous times during the productive working hours to keep up with the Refuse Collection Fleet Vehicle has detrimentally impacted upon controlled performance by teams. The current situation is continually monitored however due to H&amp;S advice and industry guidance it is not possible at this time to withdraw the use of additional vehicles.</p> <p>The focus at the time is to maintain the morale of the teams and ensure all control measures are in place as a duty of care to those individuals and in doing so protect the resource to enable continued service delivery.</p>	
<b>Additional Commentary and proposed actions</b>	
Due to restrictive ways of working during COVID, these performance indicators have not been achieved.	
<b>Resource Implications –</b>	
<b>Priority –</b>	
<b>Future Targets -</b> No change to current target of 50 missed bins per fortnight per waste stream during this financial year.	
The presentation of PI for missed bins will be reviewed for 2021/22 to show percentage completion of collections Boroughwide as this will be a more meaningful representation of the data with relevant context.	
<b>Action Plan</b>	
<b>Tasks to be undertaken</b>	<b>Completion Date</b>
Monitor control measures, review risk assessments, if additional vehicles can be withdrawn as per industry guidance and H&S advice, former performance monitoring processes will be resumed. Not currently possible to benchmark performance against like for like collection data due to differing ways of working during COVID.	On-going

<b>PERFORMANCE PLAN</b>	
<b>Indicator</b>	TS11 - % rent loss through dwellings being vacant
<b>Reason(s) for not meeting target</b>	
Due to COVID we have seen an impact on resources and resulting delays in the void process. We have additional days been added to the void relet time to enable the contractor to complete a more thorough clean of the property prior to being let due to COVID.	
<b>Additional commentary / background</b>	
Staffing resources, working arrangements due to localised risk assessments for COVID and power supplies have all impacted on the turnaround of properties.	
<b>Proposed actions</b>	
<ul style="list-style-type: none"> <li>• Response and void maintenance is provided for Council homes by Wates Property Services Ltd. Monthly meetings are held with Wates to review the process and ensure performance is being managed.</li> <li>• A series of internal meetings are scheduled in which we have revisited the existing process map to ensure it remains fit for purpose and that we identify processes which are not adding value or causing delays. These meetings will be ongoing until we have achieved target and then will be reviewed.</li> <li>• We will be tracking every property on a weekly basis and identify delays and how we can resolve any issues.</li> </ul>	
The tenancy services team, the property services team and the contractors will be working closely together to improve performance and reduce void loss.	
<b>Resource implications</b>	
There is currently no increase to staffing resources however there is an increased cost due to COVID cleans to ensure the property is suitable for re-letting. In addition we have had to pay for generators to supply power to some void properties where we cannot reconnect the power source readily.	
<b>Priority</b> High	
<b>Future targets</b> void performance for properties are monitored and managed through the contract KPI's which are reported on a monthly basis – however these may change if national or local lockdowns are introduced to manage further outbreaks of COVID19.	
<b>Action plan</b>	
<b>Tasks to be undertaken</b>	<b>Completion due date</b>
Mapping of void process	February 2021
Begin implementation of any changes required	February 2021

**ACTIONS FROM PREVIOUS PERFORMANCE PLANS**

**APPENDIX C**

Indicator	Task created following Q	Tasks to be undertaken	Completion Date	Progress	Comment
ES07 % of locations inspected falling into categories C/D – Overflowing Litter Bins	Q4 19/20	Agree locations with provider for trial of compaction bins (timescale could be impacted by COVID restrictions for installation)	Spring 2021	Corporate Overview & Scrutiny Committee have asked for a further report regarding the installation of compaction litter bins to be brought to the March 2021 committee to ensure that it is the appropriate investment for West Lancs at this time given recent scrutiny of Council finances due to COVID.	Outturn for Q3 is 1.06% (Green)

Performance plans often include actions which, by the time of publication, have already been completed and/or become part of the day to day ongoing operations of a service. The above table details those actions from Performance Plans in previous quarters that contained a future implementation date.





## AGENDA ITEM:

**CABINET: 9 MARCH 2021**

**EXECUTIVE OVERVIEW & SCRUTINY  
COMMITTEE:  
25 MARCH 2021**

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

**Relevant Portfolio Holder: Councillor I Moran**

**Contact for further information: Ms A Grimes (Extn. 3211)  
(E-mail: [alison.grimes@westlancs.gov.uk](mailto:alison.grimes@westlancs.gov.uk))**

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**SUBJECT: CORPORATE PERFORMANCE REPORTING 2021/22**

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Wards affected: Borough wide

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

1.1 To seek approval for the Corporate Performance Reporting plan for 2021/22.

### **2.0 RECOMMENDATIONS TO CABINET**

- 2.1 That the suite of Key Performance Indicators (KPIs) and targets in Appendix A are approved and adopted for reporting alongside an associated Council Plan Corporate Delivery Plan to evidence progress with the Council Plan.
- 2.2 That the Corporate Director of Transformation and Resources, in consultation with the Leader of the Council as Portfolio Holder, be authorised to finalise and amend the suite (Appendix A) having regard to agreed comments from Executive Overview and Scrutiny Committee made on 25 March 2021, and to make necessary amendments to the suite in year in response to any issues that may arise, for example government policy or collection mechanisms.
- 2.3 That the call-in procedure is not appropriate for this item as the report will be submitted to the meeting of the Executive Overview & Scrutiny Committee on 25 March 2021.

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

- 3.1 That the Committee consider the suite of Key Performance Indicators 2021/22 (Appendix A) and agree comments as appropriate
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## 4.0 CURRENT POSITION

- 4.1 The new Council Plan was agreed at Council in October 2020 detailing the Vision and Priorities for the organisation for 2021/2023. The Plan provides clarity of purpose for the Council allowing efficient communication of its strategic direction with the public, stakeholders and staff. This in turn allows effective planning and prioritisation of work and supports transparency and accountability.
- 4.2 Services have now developed and timetabled the actions (the "We Will.." statements) to meet those priorities over the three years of the Council Plan. This covers a large amount of work over several years across a broad spectrum of services. Progress against these actions will be summarised and reported to Members along with the supporting KPIs on a quarterly basis as a Corporate Performance Delivery Plan.
- 4.3 A revised suite of indicators to better reflect the strategic priorities and associated actions (Appendix A) has been developed. The intention is that KPIs reviewed by Members will now have a much stronger relevance to the Vision and Priorities of the Council and less focus on elements of service outputs, reflecting Members role in the implementation of the Council Plan. Service information will however still be used and actively monitored by Managers and Heads of Service to ensure effective operational delivery.
- 4.4 There are some gaps in KPIs when aligned against the full detail of the Council Plan however the reporting is aimed at the first year. As the Plan progresses development of further KPIs will be progressed as appropriate for monitoring delivery in subsequent years.
- 4.5 Targets for the KPIs in Appendix A have been set after consideration by services to be challenging but realistic based on current expectations and Cabinet is asked to agree these targets for the coming year. An important factor for performance for the coming year in many service areas will however be the ongoing impacts of the COVID pandemic. Current year performance in the majority of cases will have been affected by this and impact will continue for an uncertain period of time into 2021/22. In addition to KPIs, information of 'data only' is provided where targets have not been set, with explanations provided in the Appendix. It should be noted that not all KPIs will have a quarterly outturn.
- 4.6 Previously an annual suite of PIs has had targets agreed by Cabinet as a separate exercise to changes to the Council Plan. It is proposed that in future any refresh/development of the Council Plan or review of KPIs / targets will be done together so that they are not considered in isolation.
- 4.7 Explanations of underperformance and activity to address this within actions or KPIs will be provided within the report.

## **5.0 SUSTAINABILITY IMPACTS**

- 5.1 The information set out in this report aims to help the Council achieve its priorities and vision and should contribute to the sustainability of services and the borough as a whole. There are no significant sustainability impacts associated with this report/update and, in particular, no significant impact on crime and disorder.

## **6.0 FINANCIAL AND RESOURCE IMPLICATIONS**

- 6.1 The Council Plan aims to ensure the Council is able to continue to pursue its objectives, within the resources available and can monitor and manage use of those resources. An agreed Council Plan will assist in shaping budget decisions and enable clear priorities to be set for services. There are no direct financial or resource implications arising from this report.

## **7.0 RISK ASSESSMENT**

- 7.1 The actions referred to in this report are covered by the scheme of delegation to officers and any necessary changes have been made in the relevant risk registers. Having well-defined priorities means that attention and resources can be effectively focussed on managing, monitoring and achieving the Council's core objectives and reduces the risk of not doing so. Monitoring and managing the priorities, actions and KPIs is therefore an essential part of delivering the plan.

## **8.0 HEALTH AND WELLBEING IMPLICATIONS**

- 8.1 The Council Plan supports health and wellbeing within West Lancashire in a variety of ways. The priority *Everyone to be healthy, happy, safe and resilient* specifically outlines what we want and what we intend to do to achieve this. In addition, a positive impact on Health & Wellbeing will also be achieved through the wider work of the other priorities and actions of the plan.

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### **Background Documents**

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

### **Equality Impact Assessment**

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

### **Appendices**

Appendix A: Proposed KPIs 2021/22

APPENDIX A - PROPOSED KPI SUITE 2021/22

Frequency	Want	Measure	Why is this measured?	Target 2020/21	Outturn 2019/20	Proposed target 2021/22	Comment	Service
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Priority: Create empowered, engaged and inclusive communities

Q	To improve customer satisfaction	WL90 % calls answered	How efficient is the access channel?	88%	85.90%	88%		CCS
Q	To improve customer satisfaction	WL108 Average time to answer calls	How efficient is the access channel?	145	121	145		CCS
Q	Our citizens to access the benefits of being digitally engaged	WL131 No. Social Media Followers (WLBC FB, Twitter)	How effective is our social media offer for providing information to citizens?	+5% /Q	9,567	Data only		CCS
Q	Our citizens to access the benefits of being digitally engaged	WL85a Website: no. visits	How effective is the website for providing information?	Data only	648,500	Data only		CCS
Q	Our citizens to access the benefits of being digitally engaged	WL85c No payments processed online	To what extent do customers take advantage of digital services?	Data only	64,990	Data only		CCS
A	To improve customer satisfaction	CIT03 Satisfied with how WLBC runs things	Demonstrates understanding/awareness of council activity and how it is carried out. How well do we promote a positive image / celebrate the good work of the Council?	N/A	51%	Data only	Data only since reliant on perception of services from varying response group and not a measure of service performance.	CCS
A	Healthy resilient and engaged communities that work together to improve the places they live and work	CIT16 % residents who feel that they belong to their local area	Demonstrate sense of community To what extent are people 'satisfied/content/fulfilled' whilst being residents in West Lancs?	N/A	65%	Data only	As above	CCS

Priority: Support business to adapt and prosper

Q	To support our businesses to succeed and grow	BV8: % invoices paid on time	To what extent do we support business? Prompt payments to businesses - good customer.	98.75%	98.34%	98.75%	Target unchanged since target not achieved since Q1 19/20 and processes around invoices currently under review	CCS
Q	To support our businesses to succeed and grow	NEW: Value of business support grants allocated and processed	To what extent do we support business?	N/A	N/A	Data only	Data only based on value of COVID-related government grant schemes distributed to WL businesses	CCS
A	West Lancashire to be the place of choice to locate your business	ER07 No. businesses signed up to Skelmersdale Ambassadors	Promote a local business community to create support for local area. How successful are we at facilitating a WL businesses 'community'? To what extent do we promote West Lancs as a place of choice to businesses?	Data only	34 to October	40	To note impact made on business due to COVID19 is not yet clear	CCS
A	Our 3 towns to be thriving hubs for their communities	NEW: Vacancy levels - Vacant units in Burscough	Vibrancy of retail hubs Do we understand how appealing the town centres are for businesses?	Data only	N/A (0% 18/19)	0%	Contextual as not all Council control. Reducing vacancy rates will be challenging in light of economic impact of COVID, as such targets involve keeping vacancy levels at 2018/19 levels.	GDS
A	Our 3 towns to be thriving hubs for their communities	NEW: Vacancy levels - Vacant units in Ormskirk	As above	Data only	N/A (9.4% 18/19)	9%	As above	GDS
A	Our 3 towns to be thriving hubs for their communities	NEW: Vacancy levels - Vacant units in Skelmersdale	As above	Data only	N/A (18% 18/19)	18%	As above	GDS
Q	To support our businesses to succeed and grow	ER09 No businesses added via support i.e property searches, skills and employment	To what extent do we provide help/guidance/support to new or established businesses?	Data only	N/A	Data only	Target N/A since customer driven demand	CCS

Priority: Become a Greener West Lancashire

Q	To minimise waste disposal and improve recycling services to meet national targets	NI192 % of kerbside household waste sent for reuse, recycling and composting	How is the Council improving its recycling performance?	50%	41.39%	51%	Incremental increase	ES
Q	To minimise waste disposal and improve recycling services to meet national targets	NI191 kerbside residual waste per household (kg)	How is the Council improving its recycling performance?	500	541.32	500		ES
Q	To safeguard the natural landscape and maintain our green environment	ES01 - grass cuts highway	To what extent does the council care for the presentation of the borough/green environment	8	7	8	Contractual target	ES
Q	To safeguard the natural landscape and maintain our green environment	ES02 - grass cut sheltered	To what extent does the council care for the presentation of the borough/green environment	10	9	10	Contractual target	ES
Q	To safeguard the natural landscape and maintain our green environment	WL17: No. attending parks and countryside events/activities	To what extent does the council promote diverse leisure use of green spaces?	N/A	63,547	5,500	Significantly lower target due to uncertainty about mass participation events being held.	WLS
A	To safeguard the natural landscape and maintain our green environment	CIT07 - % residents satisfied with parks and open spaces	How well do we promote leisure uses in our green spaces?	N/A	49%	Data only	Data only since reliant on perception of services from varying response group and not a measure of service performance.	CCS
A	Council housing stock to meet high standards of efficiency - insulation, design, technology	HS14 % non Decent Homes	To what extent is our housing stock efficient?	0.10%	0.03%	0.10%		HRS

Priority: Be a financially sustainable Council by 2023

Frequency	Want	Measure	Why is this measured?	Target 2020/21	Outturn 2019/20	Proposed target 2021/22	Comment	Service
Q	To continue to improve the efficiency and effectiveness of service provision	WL132 sickness absence	What resource do we have to deliver our priorities? To what extent do our services provide value for money?	8.08	10.46	8.08	Target of 8.08 has previously been difficult to achieve.	CCS
Q	To continue to improve the efficiency and effectiveness of service provision	R3 NNDR collected	Manage collection due How effectively are we managing the services behind the income streams?	97.20%	98.02%	97.20%	Performance directly impacted due to COVID. The service will transition back in house from 1 April 2021 and then be reviewed. Therefore a first year 'monitoring period' target is being applied whilst the overall performance of the service is understood with a view to service improvement.	CCS
Q	To continue to improve the efficiency and effectiveness of service provision	TS11 % of rent loss through dwellings being vacant	Minimise empty dwellings How effectively are we managing the services behind the income streams?	0.99%	0.87%	0.99%	Given the difficulties this year and the impact of Covid on performance we should continue to aim for the same targets that we set last year for the new financial year	HRS
Q	To continue to improve the efficiency and effectiveness of service provision	Ts1a % rent collected	How effectively are we managing the services behind the income streams?	100.04%	101.74%	100.04%	As above	HRS
Q	To continue to improve the efficiency and effectiveness of service provision	R1 Ctax collected	How effectively are we managing the services behind the income streams?	97.10%	96.29%	97.10%	As above	CCS
Q	To continue to improve the efficiency and effectiveness of service provision	NEW:% rent loss through empty commercial properties available to rent	Manage empty commercial property units. How effectively are we managing the services behind the income streams? How effective are we at supporting local business to grow?	N/A	9%	10%	The commercial portfolio provide revenues but also nurtures and support businesses to establish and grow, providing goods and services to the local residents and employment for the Borough. A target of 10% meets the revenue requirement whilst achieving the opportunity for a healthy amount of expansion and contraction of the business community. If the estate had 0% loss (i.e no 'churn') there would be no opportunity for new businesses to set up and would indicate no expansion or responsive growth.	FPCPS
A	To provide value for money services	NEW:Annual External auditors confirm proper arrangements are in place for effective use of resources (value for money)	How confident are we that we are managing the services to provide value for money?	Yes	Yes	Yes		FPCPS
A	To be confident, capable and financially sustainable	NEW: External auditors issue an unqualified opinion on financial statements (that they meet regulatory requirements)	How confident are we that we are managing the overall and service budgets?	Yes	Yes	Yes		FPCPS
Q	To continue to improve the efficiency and effectiveness of service provision	WL130 No. Service Now Customer Accounts	Efficiency. To what extent are we promoting/encouraging new technology?	Data only	24,734	Data only		CCS

Priority: A clean safe environment with affordable homes to buy or rent for everyone in West Lancashire

Q	To provide a cleaner physical environment to enhance the Borough	ES04: % locations inspected falling into categories A/B - Litter (cumulative)	What do you see? How does the Council ensure the cleanliness of the borough?	90%	99.15%	95.00%	Increase in target following previous performance	ES
Q	To provide a cleaner physical environment to enhance the Borough	ES06% locations inspected falling into categories A/B - Dog Fouling (cumulative)	As above	90%	100%	95.00%	As above	ES
Q	To provide a cleaner physical environment to enhance the Borough	ES08 % locations inspected falling into categories A/B - grounds maintenance (includes grass and shrubbery) (cumulative)	As above	85%	92.53%	90.00%	As above	ES
Q	To provide a cleaner physical environment to enhance the Borough	ES011 % locations inspected falling into categories C/D - Detritus	As above	10%	4.16%	7.00%	As above	ES
Q	To provide a cleaner physical environment to enhance the Borough	ES07 % locations inspected falling into categories C/D - Overflowing Litter Bins	As above	10.00%	10.53%	10.00%		ES
Q	To provide a cleaner physical environment to enhance the Borough	NEW: ES19a-b % successful planned bin collections (grey, brown, blue, green to be reported separately)	As above	N/A	N/A	96%	Revision to similar PIs to provide clearer picture of collection performance (rather than numbers)	ES
Q	West Lancashire to be safe for all citizens	HS27 % of properties with a valid Landlord Gas Safety Record (homes and buildings)	To what extent does the council ensure tenants' safety?	100%	100%	100%		HRS
Q	West Lancashire to be safe for all citizens	HS28 % of properties with a valid Electrical Installation Condition Report (homes and buildings)	As above	100%	97.60%	100%		HRS
Q	West Lancashire to be safe for all citizens	HS29 % non-domestic that require an asbestos management survey/re-inspection	As above	100%	100%	100%		HRS
Q	West Lancashire to be safe for all citizens	HS30 % of non-domestic properties with fire risk assessment in place	As above	100%	100%	100%		HRS
Q	West Lancashire to be safe for all citizens	HS31 % of properties covered by water hygiene risk assessment (homes and buildings)	As above	100%	100%	100%		HRS
A	West Lancashire to be safe for all citizens	CIT01 - % residents feel WL is a safe & secure place to live	Improve feeling of safety and security. To what extent does the council ensure residents'/stakeholders safety?	N/A	68%	Data only	Data only since reliant on perception of services from varying response group and not a measure of service performance.	CCS

...(continued) Priority: A clean safe environment with affordable homes to buy or rent for everyone in West Lancashire

A	To provide a cleaner physical environment to enhance the Borough	CIT02 % residents satisfied with the cleanliness of the streets	Improve satisfaction with cleanliness of the streets	N/A	52%	Data only	As above	CCS
A	West Lancashire to be safe for all citizens	CIT09 % residents who feel safe in the local area after dark	Improve feeling of safety after dark. To what extent does the council ensure residents'/stakeholders safety?	N/A	60%	Data only	As above	CCS
A	West Lancashire to be safe for all citizens	CIT10 % residents who feel safe in the local area during the day	As above	N/A	86%	Data only	As above	CCS
A	A Local Plan that supports quality growth and infrastructure in the Borough	NI159 supply of ready to develop housing sites	How do we make sure of appropriate growth and infrastructure within the borough?	Data only	227%	120%	Use of 120% as an ongoing target will help to ensure Council plans for a reasonable, best practice buffer of housing supply in case delivery of housing should drop unexpectedly (e.g. because of recession) or the need should change (upwards).	GDS
A	To provide quality and genuinely affordable homes	NI155 Affordable homes delivered (gross)	How effective are we at providing affordable / good quality homes?	Data only	210	60	Based upon meeting half of identified average annual need for AH in West Lancashire in 2018 Affordable Housing Needs Assessment.	GDS
A	To provide quality and genuinely affordable homes	NI154 net additional homes provided	How effective are we at providing affordable / good quality homes?	Data only	622	335	Housing Requirement identified in adopted West Lancashire Local Plan	GDS
Q	To provide quality and genuinely affordable homes	NEW:No. new homes completed during the year through Tawd Valley Developments for affordable housing	How effective are we at providing affordable / good quality homes?	N/A	N/A	44	All 71 builds in phase 1 currently underway are affordable housing. Of these, 44 homes are due to complete during 2021/22.	CCS

Priority: Everyone to be happy, healthy, safe and resilient

A	An engaged and motivated Council workforce	WL140 staff are committed to council aims and objectives	Through what mechanisms does the Council promote 'one Council' ? How engaged is the Council workforce?	Data only	93% (18/19)	Data only	Our People Survey. There has been significant organisational change since the last survey was undertaken, therefore this will be used as baseline for future target setting.	CCS
A	An engaged and motivated Council workforce	WL141 staff think the council is a good organisation to work for	As above	Data only	78% (18/19)	Data only	Our People Survey	CCS
A	To invest in sports and leisure services and facilities	CIT06 % residents satisfied with sports/leisure facilities	To what extent are our sports/leisure facilities meeting the needs of WL?	N/A	27%	Data only	Data only since reliant on perception of services from varying response group and not a measure of service performance.	CCS
A	To protect, invest and continue to develop our green leisure spaces	NEW:No Green Flag awards	How successful is the Council in taking care of its green leisure spaces	Data only	2	2		WLS
Q	To design services that help people stay healthy and independent	B1 average processing of CTS/HB benefits	To what extent does the Council directly help independence and life and financial stability?	12	7.73	12	Service performance continues to be directly impacted due to COVID. The service is due to transition back in house from 1 April 2021. The processes will be reviewed during the year and therefore a first year 'monitoring period' target is being applied whilst the overall performance of the service is understood with a view to service improvement.	CCS
Q	To design services that help people stay healthy and independent	NEW: No. new participants engaged to enhance employability, confidence, skills and qualifications	How successful is the Council at promoting healthy lifestyles and opportunities for independence?	N/A	N/A	40	Target based on current programme delivery.	WLS
Q	To design services that help people stay healthy and independent	NEW: No. new clients attending vocational training	To what extent does the Council directly help independence and financial stability?	N/A	N/A	150	Based on referrals into the More Positive Together and Kickstart schemes. Training can include work experience, volunteering, coaching or certified schemes	WLS
Q	To design services that help people stay healthy and independent	NEW: No. new participants engaged in health & wellbeing programmes/interventions	How successful is the Council at promoting healthy lifestyles and opportunities for independence?	N/A	N/A	250	Revision to previous similar PI. Target based on current programme delivery.	WLS
Q	To invest in sports and leisure services and facilities	NEW: No. visits to leisure facilities	To what extent are our sports/leisure facilities meeting the needs of WL?	N/A	N/A	573,800	Revision to previous similar PI. Target based on anticipated gradual recovery following lockdown	WLS
Q	To design services that help people stay healthy and independent	NEW:No. tenants accessing money advice service	To what extent does the Council directly help independence and financial stability?	N/A	N/A	Data only	Baseline data collection	HRS
Q	To design services that help people stay healthy and independent	NEW: no. people provided with money advice to help prevent homelessness (tenants & residents)	As above	N/A	N/A	Data only	Baseline data collection	HRS
Q	To design services that help people stay healthy and independent	NEW: No. tenants supported with Food Poverty advice	As above	N/A	N/A	Data only	Baseline data collection	HRS
Q	To design services that help people stay healthy and independent	NEW: No. of partners working with Wellbeing and Leisure Service	How well does the Council engage work with partners in service design and delivery	N/A	N/A	81	Baseline data collection	WLS

Service: CCS - Corporate and Customer Services ; GDS - Growth and Development Services ; HRS - Housing and Regulatory Service ; WLS - Wellbeing and Leisure Service ; ES - Environmental Services ; FCPS - Financial, Procurement and Commercial Property Service



Cabinet  
: 9<sup>th</sup> March 2021.

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

**Relevant Portfolio Holder: Councillor A. Yates.**

**Contact for further information: Rebecca Spicer (Extn. 5098)  
(E-mail: rebecca.spicer@westlancs.gov.uk)**

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**SUBJECT: Risk Management Framework & Corporate Risk Register**

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## **Borough Wide Interest**

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

- 1.1 The purpose of this report is to propose changes to the Risk Management Framework and to set out details of the Corporate Risks facing the Council and how they are being managed.

### **2.0 RECOMMENDATIONS**

- 2.1 That the revised Risk Management Policy including a new Risk Appetite Statement and Corporate Risk Matrix (Appendix A) and Risk Management Toolkit (Appendix B) be approved.
- 2.2 That the progress made in relation to the management of the risks shown in the Corporate Risk Register (Appendix C) be noted and approved.
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### **3.0 BACKGROUND**

- 3.1 Risk management is not about being risk averse, it is about being risk aware. Risk is ever present and some amount of risk taking is inevitable if the Council is to achieve its objectives. Risk Management is about effectively managing risks that could affect the Council's objectives. It is also about making the most of opportunities and achieving objectives. By being risk aware the Council is in a better position to avoid threats and take advantage of opportunities.

- 3.2 It is a best practice requirement that the Risk Management Framework and the Corporate Risk Register are reviewed and reported to Cabinet on a regular basis. Consequently it is our standard practice to report on Corporate Risk Register issues every 6 months and on the Risk Management Framework on an annual basis.

#### **4.0 CHANGES TO THE RISK MANAGEMENT POLICY**

- 4.1 The Risk Management Policy continues to be reviewed by officers to ensure that it reflects best practice, new developments and organisational change. An updated version of the Policy which includes a new Risk Appetite Statement (pages 8-10) and Corporate Risk Matrix (pages 11-12) is included at Appendix A.
- 4.2 The biggest change to the policy involves the movement of a 5x5 risk matrix to a 4x4 risk matrix. Having a larger matrix may not give a sufficient, or may give too vague of an assessment. It is noticeable that risks within a 5x5 matrix often become stuck within middle ground as an easy option. In addition a 4x4 matrix will align with Audit's Assurance Options which record the overall level of assurance surrounding the Council's Risk Management, Control and Governance processes, recognised by the internal Audit team at the time any audit review work is undertaken.
- 4.3 The Council's risk appetite has been reviewed and is formalised in the statement at Section 18 of the Policy (pages 8-10). Directors, Heads of Service and Members were sent a short survey to collect current perceptions of the Council's risk appetite and to establish where they would like the risk appetite to sit in future. The results of this survey were discussed in a workshop session facilitated by Zurich Municipal, the Council's insurer, and the Risk Appetite was agreed.

#### **5.0 RISK MANAGEMENT TOOLKIT**

- 5.1 In order to increase understanding and application of the Risk Management Policy it is essential that officers have access to a working document detailing practical and real life examples that they can refer to when maintaining the documentation required to support their Service Risk Register and the Council's Corporate Risk Register.
- 5.2 The Toolkit (Appendix B) highlights the importance of risk management, the structure of it within the Council and clearly discusses the steps that must be taken to follow the Risk Management Process.

#### **6.0 CORPORATE RISK REGISTER**

- 6.1 Corporate Risks are defined as significant risks that are likely to affect more than one Service. The Corporate Risk Register records major corporate and directorate initiatives, procurement or projects. It gives a summary of these risks and the work that is being undertaken to mitigate them, although many of these risks will have already been the subject of separate committee reports. In addition each Service maintains its own Service Risk Register of the specific risks that it faces.

6.2 The Corporate Risk Register attached (Appendix C) shows the current Corporate Risks and the measures in place to manage those risks. The regular reporting of the Register provides Members with an opportunity to scrutinise risks and provides assurance that these risks are being effectively controlled.

6.3 There are currently 20 risks on the Corporate Risk Register, none of these risks fall into the very concerned category. The below matrix illustrates the number of corporate risks that fall within each category of the matrix.

		Impact				
		1	2	3	4	5
Likelihood	5					
	4			3		
	3		1	5	1	
	2		1		3	4
	1			1	1	

6.4 The risk of balancing the HRA budget has been removed from the register since it was last presented as the HRA budget remains in a stable position.

6.5 There have been four new risks added to the register since it was last presented, these being as follows:

Title of Risk	Risk Score
Failure to comply with the Data Security & Protection Toolkit	12 Concerned
Transition of ICT services to new provider	12 Concerned
Failure to deliver 2021 Elections	12 Concerned
Transition of Revenues & Benefits Services back to WLBC	8 Uneasy

All new risks have controls in place to mitigate the risk.

6.6 There are a number of risks that remain on the register but their current risk score has altered since the risk was last presented to Cabinet. Those risks where the risk score has decreased are detailed as follows:

6.6.1 Effective Management of Cyber Security – decreased from 12 "concerned" to 9 "uneasy" due to the active management of the firewall and endpoint security and having effective controls in place. The uneasiness is the continued receipt of e-mails which present a threat if opened.

- 6.6.2 Failure to Develop Skelmersdale Town Centre – decreased from 9 "uneasy" to 3 "content" as all final agreements and contracts have now been signed and completed, and the contractor is mobilising to start on site.
- 6.6.3 Business Continuity Potential for Disruption – decreased from 8 "uneasy" to 6 "uneasy" as plans are in place and are tested regularly.
- 6.6.4 EU Exit – decreased from 6 "uneasy" to 4 "content" as Britain has now exited the EU and there has been so significant disruption.
- 6.7 There are two risks where the risk score has increased, these are as follows:
- 6.7.1 Preparation of a new local plan - increased from 6 "uneasy" to 9 "uneasy" as the preparation of a new local plan has been put on hold, increasing the likelihood that the risk will materialise.
- 6.7.2 COVID 19 – has increased from 10 "uneasy" to 12 "concerned" as the infection rates are currently rising.
- 6.8 The title wording of two risks has changed since it was last presented. The risk of delivering a successful SORP project has been renamed to reflect the change of name to the Our Future Project. The risk in relation to the West Lancashire Development Company has been changed to reflect the correct name of Tawd Valley Development Company.

## **7.0 SUSTAINABILITY IMPLICATIONS**

- 7.1 Understanding risk is important in ensuring that the Council is sustainable on many fronts, financial soundness, analysis of key strategic objectives, to ensure effective delivery and to ensure that competence is portrayed to key stakeholders.

## **8.0 FINANCIAL AND RESOURCE IMPLICATIONS**

- 8.1 The successful management of the risks facing the Council will ensure that resources are used effectively and efficiently.

## **9.0 RISK ASSESSMENT**

- 9.1 The continued review of the Risk Management Framework is essential to ensure the successful achievement of the Council's objectives, demonstrate effective provision of its services and the maximisation of opportunities. If we are unable to maintain an effective Risk Management Framework, we could endanger the achievement of our objectives. By continually monitoring and reviewing the Council's Risk Management Framework it should continue to improve, develop, meet best practice requirements and strengthen the Council's Corporate Governance Framework.

## **10.0 HEALTH AND WELLBEING IMPLICATIONS**

10.1 There are no health and wellbeing implications arising from 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**

Appendix A – Risk Management Policy  
Appendix B – Risk Management Toolkit  
Appendix C – Corporate Risk Register.





## **Risk Management Policy**

Version: January 2021

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## **1. Risk Management Policy Statement**

This Policy Statement outlines the Council's commitment to managing risk which it acknowledges is fundamental to effective Corporate Governance. It should be read in conjunction with the Risk Management Strategy (section 2) and Risk Management Toolkit (separate document).

As a component of the Council's Corporate Governance Framework, risk management provides a positive contribution towards the achievement of the Council's vision, priorities and objectives by identifying risks and providing assurances that those risks are actively managed. Risk management is the culture, processes and structures that enable effective identification and management of adverse events and opportunities. Risk Management also provides the tools and techniques to manage the threats to the Council achieving its objectives. Overall, the Council seeks to minimise threats and maximise opportunities to deliver its strategic outcomes and objectives.

The Council recognises that by ensuring that risk management is integrated into service planning and delivery arrangements its ability to achieve its objectives will be enhanced. Therefore, the Council seeks to proactively identify, understand and manage the threats and opportunities involved in service delivery as well as those associated with our plans and strategies, to encourage a responsible and informed approach to risk management.

Risks can impact the Council in a number of ways and effective risk management enables us to ensure that we have the correct level of control in place to provide assurance that we are managing the risks appropriately and in a standard way across the Council.

The Council's attitude to risk is to operate in an environment where risks are identified, understood and proactively managed rather than avoided. It is acknowledged that some risks will always exist and will never be eliminated, and that it is important for decision makers to understand the nature of risk as well as accepting responsibility for risks associated with their area of responsibility. Effective risk management is essential for both the Council and our partners to achieve objectives and improve outcomes for all stakeholders.

This Policy is supported by the Risk Management Toolkit (separate document) that provides detailed information on the Risk Management Process.

## **2. Our Strategy**

The aim of the Risk Management Framework is to ensure that within West Lancashire Borough Council, risks are identified, managed and reported efficiently and effectively. This will improve efficiency and the delivery of services, improve allocation of resources and enhance risk reporting.

Our aims are to:

- Make risk management an integral part of the planning and decision making processes of the Council, it is to be used as a component in all critical decisions.
- View risk management as not solely a compliance issue, but rather a way of viewing our strategy and operations with a significant impact on long-term viability.
- Develop the use of risk management in our dealings with third parties such as through partnerships, contracts, and other new service delivery models.
- Develop a more integrated risk management approach by identifying risk at all levels of the Council.
- Ensure that all staff, at all levels, operate with a greater understanding of how their role is valuable to the Council, and the importance of risk mitigation in the fulfilment of their duties.

In order to move towards a more formal, integrated and embedded approach, we recognise that such fundamental changes in approach and mind-set cannot be achieved 'overnight'. This strategy aims to bring together and develop existing risk management practices.

It is acknowledged that fundamental to the success of risk management is that an according level of training is provided.

### **3. Risk Assessment**

Risk can arise directly or indirectly from every action that we take, project that we deliver and contract that we enter into. Risk assessment is therefore an integral part of all Council activity.

It is the Council's policy that all substantive activities should be subject to risk assessment. This includes all significant projects, for example, financial developments, legislative developments, human resource initiatives, health and safety, communication upgrades, partnerships and IT developments.

Risks should be assessed adhering to the Council's Risk Management Process, and using the Risk Management Toolkit for guidance. The Process requires that the impact and likelihood of each appropriate classification category of an inherent risk is evaluated and a review of the articulation of the current controls in place to determine whether they are adequate and effective. The risk is then scored on the Council's Corporate Risk Matrix (section 19). This score determines whether the risk sits within the Council's Risk Appetite (section 18) and consequently the action that is required to be taken. After action the residual (current) risk is then monitored using the same matrix and further action taken if appropriate.

### **4. Service Risk Registers**

Managers are responsible for ensuring that all significant risks are included in Service Risk Registers using the Pentana Risk system. The risk register should describe the risk event, identify who the risk has been assigned to and who is responsible for managing the risk, potential effects, internal controls and an inherent, current and target risk assessment. Risks should be deactivated when the risk no longer presents and new risks added as soon as they are identified. Service risks are not deactivated without approval from the appropriate line manager.

### **5. Corporate Risk Register**

This records significant risks that are likely to affect more than one Service. It also records major corporate and directorate initiatives, procurement or projects. It is a key part of the corporate planning process. It includes, for example:

- Major safety risks that could result in fatalities to residents/stakeholders or staff
- Major financial risks
- Risks that could prevent the Council from meeting its strategic objectives
- Major risks to the Council's reputation e.g. adverse media coverage, adverse reactions from the public where a policy decision, new initiative or service change is likely to be controversial
- Risks relating to overriding issues of corporate concern.

Corporate risks cannot be added or deactivated without agreement from the appropriate Head of Service.

## **6. Risk Ownership and Management**

Every risk must be assigned to one officer. The assigned officer has day to day responsibility of the risk and for updating the risk register, they are the risk owner. The risk manager is the designated member of staff (or management group) who carries the ultimate responsibility for ensuring that the risk is being effectively managed by the officer who is assigned to the risk. The risk manager along with the risk owner is responsible for agreeing and delivering the action plan to control the risk and monitoring progress against it. This is a key element in the risk management process as it is crucial that risks are not just identified and assessed but that they are also effectively controlled and monitored.

Internal control is key to effective risk management and plays a significant part in the management of risks. Actions, procedures and operations undertaken to transfer, terminate, tolerate or treat a risk should be detailed on the Risk Register. Internal controls should be scored as to their effectiveness and allocated to a control owner. Action to be taken should be referenced in the Service Action Plan.

## **7. Risk Reporting and Monitoring**

Monitoring reports on risks are produced on a six monthly basis for the consideration of Cabinet and Executive Overview and Scrutiny, and on a quarterly basis for the consideration of CMT.

Heads of Service are responsible for monitoring their Service Risk Registers on a quarterly basis. They are also responsible for making sure that any corporate risks within their Service are added to and, when appropriate, removed from the Corporate Risk Register.

## **8. Risks and the Decision Making Process**

Risks need to be addressed at the point at which decisions are being taken. Where Members and officers are asked to make decisions they should be advised of the risks associated with the recommendations being made. Consequently, the Council needs to be able to demonstrate that it has taken reasonable steps to consider the risks involved in a decision.

All reports requiring key decisions, including new and amended policies and strategies, must therefore include a section to demonstrate that risks have been addressed. This does not guarantee that decisions will always be right but the important point is to demonstrate that risks have been considered and to have evidence that will support this.

## **9. Role of the Risk Management Working Group (RMWG)**

Although every member of staff carries some responsibility for the management of risk, the Authority identifies the Risk Management Working Group (RMWG) as responsible for maintaining and developing the Risk Management Framework. Heads of Service nominate Risk Management Champions to represent each service area on the RMWG.

The RMWG meets twice yearly and more frequently if required, to consider the following;

- Issues and improvements to the Risk Management Framework,
- Risk management training requirements,
- Risks facing the Council,
- Disseminating good practice requirements for risk management,
- How to further improve and embed risk management culture within the Council, to support its decision making process, strategies and operations.

## **10. Role of Risk Management Champions**

The Risk Management Champion is responsible for maintaining and developing the Risk Management Framework within their Service, supported by the RMWG. The Risk Management Champion's role is to:

- Attend meetings of the RMWG or nominate a suitable substitute when unable to attend.
- Disseminate information discussed at the RMWG to their Service and feedback to the group accordingly.
- Support their Head of Service in implementing the Risk Management Framework within their Service.
- Raise any issues regarding risk management with the Risk and Insurance Officer.
- Advise the Risk and Insurance Officer if any risk management or Pentana training is required within their service.
- Give advice and guidance to managers/officers within their Service on preparing risk assessments for committee reports.
- Provide advice and guidance to those updating risks on the Pentana system.
- Help to promote and embed Risk Management within their Service in order to engage staff in the management of risk.

## **11. Role of Heads of Service**

The role of Heads of Service is to:

- Implement policies on risk management within their Service including ensuring that up to date risk registers are maintained.
- Review their Service Risk Registers, as a minimum, on a quarterly basis to satisfy themselves that adequate controls for risks are in place.
- Review their Service Risk Registers and ensure that Corporate Risks are added to and removed from the Corporate Risk Register when appropriate.

- Review the risk management system to ensure that it is functioning effectively and that any further actions required are detailed in Service Action Plans.
- Embed the importance of risk management within their Service and ensure that strategic risks are communicated to employees and that day to day operational risks are communicated to senior management.
- Determine the nature and extent of the principal risks we are willing to take in achieving our strategic objectives.
- Implement risk management systems to identify the risks we are facing and to make a robust assessment of the most significant risks.
- Determine how significant risks should be managed or mitigated to reduce the likelihood of their incidence or their impact.
- Carry out service risk assessments as part of service action planning and internal / external reviews, monitor and review the effectiveness of the actions.

## **12. Role of Employees**

Each employee has a role to take in the Risk Management Process and should;

- Be familiar with, understand, accept and implement the Risk Management Framework.
- Report inefficient, unnecessary or unworkable controls.
- Report loss events and near-miss incidents.
- Cooperate with management on incident investigations.
- Ensure that visitors and contractors comply with procedures.

## **13. Role of Audit**

Internal Audit evaluate risk management processes continuously in order to provide assurance to Members and Senior Management that significant risks are being managed appropriately and that the Risk Management and Internal Control Framework is operating effectively. Our External Auditors may also conduct separate, independent reviews of the Risk Management Framework from time to time. The findings from this work will be included in the annual report to the Audit and Governance Committee.

## **14. Governance Arrangements**

The Authority's Risk Management Framework is critically important in the context of governance and the Audit and Governance Committee has responsibility for ensuring that the Framework operates effectively. An annual report is produced for Cabinet, Audit & Governance and Executive Overview and Scrutiny Committee on the operation of the Risk Management Framework so that they can assess its effectiveness.

## **15. Skills, Expertise and Guidance**

Having established roles and accountabilities for risk management, the Council must ensure that it has the necessary skills and expertise to deliver this Framework. This will be accomplished through an on-going programme of risk management training and development.

All documents relevant to Risk Management are available via the Council intranet <http://intranet.westlancsdc.local/rules-and-regulations/risk-management.aspx> which contains appropriate guidance to assist officers in carrying out their duties effectively.

A Risk Management Toolkit provides practical examples of how to apply the Risk Management Process.

## **16. Making Others Aware of Risk Management**

The Authority recognises the potential for benefits and rewards from partnership working and it also recognises the risks involved. Whilst this risk can be managed by the Authority through formal contracts and partnership agreements that clearly allocate risks to the appropriate parties, failure by either or any one of those parties to manage their risks can have serious consequences for the other(s).

Consequently, before entering into the partnership, joint working or business contract arrangements, prospective partners and contractors should be asked to state their approach to risk management and to provide certain minimum evidence to support their response.

It is recommended that when entering into partnership, joint working or contracts with outside agencies that a project risk register is created and is maintained on the Pentana System until all associated risks are realised.

## **17. Maintenance and Development of the Risk Management Framework**

This Risk Management Policy along with the Toolkit are reviewed on an annual basis. The results of this review will initially be reported to the Audit and Governance Committee and Executive Overview & Scrutiny Committee in January of each year for detailed consideration before being submitted to Cabinet for formal approval in March.

## **18. Risk Appetite Statement**

The Council defines Risk Appetite as the amount of risk it is willing to pursue or retain in pursuit of its objectives. The purpose of Risk Appetite is to set out the Council's attitude to risk and to provide consistency in the decision-making process.

Risk Appetite levels range on a scale from low to high depending on our willingness to accept either Inherent or Residual Risk. Inherent Risk is “the exposure arising from a specific risk before any action has been taken to manage it”. Residual Risk is “the exposure arising from a specific risk after action has been taken to manage it and making the assumption that the action is effective”. The Risk Appetite helps us to determine our tolerance to individual initiatives, projects or programmes, which enable the delegation of risk management responsibilities, with clear responsibility thresholds and escalation paths.

Each risk is considered against the Risk Appetite for a number of categories. These Appetite Levels are defined in the statement below:

### **West Lancashire Borough Council Risk Appetite Statement**

Key

Risk Type	Risk Appetite
Reputational	3
Legislative / Regulatory / Compliance	2
Financial	3
People	3
Health & Safety	1
Operational	2
Environmental	3
Physical Systems & Assets	3
Political	2

Ratings	Risk Appetite	Meanings
1	Low	Residual risk only acceptable in extreme situations (e.g. where the risk has a very low impact and likelihood)
2	Medium	Residual risk is managed down on a cost-benefit basis. A medium amount of risk is acceptable however, on balance, control is weighted higher than acceptance.
3	Significant	Residual risk is accepted to significant levels. Significant implies a pure cost-benefit approach.
4	High	Residual risk is accepted to high levels

The Council operates within a medium to significant overall risk range. The council's lowest risk appetite relates to Health & Safety risk, including employee health and safety, with a higher risk appetite towards its reputational, financial, people, environmental and physical systems and asset risks. This means that in general risks will be considered on a cost benefit analysis unless they involve health and safety, legislation and compliance, political or operational risks where control is weighted higher than acceptance of the risk.

### **Reputational**

The 'reputational' category refers to the risk of a significantly adverse or damaging perception of the Council by the general public and West Lancashire Borough residents.

**Risk Appetite;** The Council has a concerned approach with regards to any project or activity that would seriously threaten its reputation. It understands however that not all stakeholders will have the same opinion on projects, programmes of work and service delivery and so each project/ programme will be considered with regards to its reputational impact.

### **Legislative / Regulatory / Compliance**

The "legislative / regulatory / compliance" category refers to the risk of successful legal action being taken against the Council, or of the Council breaching law in its activities and operations, and is also the risk of losses, possibly fines, and other sanctions arising from non-compliance with laws and regulations.

**Risk Appetite;** The Council is committed to a high level of compliance with relevant legislation, regulation, sector codes and standards as well as internal policies and sound corporate governance principles. Identified breaches of compliance will be remedied as soon as practicable. The Council has no appetite for deliberate or purposeful violations of legislative or regulatory requirements.

### **Financial**

The "financial" category relates to the risk of financial pressures affecting the Council's ability to provide services.

**Risk Appetite:** The Council is willing to take calculated financial risks in order to achieve its objectives, subject to legislation being complied with.

### **People**

The "people" category relates to the risk of the Council's ability to attract and retain competent and motivated staff to achieve its objectives.

**Risk Appetite:** The Council is committed to investing in strategies to attract, manage, motivate, develop and retain competent staff to achieve its strategic goals. Activities that threaten to diminish its ability to meet this commitment require careful consideration.

### **Health & Safety**

The "health & safety" category refers to the risk of hazards that can lead to the harm, injury, death, or illness of staff or citizens.

**Risk Appetite:** The Council has zero tolerance for risk being taken with regards to health & safety.

### **Operational**

The "operational" category refers to the risk of not being able to provide Council services and the effect that this has on customer satisfaction. It also relates to the risk of fraudulent activity occurring.

**Risk Appetite:** The Council places great importance on ensuring that its activities and services operate efficiently and effectively. There is a low appetite for any business interruptions that may jeopardise its standards of services, operations or could lead to a loss of satisfaction by its citizens, customers and stakeholders.

Fraud could arise from either internal or external parties who attempt to defraud the Council by circumventing its processes and controls, including those operated by our third party providers (e.g. within our outsourced activities).

The Council has a commitment to high ethical standards and a desire to prevent and deter harm to its stakeholders. It seeks to limit the risks associated with fraud, particularly internal fraud and has a zero appetite for any fraud

### **Environmental**

The "environmental" category refers to the risk of an impact of any function, service, operation, project and programme upon the environment.

**Risk Appetite:** The Council has a strong interest in protecting and preserving the environment. There is a low appetite for activities which will significantly degrade the environment

### **Physical Systems & Assets**

The “physical systems and assets” category refers to the risk to physical structures (buildings, facilities, locations, equipment, etc.) and systems e.g. IT, which ultimately support the provision of services.

**Risk Appetite:** In pursuing its objectives, the Council is open to taking a moderate degree of risk, and is prepared to accept major changes, upgrades, projects and programmes where these are intended to bring significant improvements to property, assets, facilities or services.

**Political**

The "political" category refers to the risk of disruption to objectives leading to intervention by political members and the impact of this upon political structures.

**Risk Appetite:** The Council has a low appetite to the disruption of any objective that would lead to the involvement of political members and cause political instability.

**19. Corporate Risk Assessment**

**Impact**

Score	What is the worst that could happen?
<b>Low</b>	Minor loss, delay, inconvenience or interruption, very minor damage to reputation and very minor health & safety issues. Opportunity to innovate/make minor improvements to performance missed/wasted. Short to medium term effect.
<b>Medium</b>	Waste of time and resources. Good opportunity to innovate/improve performance missed/wasted. Moderate impact on operational efficiency, output and quality. Minor health & safety risk, short term damage to reputation. Medium term effect which may be expensive to recover from.
<b>Significant</b>	Major impact on costs and objectives. Substantial opportunity to innovate/improve performance missed/wasted. Significant impact on output and/or quality. Significant damage to reputation and moderate health & safety consequences. Medium to long

	term effect and expensive to recover from.
<b>High</b>	Severe / Critical impact on the achievement of objectives and overall performance. Critical opportunity to innovate/improve performance missed/wasted. Huge impact on costs and/or sustained damage to reputation. Major health & safety issues. Very difficult to recover from and possibly requiring a long term recovery period.

**Likelihood**

Score	Descriptors
<b>Certain</b>	Almost certain, is expected to occur in most circumstances. Greater than 80% chance.
<b>Probable</b>	Likely, will probably occur in most circumstances. 50% - 80% chance.
<b>Possible</b>	Possible, might occur at some time. 20% - 50% chance.
<b>Unlikely</b>	Unlikely, but could occur at some time. Less than a 20% chance.

**WLBC Impact / Likelihood Matrix**

		Impact			
		Low	Medium	Significant	High
Likelihood	Certain	4	8	12	16
	Probable	3	6	9	12
	Possible	2	4	6	8
	Unlikely	1	2	3	4

Level of Concern	Action Required
<b>Critical</b>	Urgent attention required at highest level to ensure risk is reduced to an acceptable level. Action planning should start without delay. Progress on actions should be reported to the Chief Operating Officer and / or the Leader.







# **West Lancashire Borough Council**

# **Risk Management Tool Kit**

Version 1: January 2021

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## 1. Foreword



As Chief Operating Officer I am responsible for enabling the efficient and effective governance of significant risks, and related opportunities across West Lancashire Borough Council.

As we face increasing uncertainty and challenging times it is of increasing importance that we have robust management and are able to make difficult decisions over resource priorities. It is important that the maximum amount of resources can be channelled into achieving the Councils vision and priorities for West Lancashire.

Central to the ability to do this is the need for efficient and effective risk management which allows us to take advantage of more opportunities and make decisions that pay full regard to risk consideration.

The Council is risk aware not risk adverse, it needs to take full advantage of opportunities for improving services. Therefore, it needs to be pro-active and prepared in the way that it manages risk.

Risk Management is recognised as a key element in the management of the Council. By all staff having a better understanding of the importance and implementation of risk management it will make a huge contribution to improving overall corporate governance. In addition it will assist in ensuring that mandatory rules, regulations and obligations are complied with.

Better identification of risks and their management will result in better use of resources. If we all use the resources available to us more efficiently and effectively then the service to our customers can only improve.

Risk Management needs to be embedded in all activities of the Council and it's important that we align risk management activities with other policies, procedures and strategies to ensure effective operations and service delivery.

This toolkit has been developed to allow officers to identify risks which would prevent them from achieving their objectives (including failing to take advantage of opportunities) and to provide information and guidance on how these risks can be managed.

**Jacqui Sinnott-Lacey**

**Chief Operating Officer**

## 2. Introduction

Risk management is about making the most of opportunities by making informed decisions and about achieving objectives once those decisions are made. It is about being risk aware and not risk adverse.

The Council accepts that some level of risk is inevitable if it is going to achieve its objectives. It is important, however, that these risks are actively controlled, managed and monitored. One of the biggest risks that could face WLBC would be to not identify the risk in the first place and take no action at all.

Risk management is the process by which risks are identified, analysed, evaluated, treated, monitored and reported. It is part of the code of corporate governance which considers how well the authority carries out its duties and responsibilities against six key components:

1. Focusing on the purpose of the authority and on outcomes for the community and creating and implementing a vision in the local area
2. Members and officers working together to achieve a common purpose with clearly defined functions and roles
3. Promoting values for the authority and demonstrating the values of good governance through upholding high standards of conduct and behaviour
4. Taking informed and transparent decisions which are subject to effective scrutiny and managing risk
5. Developing the capacity and capability of members and officers to be effective
6. Engaging with local people and other stakeholders to ensure robust public accountability

Risk management is not a new process; it is a formalisation of processes that are already in place. Risk is a part of everyday life and you will undertake many conscious and sub conscious risk assessments every day. Risk management is integral to a well-managed Council; it is something that managers undertake every day. It is so intrinsic to their jobs that often they do not realise they are doing it. It is crucial that the aims and objectives of Services or the Council as a whole can be clearly linked with the risks involved. Risk management should be embedded within the strategic planning, decision making and core processes of the Council.

The process has been made as simple as possible, and jargon has been kept to a minimum. There may be some terms that you may not be familiar with; therefore a list of the more common terms has been included at Section 18, Key Definitions, for your guidance.

This toolkit is a working document for managers and staff to use in maintaining the documentation required to support their Service and the Council's Corporate Risk Registers. Although risk owners will be tasked with updating risk registers and managing risks, risk management is the responsibility of all Council employees.

This toolkit should be read in conjunction with the Council's Risk Management Policy.

### **3. Attitude to and Principals of Risk Management**

We are able to be risk aware, not risk adverse, by ensuring that risk management is an integral part of our planning and review processes, including the evaluation of new opportunities.

Effective risk management enhances:

- the likelihood of us delivering our objectives;
- our reputation;
- our financial sustainability;
- our planning and decision-making activities;
- our leadership, management and governance;
- our core business;
- our ability to innovate.

The approach adopted to risk management ensures that our risk management activities are:

- Proportionate to the level of risk that we are prepared to accept.
- Aligned with other Council activities.
- Comprehensive, systematic and structured.
- Embedded within the Council and our procedures.
- Dynamic and responsive to emerging and changing risks.

The approach that we have taken to risk management is that:

- Members and CMT are responsible for determining the risk appetite of the Council.
- Members and CMT are responsible for determining the nature and extent of the principal risks we are willing to take in achieving our strategic objectives.
- Members and CMT are responsible for ensuring that the risks on the Corporate Risk Register fit within the definition of a Corporate Risk (section 11.2)
- Heads of Service are responsible for ensuring that corporate risks are added to and removed from the Corporate Risk Register as appropriate.
- Executive Overview & Scrutiny Committee and Cabinet receive twice yearly reports on the Corporate Risks facing the Council.
- Audit & Governance, Executive Overview & Scrutiny Committee and Cabinet receive an annual report on the Risk Management Policy (including the Council's Risk Management Strategy and Risk Appetite Statement) and Toolkit to approve these for the forthcoming year.
- Audit & Governance Committee monitor our risk management and internal control systems and Internal Audit periodically audit their effectiveness.
- The Corporate, Senior Management Team and Risk Management Champions are responsible for the implementation of risk management systems, and disseminating best practice throughout the Council.

- CMT receive quarterly reports on risks facing the Council.
- Heads of Service are responsible for carrying out live reviews of Service Risk Registers on a quarterly basis.
- Officers assigned to a risk are responsible for updating, maintaining, controlling and monitoring it.
- Control owners are responsible for communicating the effectiveness of controls to risk owners.

#### **4. Councils Risk Management Policy**

Our Risk Management Policy including our Strategy support our corporate aims and objectives.

The Council has a clear vision for West Lancashire:

#### **West Lancashire together; the place of choice to live, work, visit and invest**

Our priorities are:

- Create empowered, engaged and inclusive communities
- Support businesses to adapt and prosper
- Become a Greener West Lancashire
- Be a financially sustainable Council by 2023
- A clean, safe environment with affordable homes to buy or rent for everyone in West Lancashire
- Everyone to be healthy, happy, safe and resilient
- Everyone to be proud of their Council

Robust risk management will help to support delivery of this vision and associated priorities.

The Risk Management Policy sets out the Council's risk management aims and objectives and how these will be achieved. This document is subject to annual review to ensure that it remains up-to-date and continues to reflect our approach to risk management.

It is vital that we develop the use of risk management in our dealings with third parties such as through partnerships, contracts, and other new service delivery models.

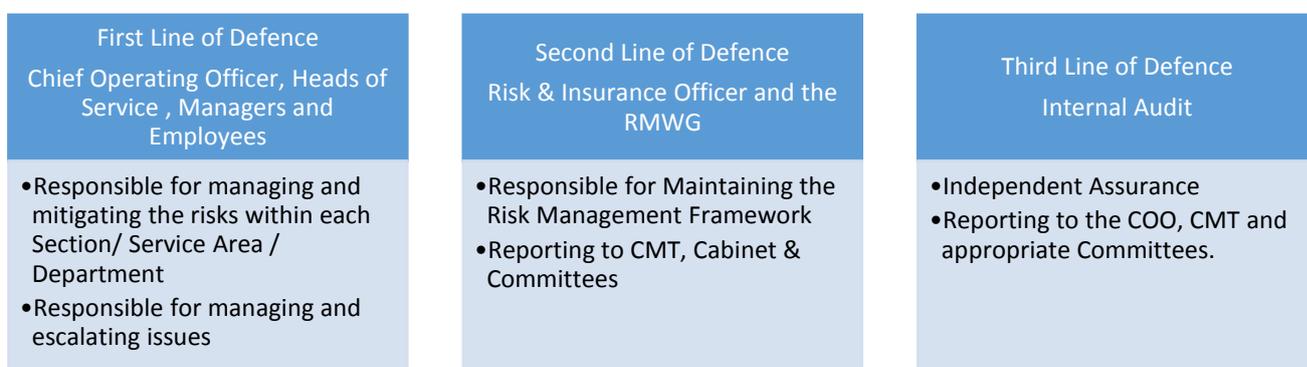
While these areas contain significant risks for the Council, they also have the potential to provide significant opportunities if well managed. The use of risk management to mitigate risks while also exploring opportunities is key to ensuring that these working arrangements contribute positively to service delivery.

## 5. Three Lines of Defence Model

The Council operates a Three Lines of Defence Model which provides assurance that Risks are being actively managed and controlled. By having the three lines of defence in operation it allows us to safeguard against breakdowns in risk management. It also emphasises that risk management is everyone's responsibility.

The Three Lines of Defence model distinguishes among three groups (or lines) involved in effective risk management:

- Functions that own and manage risks.
- Functions that oversee risks.
- Functions that provide independent assurance.



In addition to the three lines of defence there are then a further two functions:

4th Line of Defence - External auditors will be required to confirm and attest to the accuracy of financial records.

5th Line of Defence – Certain regulators will require compliance with the rules and regulations within their scope.

Our risk and control processes are structured effectively in accordance with the Three Lines of Defence model in that;

- Each line of defence are supported by appropriate policies and role definitions.
- There is coordination among the separate lines of defence to foster efficiency and effectiveness.
- Risk and control functions operating at the different lines share knowledge and information to assist all functions in better accomplishing their roles in an efficient manner.
- Lines of defence are not combined or coordinated in a manner that compromises their effectiveness.

A more detailed breakdown of the roles and responsibilities of each line can be found in Sections 6 – 9.

## **6. The Audit & Governance Committee**

The Audit and Governance Committee Terms of Reference are included at appendix C.

The purpose of the Audit and Governance Committee is to support the Council's Corporate Governance responsibilities and to provide independent assurance in relation to internal control, risk management and governance.

The Audit and Governance Committee has a strong focus on risk and internal control as well as on good financial management.

The Committee is comprised of eleven members drawn from across the political parties in accordance with the rules of proportionality. The Chair is from the leading party and does not have Cabinet responsibilities but is on the Corporate and Environmental Overview and Scrutiny Committee as a member.

The Audit & Governance Committee meetings are held in public, although there are occasionally private reports received where the public are excluded.

## **7. Corporate Management Team(CMT)**

The Corporate Management Team is comprised of the Chief Operating Officer, Directors and Heads of Service. Risks are reported to CMT on a quarterly basis.

## **8. Risk Management Working Group (RMWG)**

The RMWG is comprised of the Head of Finance and Audit, representatives from Internal Audit, the Risk and Insurance Officer and Risk Management Champions. Other officers may be invited to attend as appropriate.

Coordinated by the Risk and Insurance Officer the RMWG is responsible for maintaining and developing the Risk Management Framework.

The RMWG meets twice yearly and more frequently if required, to consider the following;

- Issues and improvements to the Risk Management Framework,
- Risk management training requirements,
- Risks facing the Council,
- Disseminating good practice requirements for risk management,
- How to further improve and embed risk management culture within the Council, to support its decision making process, strategies and operations.

## **9. Risk Management Champions.**

Risk Management Champions are responsible for maintaining and developing the Risk Management Framework within their Service, supported by the RMWG.

The Risk Management Champion's role is to:

- Attend meetings of the RMWG or nominate a suitable substitute when unable to attend.
- Disseminate information discussed at the RMWG to their Service and feedback to the group accordingly.
- Support their Head of Service in implementing the Risk Management Framework within their Service.
- Raise any issues regarding risk management with the Risk and Insurance Officer.
- Advise the Risk and Insurance Officer if any risk management or Pentana training is required within their service.
- Give advice and guidance to managers/officers within their Service on preparing risk assessments for committee reports.
- Provide advice and guidance to those updating risks on the Pentana system.
- Help to promote and embed Risk Management within their Service in order to engage staff in the management of risk.

## **10. Context to Risk Management**

Formally incorporating risk management into day-to-day management increases the focus on what needs to be done (and not done) to meet objectives. It ensures;

- Conformity with applicable rules, regulations and obligations.
- Assurance is provided that risk management and internal control activities are sufficient.
- Appropriate risk based information is available to support decision making.
- The achievement of an effective and efficient strategy, tactics, operations and compliance, to ensure the best outcome and volatility of results.

This results in:

- Improved efficiency in the delivery of services
- Enhanced risk reporting
- More satisfied stakeholders
- Better management of change programmes
- Support for innovation
- Fewer complaints
- Greater control of insurance costs
- The provision of evidence to support Assurance Statements
- Better information available for decision making
- Enhanced ability to justify actions taken
- Protection and enhancement of our reputation
- Reduced risk of mistakes
- Conformance with Council policies across all areas of risk
- Improved management performance (good risk management is good management)
- Consistent approach avoiding potentially damaging errors
- Compliance with legislation, rules and regulations
- Securing funding (funding bodies including the government are increasingly interested in the effective management of risk)
- Improved contingency arrangements as set out in our business continuity plan
- A reduction in the risk of fraud and corruption
- Enhanced ability to identify new opportunities and the challenges associated with current opportunities

- Being able to anticipate the risks that could affect performance and put in place actions to minimise disruption
- Better assessment of overall resource needs
- The ability to quickly foresee and respond to change.

## 11. The Risk Management Process

Our risk management processes has 6 key stages:



### 11.1 Risk / Opportunity Identification

The starting point for the identification of risks and opportunities should be to examine the Councils, Directorate, Service or project's objectives and required outcomes. It is important that officers carry out risk identification and examine all identified risks and link them to the appropriate Council, Service or project objectives and outcomes. If a risk cannot be clearly linked to an objective or outcome then serious consideration should be given as to whether this risk needs to be borne at all.

Risk Management should feature on the agenda of quarterly DMT meetings and therefore managers should be aware of emerging risks or changing risk context.

It is important that all members of staff are involved in the risk management process. Managers should ensure that there is a process in place for employees to actively report any risks as and when they arise, and also for them to report when the extent of the risk changes.

Officers assigned to risks i.e. risk owners should update Pentana with any new risks that have been identified and continue to keep risks updated with real time updates.

Some risks will be identified on an on-going basis but will be rectified almost immediately and will therefore not form part of the formal risk register e.g. a missing sign on an emergency exit should not be included, but should be rectified as soon as possible. If, however, it was noted that emergency exit signs were being stolen on a regular basis, this fact should be recorded.

There are many ways of identifying risk:

- Experience
- Checklists and questionnaires
- Inspections of premises
- Audits (Internal e.g. internal audit, health & safety or external)
- Risk assessments
- Equality analysis
- Directorate / Service / team meetings
- Workshops and brainstorming
- Internal control processes
- Day to day operations
- Local / National or Social Media
- Alterations to legislation
- Performance Indicators
- Service Action Plans
- Insurance claims / losses information

The list below is provided as a guide and is **not designed to be all encompassing**, but is intended to give you a starting point to identify risks. The risk identification stage should be repeated regularly to ensure that new risks arising are identified and brought into the risk profile as appropriate.

#### **Categories of risk:**

**Reputational risks** - Arising from all risk types / categories which are considered to have an impact on how the Council is viewed by both internal (e.g. staff) and external stakeholders (e.g. citizens, suppliers).

**Legislative / Regulatory/ Compliance risks** - Arising from current and potential changes and the organisation's regulatory environment.

Examples of issues to look for in local government:

- Preparedness for new, and compliance with existing, legislation and regulations including European law / regulations, e.g. H&S regulations
- Exposure to regulators - e.g. auditors / inspectors
- Localism Act and the various rights this gives local people such as Community Asset Transfers

**Financial risks** - Arising from the budgetary, financial planning and control framework.

Examples of issues to look out for in local government:

- Financial situation such as areas of significant over or under spending
- Flexibility to allocate budgets to address areas where control weakness is identified
- Level of reserves and budgetary control

- Monitoring and reporting systems
- Fraud / mal-administration and corruption

**People risks** - Arising from the need to be managerially and professionally competent and for staff to be satisfied.

Examples of issues to look out for in local government:

- Professional / managerial standing of key officers
- Stability of officer structure - particularly at the top
- Key staff changes and personalities
- Turnover, absence, stress levels, illness
- Workforce planning
- Equalities issues
- Managing major changes

**Health & Safety Risks** – Arising from the need to provide a safe environment for staff, citizens and all stakeholders.

Examples of issues to look out for in local government:

- Is appropriate training given to staff?
- Is there a safer way of working?
- Have staff got the appropriate equipment?
- Commitment to health, safety and well-being of staff, partners and the community
- Potential physical hazards such as monitoring the condition of trees on WLBC owned land or pathways, and slips and trips on WLBC owned land

**Operational risks** - Arising from the need to effectively deliver services which meet the needs and expectations of customers and residents.

Examples of issues to look out for in local government:

- Is service delivery effective?
- Do residents, taxpayers, businesses and partners receive the services they require when they need them? Are expectations being managed?
- Extent and nature of consultation with / involvement of community, e.g. community groups, local businesses, focus groups, resident's panels, etc.

**Environmental risks** - Arising from inherent issues concerned with the physical environment.

Examples of issues to look out for in local government:

- Nature of environment
- Waste disposal and recycling issues
- Pollution issues, e.g. fly tipping,
- Extreme weather conditions, e.g. flooding, storms etc.

**Physical risks to Systems & Assets** - Arising from physical hazards associated with systems, property, vehicles, plant and equipment.

Examples of issues to look out for in local government:

- Nature and condition of assets e.g. buildings and other property owned, dilapidation of leased property
- Testing of systems to ensure efficiency

**Political risks** - Arising from the political situation.

Examples of issues to look out for in local government:

- Political make-up (majority party, hung council, key opposition parties)
- Decision-making structure (cabinet with leader, council and council manager, traditional committee structure)
- Leadership issues (lack of strong leadership, concentration of power into the hands of a few, imbalance of power)
- Election cycles (power shifts, undue influence on electioneering)
- Central Government initiatives impacting on Local Government

**Partnership / Contractual risks** - Arising from the nature of the partnerships and contracts.

This looks at the particular risks which are faced when delivering services in conjunction with potential partners, e.g. contractual terms and conditions.

The types of risks that can arise are around service delivery, investment of time, money and expertise, meeting organisational objectives, fair procurement, risk of financial and reputational risk.

It is necessary to ensure that corporate governance arrangements are robust; particularly in terms of ensuring effective performance management and that liability and accountability frameworks are explicitly agreed in advance.

Examples of issues to look out for in local government:

- Key strategic partners - from public, private and third sectors, and County strategic partnerships
- Joint ventures
- Outsourced services

## 11.2 Risk Analysis

This is the process of reviewing the risks identified so that similar risks can be grouped and classified according to the likelihood of them occurring and the impact they could have.

### Measures of Likelihood

Score	Descriptors
<b>Certain</b>	Almost certain, is expected to occur in most circumstances. Greater than 80% chance.
<b>Probable</b>	Likely, will probably occur in most circumstances. 50% - 80% chance.
<b>Possible</b>	Possible, might occur at some time. 20% - 50% chance.
<b>Unlikely</b>	Unlikely, but could occur at some time. Less than a 20% chance.

### Measures of Impact

Score	What is the worst that could happen?
<b>Low</b>	Minor loss, delay, inconvenience or interruption, very minor damage to reputation and very minor health & safety issues. Opportunity to innovate/make minor improvements to performance missed/wasted. Short to medium term effect.
<b>Medium</b>	Waste of time and resources. Good opportunity to innovate/improve performance missed/wasted. Moderate impact on operational efficiency, output and quality. Minor health & safety risk, short term damage to reputation. Medium term effect which may be expensive to recover from.
<b>Significant</b>	Major impact on costs and objectives. Substantial opportunity to innovate/improve performance missed/wasted. Significant impact on output and/or quality. Significant damage to reputation and moderate health & safety consequences. Medium to long term effect and expensive to recover from.
<b>High</b>	Severe / Critical impact on the achievement of objectives and overall performance. Critical opportunity to innovate/improve

	performance missed/wasted. Huge impact on costs and/or sustained damage to reputation. Major health & safety issues. Very difficult to recover from and possibly requiring a long term recovery period.
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The descriptions are applied as follows:

The first time that a risk is assessed the likelihood and impact of the risk against the Council's risk classification categories will need to be considered as if no controls exist; this will give the inherent risk.

You can then take the next step of considering the likelihood and impact of the risk based on an evaluation of the effectiveness of existing controls to give the residual risk i.e. the current risk. This step is then repeated for all future assessments.

There will need to be consideration of what the target risk is. This is the level of risk that you are aiming to manage the risk down to, over time. This will need to be considered at each future assessment.

***Risks must be assessed against each appropriate category.***

The table below gives examples of how the **impact** score can be determined for each category.

<b>Risk Type/ Category</b>	<b>Low</b>	<b>Medium</b>	<b>Significant</b>	<b>High</b>
<b>Reputational</b>	Single adverse article in local media or specific professional journal that is not recirculated (e.g.: through social media). WLBC may be one of a number of agencies referred to.	A number of adverse articles in regional media mentioning WLBC. Some circulation via social media. Single request for senior officer / Member to be interviewed on local TV or radio. Adverse reaction by West Lancs residents in social media / online forums. Short term reduction in public confidence.	Series of front page / news headlines in regional or national media. Wider recirculation via social media. Sustained adverse reaction by West Lancs residents in social media. Repeated requests for senior officer / Member to be interviewed on local TV or radio. Long term reduction in public confidence	Sustained adverse publicity in regional media and / or national media coverage. Extensive / prolonged recirculation via social media channels. Repeated requests for Leader / Chief Operating Officer to be interviewed on national TV or radio. Possible resignation of senior officers and or elected members. Total loss of public confidence.
<b>Legislative / Regulatory / Compliance</b>	Failure to meet internal standards.	Minor breach of statutory legislation / regulation. Breach of best practice requirements.	Single breach in statutory duty. Challenging external recommendations / improvement notice.	Several breaches in statutory duty. Enforcement action and improvement notices. Critical report. Censure by regulator; breach of legal or contractual obligation.
<b>Financial</b>	Impact on in year budget pressures to be resolved within Service.	On-going financial pressures which require corporate resolution and should be addressed through the budget setting process.	Significant financial pressures leading to alternative approaches to service delivery.	Inability to continue as a going concern and leading to potential external intervention.
<b>People</b>	Short term low staffing level that temporarily	Medium term low level / insufficient experienced staff to	Late delivery of key objective / service due to lack of experienced	None delivery of key objective / service due to lack of experienced staff.

	reduces service quality. Some minor staff dissatisfaction	deliver quality service. Low staff morale.	staff. Very low staff morale.	
<b>Risk Type/ Category</b>	<b>Low</b>	<b>Medium</b>	<b>Significant</b>	<b>High</b>
<b>Health &amp; Safety</b>	Minor injury requiring no first aid treatment or medication.	Short lived / minor injury or illness that may require first aid or medication. No overnight hospitalisation.	Injury that requires short term hospitalisation. Small number of work days lost.	Injury that requires medium to long term hospitalisation. Fatalities and / or incidences of permanent disability or ill health. Risk of prosecution from enforcement agencies.
<b>Operational</b>	Some short term disruption to a non-critical service to citizens / customers. No significant effect on customer satisfaction. Low chance of fraudulent activity occurring.	Short term disruption to a critical service or prolonged disruption to a non-critical service. Noticeable to customers and affecting their satisfaction with the service provided. Medium chance of fraudulent activity occurring.	Sustained disruption to a critical service or more than one non critical service. Circumstances defined in the Business Continuity Plan as requiring notification of the Emergency Planning Officer. Customer satisfaction seriously affected. High chance of fraudulent activity occurring.	Inability to perform critical services. Events leading to Central Government intervention in running of a WLBC Service. Very High chance of fraudulent activity occurring.
<b>Environmental</b>	Superficial impact on environment with cosmetic remediation.	Environmental damage with short term remediation. Less than 3 months.	Environmental damage with medium term remediation.	Major environmental damage, reversible with long-term remediation.
<b>Physical Systems &amp; Assets</b>	Minor property, asset or facilities damage and minor disruption to systems.	Significant but temporary damage or disruption to assets, property, facilities or systems.	Sustained damage to property, assets, facilities or systems. Repair or replacements lasting more than 1 month.	Long term or permeant loss or disruption to critical property, assets, facilities and systems.
<b>Political</b>	Minor disruption to service provision which leads to need to notify political members for awareness.	Moderate disruption to service provision and / or objective delivery, leading to regular involvement of political member responsible for the Service.	Major impact on costs and objectives of service delivery, leading to regular review by Members Committee and constant updates to Lead Member for the Service	Critical disruption to delivery of objectives leading to resignation of political members elected position within the Council leading to elections process, delay in achievement of objectives whilst vacant roles filled.

All risk categories must be considered but there will be few, perhaps no, risks you identify that will have a quantifiable impact across all categories. You need only consider against those categories where the risk may impact.

Carrying out risk assessments using agreed risk classification categories will allow us to identify accumulations and interdependencies of risk.

To determine the likelihood, you could:

- look at past records
- consider personal relevant experience (and intuition)
- look at industry-relevant experience of the risk

- consult published literature on the risk
- do some testing or experiments (for example, market research)
- use economic or statistical models to make forecasts
- use experts in the area of that risk to make judgements.

### 11.3 Risk Evaluation

The Councils full risk appetite statement is set out in pages 8-10 of the Risk Management Policy and summarised in the following chart.

Key

Risk Type	Risk Appetite
Reputational	3
Legislative / Regulatory / Compliance	2
Financial	3
People	3
Health & Safety	1
Operational	2
Environmental	3
Physical Systems & Assets	3
Political	2

Ratings	Risk Appetite	Meanings
1	Low	Residual risk only acceptable in extreme situations (e.g. where the risk has a very low impact and likelihood)
2	Medium	Residual risk is managed down on a cost-benefit basis. A medium amount of risk is acceptable however, on balance, control is weighted higher than acceptance.
3	Significant	Residual risk is accepted to significant levels. Significant implies a pure cost-benefit approach.
4	High	Residual risk is accepted to high levels

Once the inherent risks have been classified they need to be mapped onto the matrix as shown in the example below. The colours are a “traffic light” system that denotes the risk appetite of the Council.

The mapping will need to be repeated to record the current risk too as this will show how controls in place have influenced the level of risks e.g. the inherent risk could place a risk within the red zone as a critical risk, but because controls in place are evaluated as being effective and consistently applied the current risk could fall within the green (comfortable) zone. The mapping should then be repeated to record the target risk to provide a view of how much further it is aimed to reduce the level of risk to.

It is important to keep in mind that we are more concerned with whether the current risk is within our risk appetite than how it scores. What really matters is that we can clearly identify what else we need to do to reduce the risk so that it falls within our accepted risk appetite level. Ask yourself is the current risk tolerable?

You will need to assess the likelihood and impact for each appropriate category and then plot the score in terms of likelihood and impact.

If for example you have a risk with a potential high environmental risk, but only a low financial impact this does not mean that Penatna will average the overall impact to medium. There can be no trade-off of impacts. The Council has decided that each of the risk impact categories is individually scored independently of how they affect others. For example, a high reputational impact is not made more acceptable by the Council not having suffered a financial loss to get to that point. Your impact score will be equivalent to the highest score you have assessed in any single domain, which will then also act as a guide to where you may best focus your risk treatment (see Section 11.4).

## WLBC Impact / Likelihood Matrix

		Impact			
		Low	Medium	Significant	High
Likelihood	Certain	4	8	12	16
	Probable	3	6	9	12
	Possible	2	4	6	8
	Unlikely	1	2	3	4

Level of Concern	Action Required
<b>Critical</b>	Urgent attention required at highest level to ensure risk is reduced to an acceptable level. Action planning should start without delay. Progress on actions should be reported to the Chief Operating Officer and / or the Leader.
<b>Concerned</b>	Requires mitigation and a contingency plan. Report on progress to CMT.
<b>Cautious</b>	Acceptable level of risk however the risk requires mitigation /consideration. Reviewed at Head of Service level.
<b>Comfortable</b>	Acceptable level of risk. Keep under review but no action required unless changes occur.

### 11.4 Risk Treatment & Management

This aspect of the process involves:

- Setting the risk appetite. CMT and Members make a decision on the degree to which risks are acceptable. This can vary from risk aversion through to risk taking, and will depend upon the nature of the service. The result of this is to set the level at which

risks can be tolerated and therefore accepted. The Council's risk appetite is shown on the risk matrix by the identification of which risks are comfortable (green zone), cautious (yellow zone), concerned (orange zone), and critical (red zone). The Council's Risk Appetite Statement is set out on pages 8-10 of the Risk Management Policy and should be considered before carrying out your risk assessment.

- Assessing whether to accept (tolerate), control (treat), transfer (share), or terminate the risk, or how to respond to the opportunity, based on the availability of resources;
- Documenting the reasons for the decision taken;
- Implementing the decision;
- Assigning ownership to manage the risks / opportunities and controls to specific officers

Controls are the tools that managers use to manage their departments. They are the methods used by managers to assure them that they are achieving their business aims, meeting service objectives and delivering the outcomes required, and that the service is being provided in the most efficient and effective way. The cost and robustness of existing or additional controls is a key consideration at this point and needs to be balanced against the potential consequences (reputational, financial or otherwise) if the event occurred. The cost of implementing and operating a control should not normally exceed the maximum potential benefit.

### **Approaches to treating risks**

**Tolerating** risks means that you intend to manage the risk within your existing management routines. Risks should only be accepted where officers believe that the current risk is tolerable i.e. the risk falls within the green (comfortable) or yellow (cautious) category of the matrix.

Risks may also have to be tolerated where there is no option but to tolerate a risk associated with delivering an essential public service. In this case it is recommended that a contingency plan is put in place to deal with the risk should it occur.

**Treating** risk means that you identify additional action(s) to be taken that will reduce the likelihood and / or impact if the event occurs. Controls can be:

- **Preventative** which are designed to limit the possibility of an undesirable outcome being realised. Examples include, physically restricting access to hazardous chemicals, insisting on two signatories, ensuring segregation of duties exist within a system, implementing authorisation limits, or restricting levels of access on IT systems. These controls will help reduce risk levels from the outset.
- **Corrective** which are designed to limit the scope for loss and reduce any undesirable outcomes that have been realised. They may also provide a route of recourse to achieve some recovery against loss or damage. Examples include barriers should hazardous chemicals escape, rotation of staff, passwords and other access controls.
- **Directive** which are designed to ensure that a particular outcome is achieved. They are based on giving directions to people on how to ensure that losses do not occur. Examples include procedure manuals, guidance notes, instructions and training. Such controls advise on how to carry out processes safely but if they are not adhered to they will not prevent risk events occurring. Insurance and contracts are also examples of directive controls.

- **Detective** which are designed to identify occasions when undesirable outcomes have been realised. Their effect is, by definition, 'after the event' so they are only appropriate when it is possible to accept that the loss or damage has occurred. Examples include health monitoring and screening, audit reviews and reconciliations.

**Transferring** risk means using an insurer or other third party to cover all or part of the cost or losses should a risk materialise. However, care needs to be taken to accurately specify the risks to be covered. Making arrangements with others such as joint working, partnerships or contracting out to provide services could also be used to transfer/ share risks. However, other risks can arise from these arrangements and the responsibility of providing the service could remain with the Council. When transferring or sharing risks with other parties, ensure that risk registers detail where liability and accountability lies between parties.

**Terminating** risk means ceasing to carry out the activity because modifying it or controlling it would not reduce the risk to an acceptable level.

It may be however be impossible to terminate some risks i.e. the delivery of essential public services. In this case the action you need to take is to ensure that we have a contingency plan in place so that should the risk occur we can deal effectively with the consequences. See section 14 below for information on business continuity management.

## **11.5 Reporting and Recording**

It is imperative that risks are recorded on the appropriate risk registers on the Pentana Risk System, the Council's corporate risk management software. Risks must continue to be regularly monitored and actively managed until they are realised.

Every risk should be assigned to a risk owner who is identified on the risk register. The risk owner (the officer named in the "assigned to" category) is the designated member of staff who carries the ultimate responsibility for agreeing and delivering the action plan to control the risk and for monitoring progress against it.

It is the responsibility of the risk owner to ensure that their risk is on Pentana, that it is kept updated and that the risk is escalated through the appropriate channels when necessary. It is also their responsibility to make sure that their risk is linked to their service action plan and performance indicators if appropriate.

Controls must be allocated to a control owner to enable us to identify the responsibility for a control.

The Council's risk register has several key elements to it and officers are expected to record those elements detailed below on their service risk register.

*Please see flowchart for permissions required to add a risk to Service and Corporate Risk Registers at Section 12.*

### ***Risk identification phase***

#### **1) Code & Title**

Code: This is a unique identification number used to identify and track the risk in the risk register e.g. Insurance Risks have the prefix INS, then the first risk identified in this category has a unique ID of 01. Create an appropriate code for your risk.

Title: A brief description of the potential risk. For instance, "Failure to produce the annual statement of accounts on time and to a high standard."

## **2) Risk Ownerships**

Ensure that all ownerships in the section are assigned.

Assigned to - Assign the risk to the risk owner, i.e. the officer who has day to day responsibility for managing the risk. The risk is the responsibility of the assigned officer. They are the Risk Owner.

Managed by - The person ultimately responsible for managing the risk, agreeing and delivering the action plan to control the risk and monitor progress against it.

Risk Champion – Allocate to the Risk Management Champion for your area. A list of Risk Champions are available on the risk management page of the intranet.

## **3) Assignment of a risk to a risk category**

Corporate Risks should be allocated to the Corporate Risk Register by assigning them to category "CORP Corporate Risks". You should discuss the risk with your Head of Service to ensure that they agree with allocating the risk to the Corporate Risk Register. (See Section 12)

The Corporate Risk Register records significant risks that are likely to affect more than one service. It also records major corporate and directorate initiatives, procurement or projects. It is a key part of the corporate planning process. It includes, for example:

- Major safety risks that could result in fatalities to residents/stakeholders or staff
- Major financial risks
- Risks that could prevent the Council from meeting its strategic objectives
- Major risks to the Council's reputation
- Risks relating to overriding issues of corporate concern.

Project Risks should be assigned to a specific project risk register.

If you require a new risk category to be set up then please contact the Risk and Insurance Officer

## ***Risk analysis phase***

### **4) Potential effect**

Refers to any effect associated with an action that is possible, in certain circumstances. The effect may refer to a threat or damage that may be caused to or by the Council e.g. bad publicity, loss of income, negative effect on local residents/stakeholders and staff.

It may also refer to the potential opportunities that the risk may create e.g. jobs, facilities for local residents, income generation, opportunities for staff development.

## **5) Internal Controls**

Controls are activities designed to prevent, reduce or eliminate the risk from occurring (see section 11.4).

Detail the controls that are in place to reduce the inherent risk score to the current risk score and detail who the controls are assigned to.

Record the further controls that are required to reach the target risk and detail who the controls will be assigned to.

Individual controls should be scored as not effective, partially effective or fully effective. Enter a description to detail more information about the specific control and a note to explain why the internal control has been scored at its current level of effectiveness. Record where the evidence that the controls are operating effectively can be found.

As actions are taken to move a control from not effective to partially or fully effective, remember to refresh the control detail.

## **6) Latest Note**

Detail briefly the current position of the risk e.g. has a report gone to Cabinet / Council, is a periodic review about to take place, has a project manager been appointed, is the risk being audited.

## ***Risk Evaluation Phase***

### **7) Current Risk Review Date**

The date that you reviewed the risk. Even if no change is required to the risk this date should be updated so that those looking at the register can see that the risk has recently been considered and remains unchanged.

### **8) Inherent Risk Matrix**

Consider the Council's risk matrix and where the inherent risk sits in relation to likelihood and impact of all categories then plot the score.

### **9) Current Risk Matrix**

Consider the Council's risk matrix and where the residual risk i.e. the current risk sits in relation to likelihood and impact of all categories then plot the score. The score should illustrate how the risk scored at the time of the review.

### **10) Target Risk Matrix**

What we can do further to reduce the risk down to an acceptable level. Use the Council's risk assessment to calculate the likelihood and impact score.

### **11) Service Action Plans & Performance Indicators**

Once risks have been updated on Pentana consider whether your Service Action Plan needs to be amended to take account of the work that still needs to be carried out to bring the risk down to an acceptable level. The aim is to shift the risk from critical to comfortable in the prioritisation matrix; at a reasonable cost. Action plans and risks can be linked on the Pentana system and it is recommended that where appropriate, or where the risk is a Corporate Risk that it is linked to an action and vice versa.

Performance indicators can assist in providing feedback for the risk management process. This has the advantage of helping to prioritise actions. Linking risk management to performance indicators assists in ensuring risk management is embedded in the Council. Performance indicators that fall short of expectations or target can indicate the effect of risk events or slowly operating control failures.

#### **11.6 Monitor and Review.**

It is necessary to monitor the risks, controls and any documented actions and to regularly report on the progress being made in managing risks, or taking advantage of opportunities, so that the achievement of the Council's aims and objectives is maximised and losses are minimised.

In addition there needs to be an assessment of the effectiveness of risk management actions put in place to reduce the likelihood / impact of adverse risk events occurring. Alternative action will need to be taken if the initial action has proved ineffective.

Reviewing risk registers to ensure they remain up-to-date and relevant should also be done as;

- Previously identified risks will change over time; some may become less of a hazard, for example once all the affected staff have been trained. Others may become more likely if a key milestone is approaching, such as the end of a funding stream.
- It may become necessary to escalate a risk if the situation has changed or the initial assessment has proven to be inaccurate. Conversely it may be possible to downgrade a risk.
- New risks identified or opportunities arising will need to be added.
- It may be appropriate to deactivate risks.
- Monitoring progress and reviewing the risk registers should take place on at least a quarterly basis, and more frequently if there are many changes or the project is progressing rapidly.

Documenting the review of the risk register, service action plans and performance indicators is also necessary, but need not be onerous. The fact that the review has been carried out should be recorded on Pentana along with a note of any changes made. The Corporate Risk Matrix provides a mechanism for escalating risks or highlighting changes that more senior management needs to be aware of.

## **Deactivation of Risks (See flowchart at Section 13)**

When a risk is realised it may be deactivated from the Pentana system however risks should never be deleted so that an audit trail of the management of the risk exists.

It is important that risks are not deactivated until we are satisfied that the risk no longer presents.

Before risks are deactivated from Service Risk Registers the risk owner must obtain their line managers permission to deactivate the risk. Text should be entered into the notes section advising who deactivated the risk, who approved the risk for deactivation and the reason(s) why the risk was deactivated.

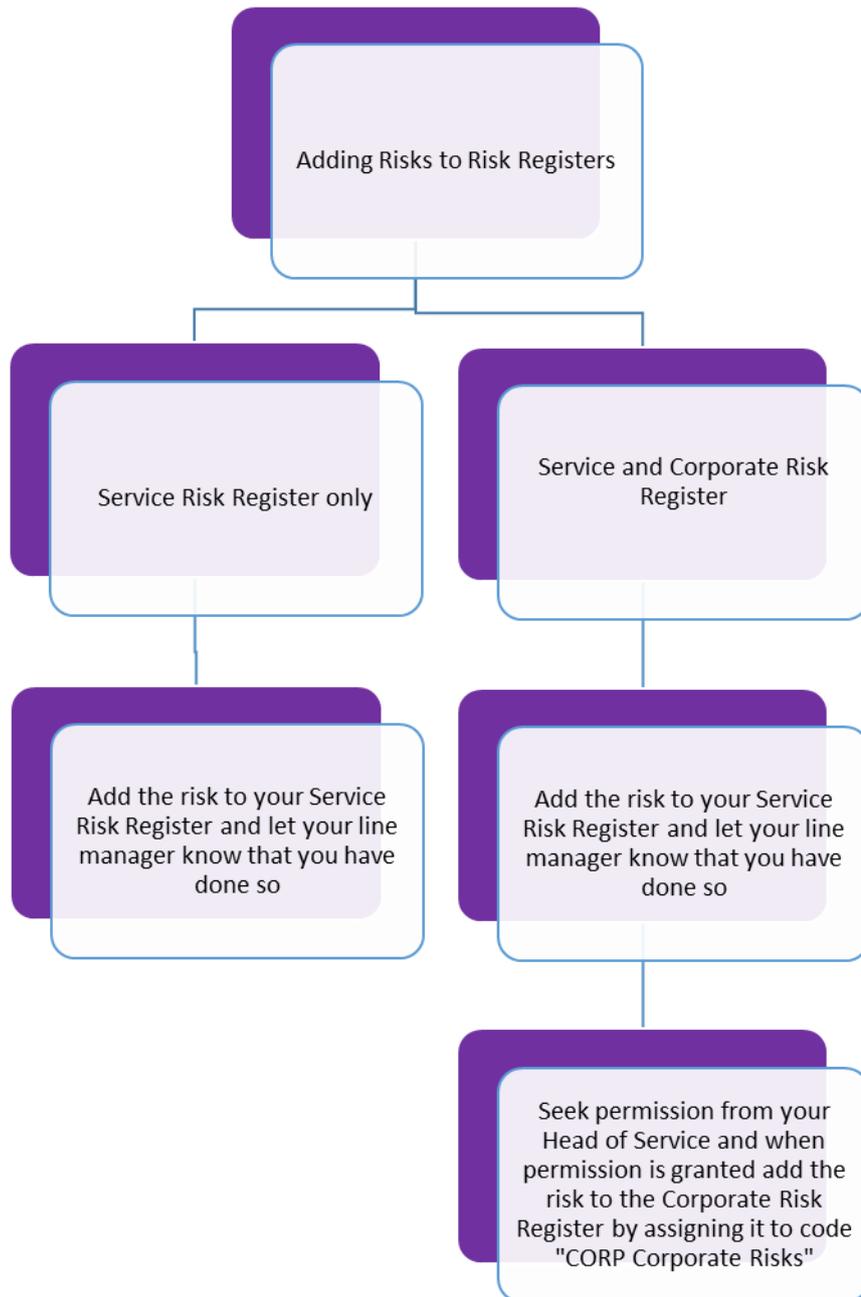
Before risks are deactivated from the Corporate Risk Register the risk owner must obtain permission from their Head of Service to deactivate the risk. Risk owners must also make the Risk and Insurance Officer aware that the risk is being deactivated so that this can be reported to the appropriate Cabinet & Committees. Text should be entered into the notes section advising who deactivated the risk, who approved the risk for deactivation and the reason why the risk was deactivated.

### **It is recommended that risks and risk management are standard agenda items at quarterly DMT meetings.**

Although the exact process used will differ between management teams, the following is an example of how officers may wish to approach the review:

1. Go through the risks listed in the register to consider whether each risk is:
  - a. Still valid.
  - b. If the situation has changed in the interim period regarding the mitigating actions / controls you have in place or if it stays the same.
  - c. Record in the internal controls any details of further mitigating actions that are being carried out now.
  - d. Update the latest notes, what has changed since the last review
  - e. Use the likelihood and impact definitions to determine the amended current risk
  - f. Update the Service Action Plan and Performance Indicators accordingly.
  - f. Escalate the risk, if in the light of the review it is more serious than was first thought and requires more senior management action.
  - h. Decide if any risks should be deactivated, and if so minute the reason for the decision in the notes section.
  
2. Identify if any new risks have arisen, for example:
  - a. From an adverse event occurring.
  - b. By something new happening, e.g. a new partner organisation to work with, a new project starting, new / different way of delivering services.
  - c. As a result of an ongoing management review, e.g. unexpected demand for a service, etc.
  - d. From changes in legislation or other external factors.
  
3. Use the likelihood and impact definitions to determine the inherent and current risk associated to any new risks, and capture the mitigating actions / controls currently in place.
  
4. Determine whether any risks on the Service Risk Register should be added to or removed from the Corporate Risk Register.

## 12. Flowchart Procedure for Adding Risks to Risk Registers



### **13. Flowchart Procedure for Removing Risks from Risk Registers**



**14. Business Planning & Budget Setting**

One of the keys to successfully embedding risk management is ensuring that it is explicitly linked to business planning. In a properly embedded process, remedial action should take place to mitigate those risks which managers believe are insufficiently controlled, i.e. where the current risk exceeds the Council's risk appetite. The link to business planning is a development of the discussion in section 11.4. Managing under-controlled risks can require changes to the way services are delivered or structured, and this may require the allocation of additional resources.

Effective management of risks can only be achieved through the effective management of resources. Where control weaknesses are identified which create an unacceptable exposure to risk, resources should be allocated to 'plugging the gap'. This can take a variety of forms, depending upon the nature of the risk, the existing controls, and impact of the exposure.

Those controls currently in place may require strengthening, or new ones may need introducing. For example, it could be that an ICT solution is required to improve efficiency or enable additional monitoring; or possibly the feasibility of the service being provided by a partner instead of directly by the Council. These examples have a cost, some of which may be financial, some of which may have an opportunity cost. As a result, it is important that managers retain flexibility in their service and financial planning to enable developing risks to be managed. Of course the converse may also apply; the risk process could identify risks which are over-controlled. Savings may be achieved by reducing the control environment, saving money and / or enabling the re-direction of staff to other areas to improve service delivery.

The risk register and service action plan should be used to record these responses. The agreed actions can be logged on both documents, with more detail added on the action plan. This could also include a discussion of where the resources to fund the strengthening will come from. The result will be a concise analysis of the nature of the risk exposure, the response to the problem and the financing of the solution. Where budget variances occur as a result of the additional expenditure, a concise and robust explanation should be available to support this.

It is important to use the knowledge we have acquired through management of our risks to inform and shape our future actions. Action plans should be updated with the results of risk assessments which have been previously undertaken. Risk management should not be viewed in isolation, but should be used as an important tool in informing the business planning process. What we learn now should help us identify what we will do in the future, how we will achieve it, and the problems we may encounter. This will ensure that the risks and mitigations already identified are considered and included in subsequent action and business continuity plans. The benefit will be that business and service action plans are as relevant and accurate as possible, and contribute effectively to the achievement of objectives and the delivery of the outcomes and services required.

### **13. Annual Report & Annual Governance Statement**

There is an Annual Report & Annual Governance Statement (which includes a statement on internal control) signed off by the Leader of the Council and the Chief Operating Officer. These are published by July following the financial year end. The Annual Governance Statement is included within the Council's Financial Accounts.

Directors and Service Heads are specifically asked about risk management within the assurance statements they complete which provide supporting evidence for the Annual Governance Statement. Using risk management will also assist Directors in completing other aspects of their directorate assurance statements.

Although the arrangements for preparing the directorate assurance statements are well established, it is imperative that the process continues to be driven down the organisation.

It is important that we encourage and where necessary demand the wider use of statements across directorates, to assist in demonstrating compliance and accountability.

#### **14. Training**

The Council acknowledges that risk management training for staff is crucial to the effectiveness of embedding Risk Management. It strives to ensure that all employees have a basic understanding of risk management and how the Council's Risk Management Framework operates.

Employees undertake risk management training as part of the induction process. Two presentations are available, one for Senior Management and Risk Coordinators and one for all staff. New employees should watch the appropriate presentation. If appropriate they should also watch the presentation on how to use the Pentana Risk System. These presentations may also be watched by any member of staff who requires refresher training.

Training for Officers will be arranged and provided annually by the Council's Risk and Insurance Officer. Such training may be outsourced or provided in house.

Training for Members will be arranged and provided every two years by the Council's Risk and Insurance Officer. Such training may be outsourced or provided in house.

Please contact the Risk and Insurance Officer if any risk management training needs are identified within your department and training will be arranged.

#### **15. Useful Contact Points / Information**

## **Head of Finance, Procurement and Commercial Property**

James Pierce

## **Finance & Audit Manager**

Mike Kostrzewski

## **Risk and Insurance Officer**

Rebecca Spicer

## **Internal Audit**

Jacqui Pendleton – Internal Audit Manager

Melanie Moorey – Internal Auditor

Kath Westby – Internal Auditor

Jo Guest – Internal Auditor

## **Emergency Planning Officer**

Jenny Jones

## **Partnership & Performance Officer**

Alison Grimes

## **16. Definitions**

### **Assurance**

A positive declaration, given by a Director, that the risks within their service area are being managed effectively.

### **Control Owner**

A control owner is accountable for implementing and maintaining the effectiveness of specific controls as recorded in a risk register, in a position description or in organisational policies and procedures. Control owners may also be responsible for designing or modifying controls to improve their effectiveness.

### **Corporate Risk Register**

This records significant risks that are likely to affect more than one service. It also records major corporate and directorate initiatives, procurement or projects.

### **Cost**

Of activities, direct and indirect, involving any negative impact, including money, time, labour, disruption, goodwill, and political and intangible losses.

### **Cross Cutting Issues**

Topics that affect all aspects of a programme (i.e. cut across) and therefore need special attention. They should be integrated into all stages of programmes, plans and projects

### **Event**

An incident or situation, which occurs in a particular place, during a particular interval in time.

### **Hazard**

A source of potential harm or a situation with a potential to cause loss.

### **Impact**

The probable effect on the Council if the risk occurs or the opportunity is not taken.

### **Inherent Risk**

The likelihood and impact of the risk if no action is taken or existing actions cease.

### **Likelihood**

How often a risk is expected to materialise

### **Loss**

Any negative consequences, financial or otherwise.

### **Management Assurance**

The opinion given by managers, based on evidence they have obtained from reviewing and improving the controls in place, regarding the adequacy of the management of risks and the achievement of service objectives within their area of responsibility.

### **Monitor**

To check, supervise, observe critically, or record the progress of an activity, action or system on a regular basis in order to identify change.

### **Objective**

A fundamental service delivery aim.

### **Organisation i.e. Council or Partner**

A company, firm, enterprise or association, or other legal entity or part thereof, whether incorporated or not, public or private, that has its own function(s) and administration.

### **Residual Risk**

The remaining level of risk after effective mitigating action has been taken to manage the likelihood and or impact of the risk. Often referred to as the current risk.

### **Risk**

An event / series of events happening or action(s) taken that will prevent the Council from achieving its planned objectives, in part or in full. A risk can also be the failure to take advantage of opportunities to optimise the Council achieving its planned objectives.

### **Risk Acceptance**

An informed decision is taken to accept the impact and the likelihood of a particular risk.

### **Risk Analysis**

A systematic use of available information to determine how often specified events may occur and the magnitude of their consequences.

### **Risk Appetite**

The amount of risk that the Council is prepared to accept, tolerate or be exposed to - see the Council's Risk Appetite Statement.

### **Risk Assessment**

The overall process of risk analysis and risk evaluation.

### **Risk Avoidance**

An informed decision not to become involved in a risk situation.

### **Risk Capacity**

The capability of the organisation to take risk.

### **Risk Control**

That part of risk management that involves the implementation of policies, standards, procedures and physical changes to eliminate or minimise negative risk.

### **Risk Exposure**

How much is actually at risk

### **Risk Evaluation**

A decision point in which we decide whether to respond or not to respond to the risk.

### **Risk Financing**

The methods applied to fund risk treatment and the financial consequences of risk.

### **Risk Matrix**

Risk matrix is a means of summarising risk profile.

### **Terminate**

Terminating a risk means ceasing to carry out the activity.

### **Tolerate**

Tolerating a risk means managing the risk within existing management routines.

### **Transfer**

Transferring a risk means using an insurer or third party to cover the cost or losses should a risk materialise.

### **Treat**

Treating a risk means that you identify additional action(s) to be taken that will reduce the likelihood and / or impact if the event occurred.

### **Virement**

Movement of funds between budget codes within the financial year.

## **Appendix A**

## **Risk Architecture - Roles & Responsibilities & Reporting Lines**

The roles and responsibilities of individuals and groups to implement the framework and processes are as follows:

- Cabinet Members - work with CMT, Directors and Heads of Service to provide information regarding the management of corporate risks and opportunities. Cabinet Members are also involved with risk management within service provision in the directorates as per their portfolio.
- Members - involved via Regulatory Committees, the Overview and Scrutiny process and through other Committees. Also involved in other roles such as their membership of project boards.
- Audit & Governance Committee - to support the Council's Corporate Governance responsibilities and to provide independent assurance in relation to internal control, risk management and governance.
- Corporate Management Team (CMT) - scans for new risks to the Council and the region of West Lancashire. Gives a view of the medium to long term risks to the region, including assumptions in respect of government policy, financing, business transformation and partnership working. CMT ensures that the people, policies and resources of the Council are utilised efficiently and effectively so that the priorities and strategic outcomes of the Council are delivered. CMT have the draft Corporate Risk Register updates reported to them before they go to Executive Overview & Scrutiny and Cabinet. CMT are able to challenge the update information provided by directors, and recommend re-wording or deletion of risks as appropriate.
- Chief Operating Officer - leads on the wider corporate governance agenda of which risk management is a part. Receives assurance statements on internal control from Directors and is one of the signatories to the Annual Governance Statement.
- Directors and Heads of Service - integral to the risk management process, providing leadership for the process. Responsible for feeding risks into the Corporate Risk register via their Service Risk Register. The risks to be identified include those arising from corporate initiatives, business change, major projects, cross-cutting issues, the external environment, including legislative changes, partnership working and from assessing the wider implications of their directorate's service provision. There is a particular duty for the Directors and Heads of Service to reduce the impact of high risks that are likely to occur. They also need to make arrangements for embedding risk management throughout their Directorate and Service, which will assist them in providing assurance to the Chief Operating Officer each year.
- Service Management Teams - carry out service risk assessment as part of service action planning and internal / external reviews e.g. External Audit inspections and reviews, Health & Safety Inspectorate etc., and taking account of corporate risks. Have responsibility to put in place actions to take advantage of opportunities / reduce risks and to Monitor and review the effectiveness of the actions.

- Risk Management Champions - nominated by each service to assist in embedding risk management. They are a point of contact to disseminate the information from the Risk Management Working Group to their teams.
- Risk Management Working Group (RMWG) - comprised of service Risk Management Champions, responsible for assisting in maintaining and developing the Risk Management Framework.
- Internal Audit - The internal audit team may review and report on the directorate and corporate risk management processes and the wider corporate governance agenda. Issues guidance and information.
- Risk Owner – the officer "assigned to" the risk. They are responsible for the risk, updating Pentana and escalating the risk when appropriate.
- Control Owner - Responsible for ensuring that the control functions effectively and for letting the risk owner know if it appears that the control is starting to function less effectively.
- Risk & Insurance Officer- facilitates and advises on the corporate risk management process. Develops, in conjunction with colleagues, practical approaches for implementing risk management, sources and provided risk management training. Ensures the timely purchase of adequate insurance for the transfer of risk, where appropriate.
- All staff - have a responsibility for identifying opportunities as well as hazards / risks in performing their day to day duties and taking appropriate action to take advantage of opportunities or limit the likelihood and impact of risks. This includes making their manager aware of opportunities or hazards / risks identified.

## Appendix B – Risk Management Work Plan

Risk Management Cycle Work Plan 2021 -2022

	<b>Risk Management Policy (Including Strategy &amp; Risk Appetite Statement) &amp; Toolkit</b>	<b>Service Action Planning</b>	<b>"Real Time" Review of Service Risk Registers by Heads of Service</b>	<b>Risk Monitoring by CMT</b>	<b>Cabinet Report/ Update</b>	<b>Executive Overview &amp; Scrutiny</b>	<b>Training</b>	<b>Risk Management Working Group Meetings</b>
<b>April</b>		SAPs agreed and implemented		Risk Reporting to CMT			*Training for Members & Officers	
<b>May</b>								
<b>June</b>			Service Registers reviewed					RMWG Meeting
<b>July</b>				Risk Reporting to CMT (approval prior to Cabinet & Exec O&S)				
<b>August</b>								
<b>September</b>			Service Registers reviewed		Risk Register reported to Cabinet	Risk Register reported to Executive O&S		
<b>October</b>	Reviewed and updated if required			Risk Reporting to CMT				
<b>November</b>		SAP guidance issued						
<b>December</b>			Service Registers reviewed					RMWG Meeting
<b>January</b>	Endorsed by CMT. Reported to Audit & Governance and Executive Overview & Scrutiny			Risk Reporting to CMT (approval prior to Cabinet & Exec O&S)				
<b>February</b>								
<b>March</b>	Approval by Cabinet if required	Proposed SAPs finalised	Service Registers reviewed		Risk Register reported to Cabinet	Risk Register reported to Executive O&S	Review & Update On Line Training Sessions	

\* Training for staff is provided annually and Members provided every two years

## **Appendix C**

### **Terms of reference of the Audit & Governance Committee**

#### **Functions**

##### **Audit Activity**

1. To consider and approve the Internal Audit Charter.
2. To consider the Audit Manager's Annual Report and Opinion.
3. To consider reports dealing with summaries of Internal Audit Activity.
4. Where requested by the Audit Manager, to consider issues arising from specific internal audit reports.
5. To consider reports from the Audit Manager on agreed recommendations not implemented within a reasonable timescale.
6. To require the attendance at meetings of the Audit and Governance Committee, of any elected Member or Officer of the Authority in relation to internal audit reports.
7. To consider the external auditor's Annual Letter and other reports as requested by the external auditor.
8. To scrutinise Treasury Management activities.

##### **Regulatory Framework**

9. To monitor Contract Procedure Rules, Financial Regulations and other provisions of the Constitution in so far as they contribute to the effectiveness of the Council's internal controls.
10. To comment on the scope and depth of external audit work and to ensure it gives value for money.
11. To consider any issue relevant to its responsibilities and functions referred to it by the Council, Cabinet, and any committee of these bodies, the Chief Executive or Chief Officers.
12. To monitor the effectiveness of risk management and corporate governance processes in the Council.
13. To monitor the effectiveness of the Council's policies in relation to its Anti-fraud and Corruption Strategy and complaints process.
14. To review the production of the Authority's Annual Governance Statement.
15. To approve the Authority's Annual Governance Statement and commend it's signing to the Leader and Chief Executive.
16. To consider the Council's arrangements for corporate governance and in particular in relation to the Local Code of Corporate Governance and recommend actions to promote best practice.
17. To consider the Council's compliance with its own and other published standards and controls in so far as these contribute to the adequacy of its framework of internal control.
18. To monitor (quarterly) the use of RIPA powers.

## **Accounts**

19. To approve the Statement of Accounts.
20. To consider The External Auditor's Report to those charged with Governance on issues arising from the audit of the accounts.
21. To review the annual statement of accounts. Specifically, to consider whether appropriate accounting policies have been followed and whether there are concerns arising from the financial statements or from the audit.

## **Other Delegations**

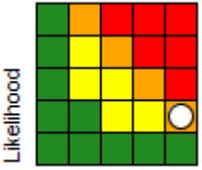
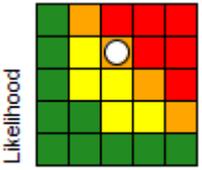
- The Committee shall exercise the full powers, duties and functions of the Council as set out above in numbers 1, 14 and 18.
- The Committee will not be able to transact the powers, functions and duties reserved to Council, Cabinet, Overview and Scrutiny Committees, Standards Committee and other regulatory Committees.



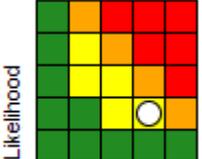
# Corporate Risk Register - March 2021



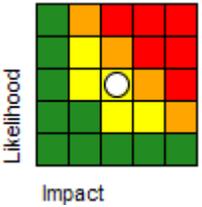
Responsible Service Area	Responsible Officer	Title	Potential Effect	Internal Controls	Latest Note	Current Risk Matrix	Current Risk Assessment and Score
Finance, Procurement & Commercial Property Page 1057	Head of Finance, Procurement & Commercial Property	Potential Treasury Management Investment Losses.	Volatility in financial markets can create risks on investments, which means there is the potential that significant sums of money could be lost.	There is a treasury management policy and strategy in place. Well trained staff make investments with the guidance of brokers and treasury advisors. Investments can only be made in top rated UK based institutions or other local Authorities.	A Prudential Indicators and Treasury Management Report was presented to Council in February 2020. A mid-year Treasury Management Report was presented to Council in October 2020.		10 Concerned
Finance, Procurement & Commercial Property	Head of Finance, Procurement & Commercial Property	Delivering a successful Our Future Project	This project is designed to improve economy, efficiency and effectiveness across all Council Services as well as addressing the financial challenges facing the General Revenue Account.	An Our Future Board consisting of the Corporate Management Team and other relevant officers meets on a fortnightly basis to ensure good progress is made with the project. A detailed risk register is in place to ensure the effective mitigation of the main risks associated with the project.	The implementation of this project has been affected by Covid-19. A report noting this was taken to Council in December 2020. The Our Future Board continues to meet regularly to discuss progress.		10 Concerned

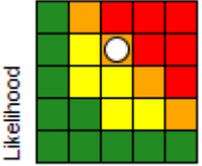
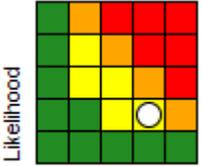
Responsible Service Area	Responsible Officer	Title	Potential Effect	Internal Controls	Latest Note	Current Risk Matrix	Current Risk Assessment and Score
Finance, Procurement & Commercial Property	Head of Finance, Procurement & Commercial Property	Achieving a balanced General Revenue Account budget position	On-going reductions in Government funding and other financial pressures will need to be addressed to meet the statutory requirement to set a balanced budget.	The medium term financial forecasting and Sustainable Organisation Review processes will set out how this financial challenge will be met.	The new vision is to be financially stable by the end of 2023.	 <p>Likelihood</p> <p>Impact</p>	10 Concerned
Corporate & Customer Services	Data Protection Officer	Failure to comply with the Data Security & Protection (DSP) Toolkit	Non-compliance of the Data Security and Protection Toolkit would mean that any organisation within the health and social care sector and wider public/private sector organisations would be reluctant to share personal data with WLBC. The Information Commissioner and other key stakeholders also have complete oversight of WLBC's Toolkit submission. A compliant DSP Toolkit submission demonstrates that WLBC can be trusted when it comes to handling and processing personal confidential information/data.	<p>Review of DSP Toolkit assertions by Information Governance Subject Matter Expert and appropriate remediation controls put into place.</p> <p>DSP Toolkit evidence will be validated via an annual internal audit prior to annual submission and quality assured via an independent external audit of the DSP Toolkit submission.</p>	<p>The NHS DSP Toolkit submission is being undertaken as this is one of the pre-requisites of Covid-19 data sharing relating to personal and NHS patient health data which WLBC is processing under current data sharing agreements we have signed up to with the CCG and other Government agencies. This is the first time we are undertaking this submission and is a work stream and key deliverable within our Councils Effective Data Management work programme presently underway.</p> <p>The DSP Toolkit submission is due on 31<sup>st</sup> June 2021 and the Council is also required to be Cyber Essentials Plus compliant as well.</p>	 <p>Likelihood</p> <p>Impact</p>	12 Concerned

Responsible Service Area	Responsible Officer	Title	Potential Effect	Internal Controls	Latest Note	Current Risk Matrix	Current Risk Assessment and Score
Corporate & Customer Services  Page 1059	Data Protection Officer	Significant failure to comply with General Data Protection Regulation (GDPR and Data Protection Act 2018).	The GDPR and Data Protection Act 2018 brought considerable changes to the current data protection framework and the Council must deliver its services in accordance with it. There are substantial enhancements to the current requirements as well as some new elements. Compliance had significant resource implications in terms of budget, IT, Governance and communications. There are a range of sanctions for breaches including fines and damages. Failure to report a breach would result in a fine as well as a fine for the breach itself.	An action plan is in place and being managed requiring Services to review their existing policies and procedures and technical methods in line with the new requirements and work is continuing. An action plan is in place and is being monitored by Senior Management, Cabinet and Overview & Scrutiny.	As of January 2021 86% of the original development areas have been completed / in flight with the remaining 14% on track to be delivered by April 2021.		9 Uneasy
Corporate & Customer Services	Chief Operating Officer & Service Improvement & Special Projects Manager	Tawd Valley Developments	Tawd Valley Developments offers opportunities of generating income from developments however, volatility in development / financial markets can create risks on investments, which means there is the potential that significant sums of money could be lost.	The annual Business Plan is approved by the Council and site appraisals and further detailed analysis will determine which schemes / projects are viable, with the ability to change the tenure profile of schemes should this be necessary. The Board of Directors have a robust risk management strategy	Risk Management Strategy in place. Risks reported through the board of directors and shared with Tawd Valley Developments Shareholders Cabinet Working Group.		8 Uneasy

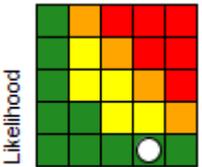
Responsible Service Area	Responsible Officer	Title	Potential Effect	Internal Controls	Latest Note	Current Risk Matrix	Current Risk Assessment and Score
Page 1060				and oversee performance against the Business Plan and the Council has regular shareholder meetings reviewing progress. The establishment of Tawd Valley Developments Shareholders Cabinet Working Group will also oversee and monitor the delivery of the Business Plan and consider opportunities identified by the Board for future projects. In addition the Group will act as a consultee and provide recommendations to the Chief Operating Officer on the exercise of her delegation to determine all matters, as Shareholder for the Company, on behalf of the Council.			
Corporate & Customer Services	Head of Corporate & Customer Services	Transition of Revenues & Benefits Services back to WLBC	Delay in the achievement of key milestones to ensure a smooth transition of the Revenues & Benefits Service back into WLBC control. The deadlines are hard deadlines and the timing of the return of the service coincides with critical statutory duties being met e.g. Council Tax and BR Bill	A RBS Transition Working Group has been developed and dedicated work streams designed with work stream leads, clear roles & responsibilities, tasks, sub tasks and milestones defined within. Fortnightly meetings of the group are underway with a review/preview	We are confident that the transition is on target to be delivered.	 <p>Likelihood</p> <p>Impact</p>	8 Uneasy

Responsible Service Area	Responsible Officer	Title	Potential Effect	Internal Controls	Latest Note	Current Risk Matrix	Current Risk Assessment and Score
			<p>fulfilment. There will be a particular call on support services in key areas of Management, Finance, Legal, and Procurement. Risk is adequate resource from LCC, BTLS and WLBC being available to meet the key milestones to deliver the return by 1.4.2021.</p> <p>A previous skill gap in Revs and Bens has now been addressed through the recruitment of an experienced Revs and Bens Service Delivery Manager and Implementation Consultant</p>	<p>approach to the task completion. Regular meeting with LCC/BTLS also underway ensuring transparency of progress. Strengthened Comms are also in place to ensure a smooth and informed transition for staff coming back into the organisation. Financials are fully understood and captured to ensure transition is delivered within the existing financial envelope and in a timely manner. CASS will remain with LCC for an agreed period to enable due diligence to be undertaken for future operating model considerations of the contact centre demand allowing the service to be embedded without the added pressure of call handling in the first year. At this point, there are few concerns but mainly around the building moves and establishing staff new ways of working. A dedicated Implementation Manager and Head of Service are monitoring</p>			

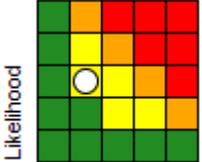
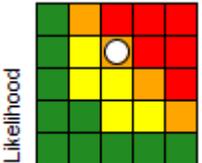
Responsible Service Area	Responsible Officer	Title	Potential Effect	Internal Controls	Latest Note	Current Risk Matrix	Current Risk Assessment and Score
				the project closely. Legal, Finance and Procurement teams are also in regular attendance.			
Corporate & Customer Services	ICT Client Manager	Effective Management of Cyber Security	The Council controls a large amount of sensitive data and assets of value to cyber criminals, although given the nature of the Council's work unlikely to be a specific primary target in comparison with other organisations. This gives the potential for harm via unauthorised access, destruction, disclosure, modification of information and/or denial of service.	BTLS provide the technical ICT aspects of the Council's cyber security operations such as Firewall, Web and Email filtering, virus and malware protection. WLBC's role is around measures complementing this, e.g. ensuring security of buildings and policies around usage of ICT (the ICT & Data Security Policy and Data Protection policies). A Cyber Security Action Plan jointly agreed in April 2019 is in place covering e.g. security governance, technical security measures, and training and awareness for staff to manage the risk further. Cyber risk is a standing item on the Information Governance and Data Protection Officer Working Group. Arrangements are in place to ensure effective continuity of the above within the	Cyber security risks occur worldwide on a daily basis and are ever evolving making it difficult to assess the risk. The assessment has accounted for the technical defences in place for all types of cyber security incidents, the nature of attacks the Council has experienced to date and the governance arrangements in place to mitigate the risk. The evidence suggests the Council is most likely to be impacted by lower level individual attacks than organisational system attacks. No technological solution can stop all threats to the council and it is imperative that all users remain vigilant. As a corporate risk, the current assessment reflects the risk for an incident with organisation-wide impact, rather than for individual accounts (considered more	 <p>Likelihood</p> <p>Impact</p>	9 Uneasy

Responsible Service Area	Responsible Officer	Title	Potential Effect	Internal Controls	Latest Note	Current Risk Matrix	Current Risk Assessment and Score
				new service arrangements.	likely, due to human error).		
Corporate & Customer Services	ICT Client Manager	Transition of ICT services to new provider	Transitioning to a new provider with known costs for year 1. Year 2 costs will only be fully understood towards the end of the first year, this could potentially mean an increase in costs year 2 onwards.	We have regular strategy and review meetings with the new provider and have requested early sight of any potential areas of cost increase. In the event of a significant increase we have the ability to benchmark against other providers to validate costs and plan to move away should that be the case.	Transition meetings are held weekly where we discuss the financial and service elements. At this point in time there are few areas of concern but the project is being monitored closely. Legal and Procurement teams are also in regular attendance as well as representatives from CMT	 Likelihood Impact	12 Concerned
Page 1063 Corporate & Customer Services	Data Protection Officer	Failure to provide suitable storage arrangements for the Council's electronic information	Inefficient business processes. Failure to meet statutory and best practice requirements, e.g. in relation to FOIA, DPA, GDPR, EIR and other information handling legislation (including record retention and destruction arrangements). Staff time wasted / diverted. Potential legal challenges. Criticism by Audit and negative press. Increased electronic storage costs.	Initial phase 1 File and Folder Project concluded in 2019. Phase 2, which commenced in August 2020, highlighted further work required linked to historical data falling out of the 2019 project. Data Mining has been conducted and areas of development have been identified. Key stakeholders across the organistaion have been engaged. A plan is in place to archive and destroy legacy data. Staff guidance has been provided to allow a new culture emerge linked to "Our Data, Our Responsibility" which	Communications and Engagement Plan in place to identify work required to underpin our Effective Data Management / approach.	 Likelihood Impact	8 Uneasy

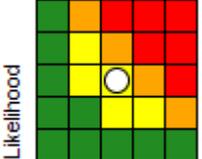
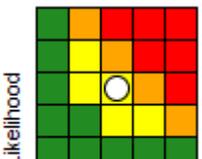
Responsible Service Area	Responsible Officer	Title	Potential Effect	Internal Controls	Latest Note	Current Risk Matrix	Current Risk Assessment and Score
				will be strengthened through the IG committee/Effective Data Management (EDM) programme of work. Work within the EDM programme will include all of this.			
Corporate & Customer Services	Head of Corporate & Customer Services	Failure to deliver the 2021 Elections	Statutory Deadlines Missed. Electors Disenfranchised. Financial and Reputational Damage to the Authority and Electoral Registration Officer /Returning Officer.	Maintain and update robust project plan and risk register, involving Emergency Planning and other services as required, to ensure all necessary activities are planned for, and sufficient resources are available as and when required to deliver to statutory requirements.	Covid-19 presents a serious risk to the organisation and delivery of the 2021 Elections. The situation is fluid and the risk will change in accordance with lockdown restrictions.		12 Concerned
Growth & Development Services	Head of Growth and Development Services	Failure to deliver Skelmersdale Town Centre Regeneration	Opportunity - The project will provide a mix of residential, commercial, leisure and education accommodation opportunities. Threat - We could fail to address the economic issues, not address residents' requirements and have an impact on the Council's reputation. First phase of development could be delayed due to weather / other issues. There could be failure to let vacant unit.	1. Continue to consult with public where relevant. 2. Collaboration agreement in place. 3. Continue to engage with the "other" landowners to encourage their participation in the scheme. 4. This risk is reviewed regularly as part of the ongoing project management. 5. Maintaining regular contact with developer and potential retail/commercial/leisure occupiers. 6. Project Board meets	Risk has reduced as all final agreements and contracts have now been signed and completed, and the contractor has started on site.		3 Content

Responsible Service Area	Responsible Officer	Title	Potential Effect	Internal Controls	Latest Note	Current Risk Matrix	Current Risk Assessment and Score
				regularly to review progress. 7. A Project Management System is in place. On site delivery being project managed by St Modwen.			
<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 10 of 15</p> Growth & Development Services	Head of Growth and Development Services	Delivery of the Housing Strategy	<p>The Housing Strategy and updated action plan for 2020-2021 is based on the following housing objectives:</p> <ul style="list-style-type: none"> <li>. Achieve the right supply of new homes including maximising affordable housing</li> <li>. Regenerate and remodel areas of Skelmersdale</li> <li>. Make the best use of all existing homes</li> <li>. Encourage well managed and maintained homes across all tenures</li> <li>. Encourage investment to meet specialist housing requirements</li> <li>. Deliver the Council's Sustainable Energy Strategy 2012- 2020 Residential and Domestic Sector objectives.</li> </ul>	<p>Regular monitoring will occur via the Service Action Plan (SAP) monitoring process. Each action contained in the Housing Strategy Action Plan will have its own delivery risks, however the current and target risk rating is based upon an overall consideration of risk across all the intended delivery actions that are shown in the Housing SAP.</p>	<p>Affordable housing development is being achieved including recent grant funding success of £1,050,000 from Homes England.</p> <p>New Housing Strategy is due to be prepared in 2021/22.</p>	 <p>Likelihood</p> <p>Impact</p>	4 Content

Responsible Service Area	Responsible Officer	Title	Potential Effect	Internal Controls	Latest Note	Current Risk Matrix	Current Risk Assessment and Score
Growth & Development Services Page 10 of 15	Head of Growth and Development Services	Preparation of new Local Plan	<p>The preparation of a Local Plan is a complicated and lengthy process and so a number of factors can potentially cause delay.</p> <p>Should the preparation of a new Local Plan be delayed, the existing adopted Local Plan becomes more out-of-date over time, potentially weakening the ability of the Council to defend decisions based upon it. New opportunities for development may be restricted and may come forward on an ad hoc, unplanned basis. There is potential for Gov't to intervene in plan-making if insufficient progress is being made.</p>	<ul style="list-style-type: none"> <li>• Set a realistic timetable taking into account resources, constraints, and linked timetables (e.g. Committee cycles).</li> <li>• Ensure strong programme / project management.</li> <li>• Advise necessary bodies (e.g. Planning Inspectorate) of intentions at the earliest possible time.</li> <li>• Engage with Members (e.g. via Cabinet Working Group) to seek cross-party consensus</li> <li>• Share information early with Members to reduce the likelihood of late amendments.</li> <li>• Obtain adequate budgetary provision for required consultancy support.</li> <li>• Maximise flexibility across the Service so that planning officers from other teams can help with workload.</li> <li>• Ensure quick replacement of any vacant posts.</li> <li>• Explore opportunities for joint working and service sharing.</li> <li>• Liaise with external bodies and seek their agreement early.</li> <li>• Establish clear working arrangements</li> </ul>	Preparation of a new Local Plan is due to be restarted in 2021. A new timetable will be prepared.	<p>Likelihood</p> <p>Impact</p>	9 Uneasy

Responsible Service Area	Responsible Officer	Title	Potential Effect	Internal Controls	Latest Note	Current Risk Matrix	Current Risk Assessment and Score
				<p>with partners when working jointly.</p> <ul style="list-style-type: none"> <li>• Ensure procedures, Acts and Regulations are complied with.</li> <li>• Closely monitor and follow national policy and guidance.</li> <li>• Monitor key planning decisions nationwide to ascertain correct and best practice.</li> <li>• Make use of such resources as the PAS Local Plan toolkit and 'Critical Friend'.</li> </ul>			
<p>Page 1067</p> <p>Housing &amp; Regulatory Services</p>	Environmental Health Manager	Business Continuity - Potential for disruption	Lack of Business Continuity planning could have a severe impact on service provision across critical Service Areas.	<p>Key Service areas have been identified and individual plans put in place. These plans are tested on a regular basis and updated accordingly.</p> <p>Plans are in place to manage staff absence.</p>	The COVID situation remains fluid and there remains the potential for a BC issue. Plans remain in place so the impact of any disruption should be reduced.	 <p>Likelihood</p> <p>Impact</p>	6 Uneasy
Housing & Regulatory Services	Environmental Health Manager	COVID-19	Business continuity, staff and supplier disruption.	Business continuity plans.	The situation remains fluid. Demands on the Council remain significant – both in responding to the pandemic, but also in delivering other key priorities. CIMT & a tactical group meeting weekly. Risk based operational groups in place, the staff and staffing of which have been changed to reflect current demands. Central	 <p>Likelihood</p> <p>Impact</p>	12 Concerned

Responsible Service Area	Responsible Officer	Title	Potential Effect	Internal Controls	Latest Note	Current Risk Matrix	Current Risk Assessment and Score
					group dedicated to coordinating services and resources. Regular teleconferencing with all Lancashire Resilience Forum Groups continues. BC plans in place. Routine review of current Covid restrictions and coordinated corporate response. Cabinet briefings held monthly. Staff updates provided weekly from Chief Operating Officer. We have established some new posts to provide extra capacity and to address the immediate challenges.		
Housing & Regulatory Services	Environmental Health Manager	EU Exit	Potential widespread disruption of Council services.	Business Control Plans strategic leadership input internal working group.	All preparations made for Jan 20 are still in place, Business Continuity plans are up to date and third party providers were contacted to ensure they had no issues.		4 Content
Housing & Regulatory Services	Property Services Manager	Landlord Compliance & Regulatory Requirements (Health & Safety)	Injury or death to tenants, resident or visitors. Significant adverse publicity. Regulatory impact.	There are robust processes in place to ensure the required inspection cycles are met relating to the 5 key risk areas for statutory compliance relating to; Gas Safety / Fire Safety/ Asbestos Management / Water Management and	Compliance is monitored and reported to the Head of Service on a weekly basis and reported quarterly.  Property Services Manager has reviewed the current risk assessment score and while robust		10 Concerned

Responsible Service Area	Responsible Officer	Title	Potential Effect	Internal Controls	Latest Note	Current Risk Matrix	Current Risk Assessment and Score
				Electrical Safety.  Review of the processes and procedures is incorporated into the internal audit programme.  Migration to system driven management is underway.	procedures are in place, they are yet to be fully embedded and tested via Internal Audit.  In addition, the current pandemic has inhibited property access for gas/electric inspections however this is a sector wide issue.		
Wellbeing & Leisure Services	Head of Wellbeing & Leisure Services	Procurement of new leisure provision	Impact on Council services, finances and reputation. The Council has adopted a leisure strategy which identifies new provision. Failure to deliver will impact on future service delivery. The potential financial cost, both revenue and capital, could seriously impact on the Council's ability to balance its budget.	Project group, project Board and cabinet working group now well established and regularly monitoring progress. CCG partnership board	Project Group, Project Board, and cabinet Working Group meetings continue.	 <p>Likelihood</p> <p>Impact</p>	9 Uneasy
Wellbeing & Leisure Services	Head of Wellbeing & Leisure Services	Leisure Contract	Leisure Contract currently operating on a No Net Loss, No Net Gain arrangement with West Lancashire Community Leisure Trust and Serco. Contractual arrangements are currently in place until 31 March 2021 and negotiations are	Weekly review meetings are being held with Serco along with formal monthly reviews. Cabinet Working Group established and being informed in relation to progress.	Weekly oversight meetings programmed in. Formal monthly reviews programmed in and Cabinet Working Group meetings continue.	 <p>Likelihood</p> <p>Impact</p>	9 Uneasy

Responsible Service Area	Responsible Officer	Title	Potential Effect	Internal Controls	Latest Note	Current Risk Matrix	Current Risk Assessment and Score
			ongoing in relation to a further extension from 1 April 2021 to 31 March 2022.				



CABINET: 9 March 2021

EXECUTIVE OVERVIEW AND SCRUTINY  
COMMITTEE: 25 March 2021

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

**Relevant Portfolio Holder: Cllr J. Wilkie**

**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 MONITORING**

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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 2020/21 financial year.

## **2.0 RECOMMENDATIONS TO CABINET**

2.1 That the 2020/21 HRA and Housing capital programme positions be noted.

2.2 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 25 March 2021.

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

3.1 That the 2020/21 HRA and Housing capital programme positions be noted.

## **4.0 BACKGROUND**

4.1 In February 2020, Council agreed the HRA revenue and capital budgets for the 2020/21 financial year. Subsequently in October 2020 Council noted the favourable financial outturn position of the 2019/20 HRA and Capital Investment Programme and approved a number of budget changes and allocations. Further changes were approved at mid-year reporting.

4.2 From April 2020 the Government's new rents policy has been applied, which is a return to annual increases of up to CPI + 1%. There is also a new regulatory framework, which is anticipated, will be more robust.

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

5.1 A summary of the projected HRA revenue outturn against budget is set out in Appendix 1 and shows that a favourable budget variance of £480,000 is expected for 2020/2021, representing 1.9% of total turnover. This compares to the mid-year forecast of £710,000 (2.8% of total turnover.) The main change since mid-year is an increase in the forecast for responsive repairs and void revenue repairs, partly offset by a reduction in the forecast for supplies & services. The HRA remains in a healthy overall financial position.

5.2 The main variances that are expected at this time are due to the following:

- There are a number of vacant posts pending recruitment and consequently a favourable variance is anticipated on employee costs.
- Responsive repairs and voids revenue repairs are expected to be over budget due to further settlement of prior contract works costs. As both budgets are demand led there are various factors that can influence outturn.
- Planned revenue works are unlikely to be fully undertaken in year, and the size of this budget has been reviewed during 2021/22 budget setting.
- The remaining budget contingency is not expected to be used.
- Dwelling rents are better than budget.

5.3 Consideration will be given to how the projected favourable budget variance of £480,000 should be used at year-end.

## **6.0 CAPITAL INVESTMENT PROGRAMME**

6.1 A summary of the capital expenditure year to date position is shown in Appendix 2. Total expenditure to date is £2.966m which represents 39% of the total revised budget. It is expected that the major part of the revised capital budget will be spent in year.

6.2 In February 2019 delegated authority was given, 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 quarter 3, £0.328m of expenditure has been incurred on purchase of 2 properties from the open market, plus work on bringing up to the required standard the properties purchased in quarter four of 2019/20. At mid-year this figure was reported as £0.363m but after further review some expenditure was identified as being early TVDL works and moved to that line. Open market purchases are initially part funded by HRA borrowing in addition to the use of 141 receipts that needs to be utilised rather than paid back to Government with interest. Given expected capital expenditure for the year it is likely that the WLBC element can actually be funded from revenue contributions, thus preserving existing HRA borrowing.

6.3 Expenditure to date in relation TVDL building homes for Council tenants at affordable rents has been included in Appendix 2 in order to provide a fuller picture of total HRA/housing capital expenditure commitments. Initial budgets for these were approved in February 2020 with subsequent approval of one further scheme. Funding is a mixture of 141 receipts, Homes England grants and HRA

borrowing. At year end, total TVDL expenditure will be balanced against the approved budgets to identify the remaining budget available in 2021/22.

## **7.0 SUSTAINABILITY IMPLICATIONS**

7.1 Careful monitoring the budget position helps ensure 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.

## **8.0 RISK ASSESSMENT**

8.1 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. This process is resource intensive for both Members and Officers but ensures that a robust and achievable budget is set.

## **9.0 HEALTH AND WELLBEING IMPLICATIONS**

9.1 The health and wellbeing implications arising from this report will be dependent on the budget proposals put forward at the Council meeting. Details of any significant implications will be provided at the Council meeting if required.

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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 1 – HRA Revenue Projected Outturn

Appendix 2 – Housing Capital Year to Date Position

## Appendix 1 – HRA Revenue Projected Outturn

Budget Area	Revised Budget £000	Variance £000	Comment
Employee Expenses	3,539	-100	Staffing vacancies will lead to a favourable budget variance
Void repairs and response repairs	3,504	300	Both budgets are demand-led so final outturn depends upon various factors. Primarily remaining works costs from previous contractors.
Other premises costs	3,045	-250	Planned revenue works budget not expected to be fully used in 2020/21
Transport costs	167	0	
Budget contingency	260	-180	No current calls on remaining budget contingency
Supplies and Services	1,231	-150	Cumulative effect from a number of budgets, each expected to outturn modestly below budget, including contribution to bad debt provision.
Support Services and internal income (net)	1,538	0	
Loan interest & Contribution towards Repayment	3,395	0	
Contributions to capital	9,050	0	Contributions not used in year can be transferred into 2021/22
Dwelling rents	-22,820	-100	Expected to be ahead of budget
Other external income	-2,909	0	
<b>Total</b>	<b>0</b>	<b>-480</b>	Represents 1.9% of the overall turnover

## Appendix 2 – Housing Capital Year to Date Position

Scheme Description	Revised Budget £000's	Mid-year Spend £000's	Mid-year Spend %
Re-Roofing Works	2,090	1297	62%
External Works	850	32	4%
Heating System Upgrades	848	611	72%
Electrical Upgrades	438	84	19%
Kitchen Replacements	21	-37	-176%
Windows and Doors	545	0	0%
Bathroom Replacements	16	42	263%
Walls	120	0	0%
Communal Fire Safety Works	271	32	12%
Communal Areas Improvements	60	76	127%
<b>Capital Investment Programme</b>	<b>5259</b>	<b>2137</b>	<b>41%</b>
Carbon Neutral Dwellings	250		0%
Professional Fees	600	511	85%
Adaptations for Disabled People	300	81	27%
Contingency/Voids	400	181	45%
Change in Standard for Smoke Detection	300		0%
Improvements to Binstores	192		2%
Environmental Programme	65	12	18%
Asset Management Assessment	50	28	56%
Lifts	70		0%
Sheltered Housing Upgrades	155	14	9%
<b>Other Housing Schemes</b>	<b>2,382</b>	<b>827</b>	<b>35%</b>
Digital Initiatives	15	2	13%
Purchase Service Charge Software	40		0%
Rounding	1		
<b>Total Capital Programme</b>	<b>7,697</b>	<b>2,966</b>	<b>39%</b>
Market Purchases to utilise 141		328	
Purchases/work from TVD		1,314	
<b>Total Expenditure</b>		<b>4,608</b>	

### Resources

Capital Receipts		147	
HRA Borrowing/HE Grant		1,254	
HRA/MRA Contribution	7,697	3,207	
<b>Total Resources</b>	<b>7,697</b>	<b>4,608</b>	

\*HRA/MRA contributions not utilised in year can be transferred into 2021/22 along with any further capital budget transferred into 2021/22 at year end.





CABINET: 9 MARCH 2021

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**Report of:** Corporate Director of Place and Community

**Relevant Portfolio Holder:** Councillor Ian Moran

**Contact for further information:** Peter Richards  
(Email: [peter.richards@westlancs.gov.uk](mailto:peter.richards@westlancs.gov.uk))

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**SUBJECT: A REGENERATION PLAN FOR SKELMERSDALE TOWN CENTRE**

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Wards affected: Skelmersdale North and Birch Green Wards

## **1.0 PURPOSE OF THE REPORT**

- 1.1 To provide an update on the development of a 'Place Shaping' Hub and the preparation of a specific Regeneration Plan for Skelmersdale Town Centre, and to establish a 'Place Shaping Hub' and Cabinet Working Group to steer this work.

## **2.0 RECOMMENDATIONS**

- 2.1 That a Place-Shaping Hub made up of the partners outlined in paragraph 3.5 of this report be established.

- 2.2 That the Terms of Reference of the Place Shaping Hub be agreed as follows:

"To create and develop a Regeneration Plan for Skelmersdale Town Centre, that meets the aspirations and key priorities for the Council and its partners, initially concentrating on the area outlined at Appendix A and consider other specific, but connected, pieces or work around other key regeneration projects in the wider Skelmersdale and Up Holland area, including Estates Regeneration and Green Infrastructure proposals, including consideration of available funding."

- 2.3 That a Skelmersdale Town Centre Regeneration Plan Cabinet Working Group be established consisting of 4 Labour Members, 2 Conservative Members and 1 Our West Lancashire Member, with a Chairman and Vice-Chairman to be nominated by the Leader of the Council with the following Terms of Reference:

- (a) To receive presentations and reports in relation to the progress of the Skelmersdale Town Centre Regeneration Plan.
- (b) To consider proposals arising from the Skelmersdale Town Centre Regeneration Plan.
- (c) To make recommendations to Cabinet and/or Council as appropriate."

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### 3.0 BACKGROUND

- 3.1 Since the original Skelmersdale Town Centre Masterplan SPD<sup>1</sup> was adopted, there have been many changes to the plans for Skelmersdale Town Centre. However, as Phase 1 of the most recent proposals gets under construction and the Council's Development Agreement with St Modwen's comes to an end, there is a need to begin to consider what to plan for on the land, referred to as Town Centre Phase 2 as outlined in Appendix A and understand what wider opportunities exist within the Skelmersdale and Up Holland 'neighbourhood'.
- 3.2 Alongside this, two key housing sites in the east of the town centre (Findon and Delf Clough) are under construction, the proposals for the new Skelmersdale Wellbeing & Leisure Hub are developing, and the proposals for a new Rail Station on the former Westbank / Glenburn site in the south of the town centre are very much still moving forward. Furthermore, in connection with the latter, LCC now own the whole of the former Glenburn School site (including the playing fields) and the adjacent former Skelmersdale College site at Westbank, and so not only have control of the land needed for the new rail station, but a large area of land to the west of this which they wish to bring forward for development.
- 3.3 In addition, the original masterplan and subsequent update to this through Policy SP2 of the adopted Local Plan 2012-2027 earmarked the Council's own land to the north of Yewdale (and south-west of the Tawd Valley) for potential housing development. The Council has not been in a position to bring this land forward as yet, and so, alongside considering the former Glenburn School site with LCC, it is now timely to reconsider what this Council wants to utilise its land at Yewdale for, as part of the wider regeneration of Skelmersdale and in light of the Tawd Valley Park Masterplan<sup>2</sup>.
- 3.4 In relation to the land at Glenburn / Yewdale, a key aspect of any proposals for this area (with a significant delivery cost, but no income from a subsequent land sale/development) would be planning for an accessible route across the Tawd Valley to directly link the rail station and its accompanying new developments into the core of the town centre (i.e. the Concourse, the St Modwen development and the West Lancashire College campus). This link (indicated with a blue dashed line on the plan at Appendix A) would virtually all go across WLBC land, but is vital to delivering the Rail Station in a sustainable manner and to connecting the two parts of the town centre together, so is very much a joint WLBC/LCC aspiration and needs to be planned for through the Regeneration Plan, and for proposals to be affordable and deliverable.
- 3.5 There are now a number of potential partners involved in proposals within Skelmersdale Town Centre and there is a real opportunity for the Council to lead the collaboration of these partners and radically re-think the over-arching strategy to create a Regeneration Plan for the Town Centre that meets the aspirations and key priorities for the Council and its partners. To take this forward it is proposed

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<sup>1</sup> <https://www.westlancs.gov.uk/media/98025/skem-masterplan.pdf>

<sup>2</sup> <https://www.westlancs.gov.uk/leisure-recreation/parks-and-countryside/tawd-valley-park-project.aspx> and <https://www.westlancs.gov.uk/media/543721/masterplan-tawd-valley-park.pdf>

that a Place Shaping Hub be established, initially made up of the following partners:

- Lancashire County Council
- Chair of Skelmersdale Place Board
- Chief Operating Officer
- Leader of Council
- Corporate Director of Place and Community

Once proposals are being considered the following partners will be engaged as appropriate:

- London & Cambridge Properties (owners of the Concourse Centre)
- Homes England
- West Lancashire College
- Lancashire Local Economic Partnership
- Tawd Valley Developments
- Business Representative of Skelmersdale Place Board

## **4.0 PROPOSALS**

- 4.1 As a result of all of the above, it is recommended that it is the right time to re-visit the original Town Centre Masterplan and, with a range of partner organisations, prepare a new Regeneration Plan for Skelmersdale Town Centre Phase 2, focussing on the area identified in Appendix A. This will be a step on the path for the Council and their partners developing a series of 'oven ready' projects that can be submitted for grant funding through monies that may become available through the 'levelling-up agenda' and through grant monies that will replace European Funding. In this way, the Town Centre Regeneration Plan will allow the Council to review its priorities and ambitions in Skelmersdale Town Centre in the context of the wider aspirations and priorities of the community.
- 4.2 If such a proposal for a new Skelmersdale Town Centre Regeneration Plan is supported, the Place-Shaping Hub, will meet regularly to develop it, along with terms of reference for the group. It is proposed that the Place Shaping Hub sets the strategic direction and progresses development through a number of task groups to take forward the development of a masterplan and source any available funding. The Place Board will be consulted on proposals and help shape the vision. Once agreed proposals would be reported to each Partner organisation as required for any approvals / decisions. In the case of this Council, it would be reported to the Skelmersdale Town Centre Regeneration Plan Cabinet Working Group and to Cabinet or Council as appropriate for decisions related to WLBC land or resources and to adopt it as a formal Council Plan.
- 4.3 Furthermore, as part of the development of the Regeneration Plan, work will be undertaken to develop more detail and certainty of what different partners will be wanting to deliver in each part of the Town Centre in consultation with communities, and ensure that the proposals are feasible (e.g. in light of ground conditions or drainage) and affordable/economically viable for the partners, as well as aligning with the overall priorities and aspirations agreed by the Place-Shaping Hub.

- 4.4 Such detailed plans for certain parts of the town centre could also include detailed design guidance to act as a replacement for the original Masterplan SPD, which performs a planning policy function to guide new developments as they come forward with planning applications. This would fit with the proposals in the Government's recent *Planning for the Future* White Paper, which seeks to have site-specific design guidance alongside growth areas such as Skelmersdale Town Centre.
- 4.5 To take advantage of funding opportunities that arise, a small task group will be established to undertake this task. Initially this group will seek to secure funding from the LCC Economic Recovery & Growth Fund to potentially fund any additional support required.

## **5.0 HEALTH AND WELLBEING IMPLICATIONS**

- 5.1 Health and wellbeing will be a central pillar of any development proposals in the wider Skelmersdale area, with walking and cycling particularly needing to be promoted through the Regeneration Plan and a range of leisure uses enhanced in the Tawd Valley. Any final development, which should bring new high standard development and improved transport links, should have significant health and wellbeing benefits for both the residents/users of the new development and existing residents within the town, as well as visitors and users of the town centre and Tawd Valley Park.

## **6.0 SUSTAINABILITY IMPLICATIONS**

- 6.1 The delivery of a sustainable development in Skelmersdale Town Centre will bring various positive benefits for sustainability and the community, from redeveloping the vacant school sites (which are currently an eye-sore and a potential danger where anti-social or criminal behaviour takes place within them) to developing much needed housing and commercial / leisure development to create a more balanced town centre. It will also ensure that access across the Tawd Valley is fit for purpose and connects the rail station to the core of the town centre.
- 6.2 Any new development will also need to be balanced with the potential loss or replacement of some open space, and so the relationship with the Tawd Valley Park project and with Green Infrastructure and Playing Pitch Strategies for Skelmersdale will be crucial in off-setting the loss of open space in terms of quantity by improving the quality of open space and playing pitches on offer in the rest of Skelmersdale.
- 6.3 The development of a wider Community Plan and future pipeline projects will enable further economic, social and environmental benefits through the town.

## **7.0 FINANCIAL AND RESOURCE IMPLICATIONS**

- 7.1 The Place-shaping Hub and preparation of the Town Centre Regeneration Plan will involve input from various teams from across the Council and various partners to ensure a sustainable and deliverable Plan that respects all aspects of the neighbourhood and surrounding areas. To assist the staff resource required to manage this project going forward, the current Fixed Term Regeneration Development Project Manager post will be extended until March 2022, funded

through the town centre project. There will also be a need to resource the new Cabinet Working Group through Member Services.

- 7.2 The Council have submitted a bid to LCC's Economic Recovery & Growth Programme to fund initial consultancy and additional support to develop a Town Centre Regeneration Plan, and it is anticipated that the council will know whether it has been successful in this bid before the end of March 2021.

## **8.0 RISK ASSESSMENT**

- 8.1 The preparation of a Regeneration Plan for Skelmersdale Town Centre carries very little risk in and of itself. There may be risks in the implementation and delivery of those proposals in the future, should the Council have a role in that, and these will need to be carefully managed and appropriately communicated to ensure that public expectation is managed, however, that should not preclude from preparing a Plan to guide the development of this area for the benefit of Skelmersdale and West Lancashire in general.
- 8.2 There is a risk that the Council will not be successful in securing funding from LCC's Economic Recovery & Growth Programme to fund initially consultancy work or additional supported required to establish a Place Plan. In that event, officers will seek to identify alternative sources of funding, and potentially create a fund through the budget setting process to investigate the feasibility of schemes generally in West Lancashire, some of which could be used on Skelmersdale Town Centre projects.
- 8.3 There is also always the risk that not all partners will engage with the project or that some partners may want to see different ideas to others. To minimise this risk, the Council will work collaboratively with all partners from the very start of the project, seeking to bring in all ideas early on and take all partners on the journey through the assessment of ideas and proposals to reach a Regeneration Plan that all have inputted on and bought into.

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### **Background Documents**

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

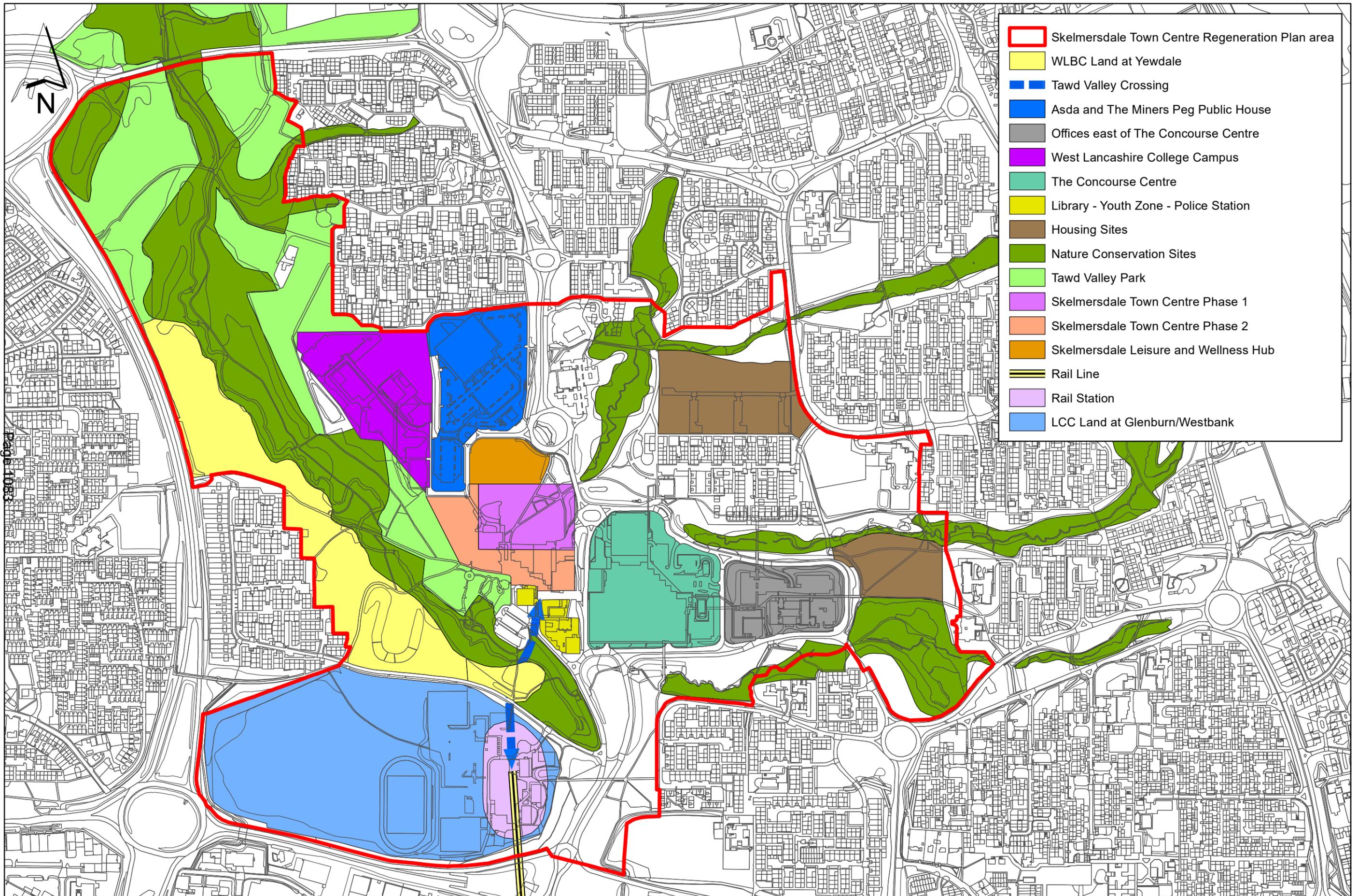
### **Equality Impact Assessment**

There is no direct impact on members of the public, employees, elected members and / or stakeholders in the preparation of a Place Plan or establishment of a Place-Shaping Hub. Therefore, an Equality Impact Assessment is not required.

### **Appendices**

Appendix A – Map of Skelmersdale Town Centre Regeneration Plan area









CABINET: 9 MARCH 2021

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**Report of:** Corporate Director of Place and Community

**Relevant Portfolio Holder:** Councillor David Evans

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

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**SUBJECT: LOCAL DEVELOPMENT SCHEME UPDATE**

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Wards affected: Borough wide

## **1.0 PURPOSE OF THE REPORT**

1.1 To consider an updated Local Development Scheme setting out the revised timetable for the preparation of a new Local Plan for West Lancashire, in the light of delays caused by the COVID-19 pandemic.

## **2.0 RECOMMENDATIONS TO CABINET**

2.1 That the updated March 2021 Local Development Scheme within Appendix 1 be approved.

2.2 That the new Local Plan is prepared on the basis of a Plan period of 2023-2040.

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## **3.0 BACKGROUND**

3.1 The Local Development Scheme (LDS) is a timetable for preparation of the Local Plan and other important planning policy documents. The most recent LDS was approved by Cabinet in January 2020, following the decision in September 2019 to cease work on the West Lancashire Local Plan Review. The January 2020 LDS anticipated the new West Lancashire Local Plan being adopted in early 2023.



as external stakeholders and partners). However, the costs of preparing the Local Plan will be covered by existing general revenue budgets together with the previously agreed contribution from Council Reserves for the costs of additional evidence studies and the Examination of the Local Plan.

- 6.2 For further detail, see chapter 4 of the LDS at Appendix 1, which covers the issue of resources for the preparation of the Local Plan.

## **7.0 RISK ASSESSMENT**

- 7.1 See chapter 5 of the LDS at Appendix 1, which covers the issue of risk assessment for the Local Plan. One risk of particular note is the impact that changing national policy can have on the preparation of a Local Plan, sometimes causing considerable delays while whole sections or policies are re-written to reflect the new national guidance. This is perhaps a significant risk for Members to note as the new Local Plan for West Lancashire is prepared because of the recently published White Paper and a potential shift to a more zonal planning system with increased permitted development rights. While a Local Plan would still be central to such a system, the content of such a Local Plan could be considerably different as a result of any changes the Government proposes. However, the latest indications for Government on when these new proposals might be implemented indicate that we would be able to submit a new Local Plan under the existing arrangements (or any transition arrangements to the new system) before the new-style Local Plan is introduced, unless the preparation of new Local Plan was delayed further.
- 7.2 In relation to the risks associated with not taking forward the preparation of a new Local Plan (i.e. not supporting the recommendation at 2.1 to publish an updated LDS), these are varied and complex. An up-to-date Local Plan provides a reliable basis for planning decision-making in West Lancashire, fulfils a key priority for the Council and influences various other related plans, projects and strategies for the Council (e.g. the Housing Strategy, the Economic Development Strategy, a Regeneration Plan for Skelmersdale and the Skelmersdale Rail project).
- 7.3 While the lack of an up-to-date Local Plan does not prevent those other plans, projects and strategies from coming forward, or from the Council making planning decisions, it can affect how successful they are, or whether funding is secured for them. In particular, in relation to planning decisions, the lack of an up-to-date Local Plan can lead to ad hoc planning-by-appeal and significant costs for the Council defending planning appeals and it can lead to a reduction in the number of significant new housing developments coming forward. The latter, in turn, would mean less CIL income, providing less investment for new and improved infrastructure in West Lancashire. It would also reflect poorly on the image of the Council with the public and the development industry.
- 7.4 As time moves on, without the preparation of a new Local Plan, and the closer we get to the end date of the current, adopted Local Plan (2027), the more likely that the Council will not be able to demonstrate a 5-year housing land supply. While the Council currently has a healthy five year supply position (primarily because of the reduced annual target for new housing set for West Lancashire

by the Government's latest standard housing requirement methodology), within a few years, with all the larger allocated sites from the adopted Local Plan completing or well under way, the Council's five year supply will drop quite quickly, likely resulting in the Council not having a five-year supply. This will only encourage planning by appeal, and the risk of less sustainable developments occurring in West Lancashire.

- 7.5 Finally, further delays in the preparation of a new Local Plan run the risk of intervention from Central Government. If a Local Plan is out of date, and a Council is not taking adequate steps to prepare and adopt a new Local Plan, MHCLG have powers to intervene and even require the Planning Inspectorate or the County Council to prepare a Local Plan on behalf of the local planning authority. In such an instance, the Council would lose the ability to control the Plan they want to prepare.

## **8.0 HEALTH AND WELLBEING IMPLICATIONS**

- 8.1 There are no direct implications for health and wellbeing from the recommendations in 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**

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

### **Appendices**

Appendix 1 – Local Development Scheme Update March 2021



## Local Development Scheme

### West Lancashire Borough Council

March 2021

WEST LANCASHIRE



LOCAL PLAN

**Heidi McDougall** BSc(Hons) MBA

Corporate Director of Place and Community

West Lancashire Borough Council

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## Chapter 1 Introduction

- 1.1 The Local Development Scheme (LDS) is a project plan for the preparation of the Local Plan for West Lancashire and any associated Supplementary Planning Documents or Neighbourhood Plans. The production of an LDS is a requirement on Local Planning Authorities arising from the Planning and Compulsory Purchase Act 2004, as amended by Section 111 of the Localism Act 2011. Furthermore, the Council's adherence to the timescale it sets itself within the LDS will be used as a performance measure.
- 1.2 This Local Development Scheme provides the project plan for the preparation of a new Local Plan for West Lancashire that it is anticipated will cover the period 2023-2038. This version of the LDS replaces that previously produced in January 2020. It includes the following Chapters:
- Chapter 1 provides an introduction and offers a background to why the Council has prepared an LDS and what the purpose of it is, as well providing a list of the current set of local planning policy documents;
  - Chapter 2 identifies the topics that we envisage will make up a new Local Plan for West Lancashire and the likely timescale for preparing the Local Plan;
  - Chapter 3 looks at the evidence base that will underpin the production of the Local Plan;
  - Chapter 4 identifies the resources available to the Growth and Development Service of the Council to support the preparation of a new Local Plan; and
  - Chapter 5 considers the risks that exist which could slow progress on the Local Plan and some of the mitigation measures which can be put in place.

### Background

- 1.3 The current West Lancashire Local Plan 2012-2027 was adopted in October 2013 and while it is only seven years old (and has just less than half the original Plan period left to run), the context surrounding planning and development is constantly changing and national planning policy is evolving with it. This means that local planning policy, such as Local Plans, can quickly become out of date if they are not reviewed and updated accordingly. In particular, the National Planning Policy Framework (NPPF) was revised in February 2019, and paragraph 33 of this now requires that local planning

authorities must review their Local Plans at least once every five years, and then update them as necessary.

- 1.4 To this end, while the Council had already embarked on a since withdrawn "Local Plan Review" (which was effectively a review and an update, under the terminology of paragraph 33 of the NPPF) when this five-yearly review was introduced, a formal review of the West Lancashire Local Plan 2012-2027 in line with guidance and best practice associated with paragraph 33 of the NPPF has now been undertaken (see Appendices A and B) and it has demonstrated that a full update of the Local Plan is required, i.e. that it is most appropriate to prepare an entirely new Local Plan for the borough.
- 1.5 Such an update is necessary because an out-of-date Local Plan can have two main negative consequences. Firstly, an out-of-date Local Plan can stymie necessary growth, both economically and in terms of providing the right kind of development in the right place in a timely fashion. Secondly, if local planning policy is out of date it can be ineffective in managing and guiding where appropriate development should take place and can lead to a situation where the Council has less control or choice in its decisions.
- 1.6 Therefore, while the current adopted Local Plan for West Lancashire still has seven years to run, the Council consider it necessary to begin work on a new Local Plan that will bring planning policy that guides development in the borough up-to-date and consistent with the most recent evidence. However, while the new Local Plan is being prepared all policies in the current, adopted Local Plan will remain effective and a part of the Development Plan for the Borough until they are replaced by new policies in a newly adopted Local Plan. **The only deviation from the adopted Local Plan policy will be to utilise the standard Local Housing Need calculation to set the housing requirement for West Lancashire until a new Local Plan is adopted, in accordance with paragraph 73 of the NPPF, for the purposes of the Housing Delivery Test and calculating the five-year housing land supply in West Lancashire.**
- 1.7 Producing any Local Plan is a major project that requires significant resources in order to prepare it and a project management approach is vitally important to enable production within a given timescale. The Council views the LDS as a key project management tool in the production of its Local Plan. The LDS has three main purposes:

- To inform people of how the Local Plan will be prepared and the likely timescale involved;
- To establish work priorities and enable work programmes to be formed; and
- To set a timescale for the monitoring and review of the preparation of such documents.

1.8 This LDS provides a project plan for preparing a new Local Plan for West Lancashire and future iterations of the LDS may include project plans for new Supplementary Planning Documents or Neighbourhood Plans, should any need to be prepared, and for which the Council is responsible for. Minerals and Waste matters are the responsibility of Lancashire County Council, and so the preparation of the relevant Development Plan Documents related to those matters do not form part of this LDS.

#### **Current Local Planning Policy documents**

1.9 The current adopted Development Plan for West Lancashire is made up of four documents:

- The West Lancashire Local Plan 2012-2027 DPD (October 2013);
- The Joint Lancashire Minerals and Waste Development Framework Core Strategy DPD (February 2009);
- The Joint Lancashire Minerals and Waste Local Plan: Site Allocation and Development Management Policies (September 2013); and
- (affecting planning decisions in the parish of Burscough only) the Burscough Parish Neighbourhood Plan (July 2019).

1.10 In addition, one policy from the West Lancashire Replacement Local Plan 2001-2016 was saved at the time of the adoption of the current Local Plan. Policy DE4 – Caravan Sites for Gypsies and Travelling Show People – is therefore currently still part of the Development Plan.

1.11 The Council has a number of Supplementary Planning Documents (SPDs) that are current and several Supplementary Planning Guidance documents (SPGs) that have been retained and are still relevant:

- [Development in the Green Belt SPD](#) (October 2015)
- [Yew Tree Farm, Burscough Masterplan SPD](#) (February 2015)

- [Provision of Public Open Space in New Residential Developments SPD](#) (September 2014)
- [Skelmersdale Town Centre Masterplan SPD](#) (September 2008)
- [Design Guide SPD](#) (January 2008)
- [Accommodation for Temporary Agricultural Workers SPG](#)
- [Affordable Housing SPG](#)
- [Design Guide for Shop Fronts SPG](#)
- [Natural Areas and Areas of Landscape History Importance SPG](#)
- [Trees and Development SPG](#)
- [Site Planning - Layout and Design SPG](#)
- [Dalton Village Design Statement SPG](#)
- [Whalleys Housing and Mixed Use Sites SPG](#)
- [Whitemoss Business Park SPG](#)
- [Land West of Stanley Industrial Estate SPG](#)

1.12 The Council also has a **Statement of Community Involvement** (SCI), adopted in June 2016. However, a new SCI has been prepared and is anticipated to be adopted in September 2020. The SCI sets out who the Council will consult on various aspects of planning, and what methods the Council will use.

### **Community Infrastructure Levy (CIL)**

1.13 CIL is not technically local planning policy, or a matter that is required to be reported on in the LDS, but it is inextricably linked to local planning, being a levy that is placed on new development at the time permission is granted. As a new Local Plan is prepared, it is inevitable that a new CIL Charging Schedule will need to be prepared in order to ensure that CIL is charged at the correct level based on viability evidence that incorporates the new local planning policy context. The Council will therefore determine in due course the most appropriate time to review the CIL Charging Schedule, and will plan for it in a future iteration of this LDS.

## Chapter 2 Updating the Local Plan – a timetable

- 2.1 The timetable for the preparing a new Local Plan is set out in the chart on the following page, and this chapter seeks to explain a little more about a number of key stages in the process of the Local Plan Review.

### The New Plan Period

- 2.2 Given the above timetable, which would see the new Local Plan adopted by the end of 2023, and the fact that paragraph 22 of the NPPF requires that "*strategic policies* [in a new Local Plan] *should look ahead over a minimum 15 year period from adoption*", the Council will prepare the new Local Plan to cover a 17-year Plan period from 1<sup>st</sup> April 2023 to 31<sup>st</sup> March 2040. This will ensure that the Plan has at least 15 years to run even if its adoption is delayed by any unforeseen event (as it was over the past year by the COVID-19 pandemic).

### Regulation 18 consultation and Preparation of Evidence

- 2.3 Regulation 18 of The Town and Country Planning (Local Planning) (England) Regulations 2012 essentially requires that, when preparing a new Local Plan, the Council must consult on the "subject" of a Local Plan that it is proposing to prepare, and what it "ought to contain". As such, the Council proposes to bring forward a Regulation 18 consultation in Autumn 2021 on the potential content of a new West Lancashire Local Plan 2023-2038. This is a year later than originally planned due to the COVID19 pandemic and associated lockdowns which delayed preparation as Council staff were redeployed to frontline services to help support the response to the pandemic in West Lancashire.
- 2.4 This Regulation 18 consultation will identify the key issues the Council believes the Local Plan needs to address, options for how planning policies might address those issues and an indication of the Council's preferred option for the approach planning policies in the Local Plan might take to deal with each of those issues (based on the best available evidence and best practice at that time). The Council's citizenspace website (<https://westlancs.citizenspace.com/>) will be where the Regulation 18 consultation will be hosted, and it will be designed with the intention of making it as easy as possible to learn more about, and provide helpful feedback on, the issues, options and preferred options identified by the Council.

Stage of Preparation	Q1 2020	Q2 2020	Q3 2020	Q4 2020	Q1 2021	Q2 2021	Q3 2021	Q4 2021	Q1 2022	Q2 2022	Q3 2022	Q4 2022	Q1 2023	Q2 2023	Q3 2023	Q4 2023
Preparation of Evidence																
Preparation of Regulation 18 Consultation																
Regulation 18 Public Consultation								*								
Preparation of Pre-Submission Local Plan																
Publication / Pre-Submission Consultation												*				
Submission to Planning Inspectorate													*			
Examination in Public																
Receipt of Inspector's Report																*
Adoption of Local Plan																*

- 2.5 Preparation of evidence to better understand key planning issues is an essential part of preparing a new Local Plan as it must directly inform the preparation of new local planning policy. Given that the Council had, until recently, been preparing a Local Plan Review for West Lancashire, a great deal of evidence is already available, and much of this will be of use as a new Local Plan is prepared. However, some issues will require a fresh look at up-to-date evidence, particularly in relation to the key issues of need and demand for new housing and economic development. Some evidence studies also have to assess the proposals in a new Local Plan. As a result, the evidence collation stage will happen throughout the Local Plan preparation process right up until the Publication / Pre-Submission document has been prepared (see below). Preparation of evidence is covered in greater detail in the next chapter.

### **Publication of the Pre-Submission Local Plan, and Submission for Examination**

- 2.6 Following the Regulation 18 consultation, and taking into account the feedback received through that process, the Council can then start to draw up the actual new Local Plan document, which will include a series of planning policies (strategic and non-strategic), site allocations and a Policies Map. This culminates in the publication of what is known as the Pre-Submission version of the Local Plan (covered by Regulation 19 of The Town and Country Planning (Local Planning) (England) Regulations 2012). This is essentially the “final draft” version of the Local Plan which the Council wishes to submit for Examination. It is published to give members of the public and other stakeholders the opportunity to make formal representations on the Pre-Submission version of the Local Plan. These representations are then submitted, with the Local Plan, to the Secretary of State for the Examination of the Local Plan.
- 2.7 Any representations (comments) made at this stage need to be made formally through a specific form at this Publication / Pre-Submission stage, utilising a set format prescribed by the Planning Inspectorate to ensure all comments relate to the tests of soundness, or whether the Plan has been prepared in accordance with all the legal requirements. This is because those representations are passed directly to the Planning Inspector appointed to examine the proposed new Local Plan once the Council decides to submit the Local Plan, and the Inspector will consider those representations as they examine the proposed new Local Plan.

## Examination and Adoption of the Local Plan

- 2.8 Once the Local Plan is submitted, it is then in the hands of the Planning Inspectorate to appoint an Inspector to undertake the Examination and write a report concluding whether or not the Local Plan is sound, and outlining any changes that are necessary to make it sound. The Examination will include public hearing sessions facilitated by the Planning Inspector, designed to help the Inspector better understand all aspects of, and concerns about, the proposed new Local Plan. If there are significant changes proposed by the Inspector (known as main modifications) there may need to be a further stage of consultation during the Examination, with all responses ultimately being considered by the Inspector. Once the Local Plan has been found sound by the Inspector, the Council can adopt it.

## Summary of Planning Policy documents to be produced

<b>West Lancashire Local Plan 2023-2038</b>											
Document Details	<p>Role &amp; Content: Sets out the main planning context of the Borough, the development strategy for the Borough and priority locations for development, development management policies and site allocations;</p> <p>Status: Development Plan Document (DPD);</p> <p>Chain of Conformity: The Local Plan should conform with the National Planning Policy Framework (NPPF). Any additional DPDs or SPDs, and any Neighbourhood Plans, should conform with the Local Plan;</p> <p>Geographic Coverage: Whole Borough.</p>										
Timetable	<table> <tr> <td>Regulation 18 Consultation</td> <td>October - December 2021</td> </tr> <tr> <td>Publication / Pre-Submission</td> <td>October - December 2022</td> </tr> <tr> <td>Submission to Planning Inspectorate</td> <td>January 2023</td> </tr> <tr> <td>Examination in Public (inc. Hearings)</td> <td>January - December 2023</td> </tr> <tr> <td>Adoption</td> <td>December 2023</td> </tr> </table>	Regulation 18 Consultation	October - December 2021	Publication / Pre-Submission	October - December 2022	Submission to Planning Inspectorate	January 2023	Examination in Public (inc. Hearings)	January - December 2023	Adoption	December 2023
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Submission to Planning Inspectorate	January 2023										
Examination in Public (inc. Hearings)	January - December 2023										
Adoption	December 2023										
Arrangements for Production	<p>Prepared by Strategic Planning, Regeneration &amp; Implementation Team with support from wider Growth and Development Service;</p> <p>Input from other Council services and partner organisations as required;</p> <p>Input and approval from Members principally via Cabinet and the Local Plan Cabinet Working Group and, for submission and adoption, Council;</p> <p>Adequate staffing resource is available within Department for production.</p>										
Progress	<p>Preparation commenced January 2020 but work was delayed due to the COVID19 pandemic as staff were redeployed to frontline services to support the Council's response to the pandemic in West Lancashire. As a result preparation of the Regulation 18 consultation material and associated evidence was delayed. As a result, the Regulation 18 consultation will now take place in Autumn 2021 and, overall, there will be a year's delay in the timetable through to Submission of a Local Plan for Examination in January 2023.</p>										

## Chapter 3 The Evidence Base

3.1 The preparation of a new Local Plan requires an extensive evidence base covering a wide range of topics and the following provides a summary of what evidence the Council have collected, are collecting, and when, to inform this process. This list could well change, especially if feedback from consultation with stakeholders identifies a gap in the proposed evidence base. All published versions of the various evidence base studies (whether in draft or as a final version) are available on the Council's website at: <http://www.westlancs.gov.uk/planning/planning-policy/the-local-plan/local-plan-review/evidence-base.aspx> .

- **Liverpool City Region Strategic Housing and Employment Land Market Assessment (SHELMA)**

The Council have been working with the Liverpool City Region Authorities on the preparation of a SHELMA since the start of 2016. The SHELMA identifies the objectively-assessed need (OAN) for housing and employment land across the City Region and by individual Authority to 2037. The final version of the SHELMA (Part 1 (March 2018), Part 2a (June 2018) and Part 2b (August 2019)) is on the Council's website. Part 2 of the SHELMA investigates the potential supply of sites for large-scale B8 uses given the need identified in the SHELMA for large-scale B8 across the LCR and West Lancashire.

- **Affordable and Specialist Housing Needs Study (ASHNS)**

Whilst the SHELMA looks at overall housing needs, the ASHNS (February 2018) looks specifically at the local need for affordable housing in its various forms (social rent, affordable rent, shared ownership, etc.), as well as the need for housing for the elderly, and for people living in houseboats in caravans (non-travellers). The final report is available on the Council's website.

- **Housing and Economic Development Needs Assessment (HEDNA)**

A fresh HEDNA study is required to update the evidence informing all aspects of employment and housing need and demand in the borough. Preparation of the HEDNA started in early 2020, but was paused while work on the Local Plan was delayed due to COVID-19. Work will resume on the study shortly and the final version will be published on the Council's website in Autumn 2021 as part of the Regulation 18 consultation.

This new study will replace the SHELMA (insofar as it considers West Lancashire's needs), ASHNS and previous HEDNA and Housing Growth Scenarios work, and so bring the evidence up-to-date for a new Local Plan. The study will consider:

- What economic and employment growth (by sector) is anticipated;
- What overall housing growth is therefore needed (demographic growth plus any as a result of economic/employment growth); and
- What specific affordable and specialist housing needs there are in the borough.

This study will also inform the preparation of a new Economic Development Strategy and a new Housing Strategy for West Lancashire.

- **Strategic Housing and Employment Land Availability Assessment (SHELAA)**

The SHELAA has two functions:

- 1) to enable all sites that are potentially available for development to be brought to the attention of the Council and ultimately be assessed as to their suitability for development, and
- 2) to identify the 5, 10 and 15-year supply of sites in the SHELAA that are currently, in principle, policy-compliant with the current, adopted Local Plan.

The SHELAA is generally updated each year, and 2019 SHELAA is currently on the Council's website. A fresh Call for Sites was issued in early 2020 and this will be used to inform a 2021 SHELAA Update and the Local Plan Regulation 18 public consultation.

- **Traveller Needs Assessment**

A Gypsy and Traveller Accommodation Assessment was undertaken by consultants in 2013/14 for Merseyside and West Lancashire. Since then, the Government has changed the definition of "traveller". The 2017 Traveller Needs Assessment provides an updated figure for accommodation needs for the travelling community in West Lancashire, taking into account the government's revised definition of a traveller. The study is available on the Council's website. This study will be updated as necessary later in 2021/22 to inform a new Local Plan.

- **Retail and Commercial Leisure Study**

The Council appointed consultants Peter Brett Associates to produce a Borough wide Retail and Leisure Study in order to meet requirements set out by paragraph 85 of the revised NPPF. The Study identifies future retail and leisure floorspace requirements for the Borough with a view to informing the allocation of sites for future town centre uses in the Local Plan, undertaking health checks of Burscough, Ormskirk and Skelmersdale town centres and identifying future strategies for each of these centres. The study was completed in June 2018 and is available on the Council's website. This study will be updated as necessary later in 2021/22 to inform a new Local Plan.

- **Traffic / Transport Impact Assessment**

The Council appointed WYG to prepare an Assessment identifying the additional traffic flows that were considered likely to be created by new sites proposed in the Local Plan Review Preferred Options and how that traffic would affect the existing Key Route Network and Strategic Route Network. While the Local Plan Review was ceased, this study highlighted the need to undertake a closer look at how new developments and new transport-related proposals may affect how people use the borough's highway network and so Lancashire County Council have commissioned highways modelling for the borough's highway network. This will allow the Council, in close consultation with Highways England and Lancashire County Council, to consider where improvements may be required on particular routes / junctions to mitigate for additional flows as new proposals for a new Local Plan, or for new transport infrastructure, are prepared and tested.

- **Infrastructure Delivery Plan (IDP)**

The Council published a draft IDP alongside the Local Plan Review Preferred Options consultation. This could only consider existing infrastructure capacity compared to existing demand, and initial consideration of the impact of the Preferred Options on infrastructure capacity. As a new Local Plan is prepared, the IDP will be developed in consultation with Infrastructure Providers to consider how the existing infrastructure in the Borough will be able to cope with the additional demands placed upon it by any new development proposals and identify any improvements that will need to be made to infrastructure to meet any increased demand from the new Local Plan. A final IDP will be published alongside the Pre-Submission version of the Local Plan at the Publication stage.

- **Sustainable Settlement Study**

The Council prepared a Sustainable Settlement Study in 2017 to consider how sustainable each town and village in West Lancashire is, when considering access to key services. This will be updated in 2021 to inform the preparation of a new Local Plan. The study guides the setting of an appropriate settlement hierarchy in the new Local Plan and informs deliberations over which settlements should be the focus for new development.

- **Playing Pitch Strategy Review**

A West Lancashire Playing Pitch Strategy (PPS) was adopted as Council policy in February 2016. The PPS considers a range of sports including football, rugby union, cricket, hockey and bowls and identifies future needs for pitches. It recommends a number of priority projects which should be implemented between 2015 and 2025 for pitches and associated facilities such as changing rooms and will be used to identify which pitches and facilities should be protected and where any new provision should be made. In order to identify progress with recommendations and identify any important changes that have taken place, the PPS was refreshed in accordance with Sport England's Playing Pitch Strategy Guidance for keeping a strategy robust and up to date. This PPS Review, prepared by consultants KKP, is available on the Council's website. This strategy will be updated as necessary in 2021/22 to inform a new Local Plan.

- **Open Space Study**

The Council appointed consultants KKP to update a borough-wide Open Space Study to identify local open space needs, audit local site provision, set local open space standards and apply those standards to identify surpluses and deficiencies in different types of open space across the Borough. The Study developed a strategy, identifying where and how open space should be protected and enhanced, and where future new provision should be created. This will be used to determine open space designations and planning policies in the new Local Plan. This Open Space Study is available on the Council's website.

- **Strategic Flood Risk Assessment (SFRA)**

Paragraph 156 of the revised NPPF indicates that Local Plans should be supported by a Strategic Flood Risk Assessment. The Council consulted on a draft Level 1 Strategic Flood Risk Assessment (SFRA) between March and April

2017. A preliminary draft Level 2 SFRA was also prepared and published alongside the Local Plan Review Preferred Options consultation. The primary purpose of the SFRA is to provide information on flood risk from all sources in the Borough and inform decision making in the emerging Local Plan in terms of the allocation of land and drafting of policies to manage flood risk. The Level 1 and Level 2 SFRA was updated in light of comments received during consultation, with consultants JBA appointed to prepare a more detailed Level 2 SFRA to assess those allocations that were proposed in the Local Plan Review Preferred Options and which may impact on flood risk. That SFRA is available on the Council's website, but an updated SFRA will be prepared as necessary in 2021/22 to inform the preparation of a new Local Plan.

- **Green Infrastructure and Cycling Strategy**

The Council have prepared a Green Infrastructure and Cycling Strategy which was adopted in September 2017. The Strategy sets out the Council's aspirations for new Green Infrastructure and cycling infrastructure across West Lancashire, in particular the proposed Linear Parks and the West Lancs Wheel. As such, the Local Plan will be prepared with regard to how parts of the Strategy might be delivered alongside (or by) new development.

- **Low Carbon and Renewable Energy Study**

The Council appointed consultants Wood to prepare a study that assessed the potential capacity of West Lancashire to provide Renewable Energy or Low Carbon Developments, taking into account constraints that would impact on the suitability of such developments in a given location. The study identifies areas which are most suitable for particular types of Renewable Energy developments, and this will inform any policy on Renewable Energy developments in the new Local Plan. This study is available on the Council's website.

- **Local Plan Viability Assessment**

Keppie Massie were appointed to prepare a Viability Assessment for the Local Plan Review but this study was halted when the Local Plan Review was ceased. As proposals for a new Local Plan are prepared, a fresh Viability Assessment will be prepared in 2022 to assess and inform the proposed policies and allocations in a new Local Plan, to ensure they will enable viable developments to come forward in West Lancashire. This study will also inform any review of the CIL Charging Schedule.

- **Technical, Thematic and Spatial Evidence Papers**

The Council will prepare a range of evidence papers to summarise the available evidence, data and information on particular topics and to explain how proposed policies in the new Local Plan were arrived at.

- **Sustainability Appraisal / Strategic Environmental Assessment**

A Sustainability Appraisal / Strategic Environmental Assessment (SA/SEA) is a legal requirement as part of a Local Plan preparation to assess the sustainability merits and environmental impacts of the Local Plan and the alternative options that have been considered. As such, it is an integral part of the evidence and decision-making process on the Local Plan. The SA/SEA will also consider Health impact as part of the appraisal.

- **Habitat Regulations Assessment (HRA)**

A HRA is another legal requirement to consider the impacts that the Local Plan may have on internationally-designated nature sites, such as Martin Mere and the Ribble Estuary. The HRA must first scope out whether impacts are potentially likely and then carry out an Appropriate Assessment of those impacts to identify any issues which the Local Plan must address or mitigation required to minimise the impacts of new development.

- **Equality Impact Assessment**

Many aspects of new development and the way a place functions can have impacts on a population and can have different effects on different groups of the population. As such, the Council will prepare an Equality Impact Assessment of the Local Plan in order to identify ways in which the Local Plan can be improved to ensure that no particular group in society is prejudiced by the proposals.

## Chapter 4 Resources

- 4.1 The new Local Plan will be produced by the Council's Strategic Planning, Regeneration & Implementation Team, but a document as wide ranging as a Local Plan will inevitably involve input from various parts of the Council as well as from external partners.
- 4.2 The Strategic Planning, Regeneration & Implementation Manager will take the lead role in developing the new Local Plan, project managing the process and the preparation of a new Local Plan and all other local planning policy documents and CIL documents.
- 4.3 The Strategic Planning, Regeneration & Implementation Team will liaise closely with both frontline and support services across the Council in developing the Plan, including:
- The Development, Heritage & Environment Team (who will use the Local Plan to make decisions on planning applications and advise on design, heritage, trees and landscaping)
  - The Building Control and Technical Services Team (who will advise on flooding, drainage and other engineering matters, and on how policies may best inter-relate with the Building Regulations)
  - The Wellbeing and Leisure Service (on leisure / public open space and health matters)
  - The Housing and Regulatory Service (on housing, the Council's Climate Change Strategy, environmental protection, public health and community safety matters)
- 4.4 In addition to the Strategic Planning, Regeneration & Implementation Manager, the staffing resource of the Strategic Planning, Regeneration & Implementation Team includes five officers with (or working towards) membership of the Royal Town Planning Institute (RTPI), as well as specialists on Economic Development and Housing Strategy. It is considered that this level of staff, supplemented by a budget to cover the costs of external specialist consultancy advice needed to prepare certain evidence studies, is sufficient to adequately resource the preparation of a new Local Plan, and its evidence, up to the point of submission as well as the following:
- Preparation of all other local planning policy documents, including any Neighbourhood Plans;

- Responding to new Government planning policies, and other Government strategies and plans related to Planning;
- Engaging with adjacent authorities and other agencies on planning, economic development and housing strategy matters, including inputting on key strategies and projects prepared by those other authorities and agencies (e.g. Transport Strategies);
- All monitoring required to prepare the Annual Monitoring Report and Housing Land Supply position;
- The on-going maintenance of the Infrastructure Delivery Plan and Infrastructure Delivery Schedule;
- Administration of the Community Infrastructure Levy and how it is spent;
- Implementation of key projects to help deliver the proposals within the Local Plan and other documents, particularly transport and infrastructure related;
- Preparation of other key Council strategies such as the Economic Development Strategy, Housing Strategy and Town Centre Strategies; and
- Advising the Council's Development Management Team on the interpretation of planning policies and economic development and housing strategy matters and, where necessary, attending planning appeals.

4.5 Given that West Lancashire Borough Council is a two-tier Authority with Lancashire County Council, the Strategic Planning, Regeneration & Implementation Team will also continue to liaise closely with the County Council, especially on issues of highways and transportation, as well as having reference to the County's planning policy work on Minerals and Waste and their role as Education Authority and in helping to deliver Economic Development. On the issue of strategic planning and transport, the Strategic Planning, Regeneration & Implementation Team also liaise closely with Liverpool City Region Combined Authority (as the authors of the LCR Strategic Development Strategy and as Merseytravel, the public transport executive for Merseyside, extending into parts of West Lancashire) and the Greater Manchester Combined Authority (including Transport for Greater Manchester).

4.6 Resources have also been, and will continue to be, saved through effective partnership working with neighbouring Local Authorities. The Strategic Planning, Regeneration & Implementation Team are working closely with their peers in Merseyside, Lancashire and Greater Manchester in order to deliver "joined-up" cross-border planning on many issues that are not restricted by Local Authority boundaries. This helps to fulfil the Duty to Co-operate introduced by the Localism Act 2011, and will

include a range of Statements of Common Ground with neighbouring authorities as necessary (including the existing first iteration of the LCR Spatial Planning Statement of Common Ground which is available on the Council's website).

- 4.7 The Strategic Planning, Regeneration & Implementation Team will also continue to liaise closely with a wide range of infrastructure providers to ensure that development is located where infrastructure is already provided or to consider how new or improved infrastructure can be provided over the Local Plan period to meet the needs created by development in the new Local Plan.

## Chapter 5 Risk Assessment

- 5.1 The planning system requires effective project management techniques to ensure, as far as possible, that stated timetables for Local Plan, and other local planning policy document, preparation are adhered to. Through the use of such techniques, the Strategic Planning, Regeneration & Implementation Team will endeavour to ensure that progress is kept 'on track', in accordance with the dates set out within this LDS. However, there are a variety of circumstances which alone, or in combination, can conspire to delay the preparation process.
- 5.2 It is important that the Council, the local community and all other stakeholders in the planning process, are aware of the possible risks to preparation. This is so that the risks can be minimised or mitigation measures put in place in the case of delays being occasioned. The following table identifies some of the more likely risks that could prejudice Local Plan preparation and the mitigation measures that could be employed.

Risk	Mitigation
<p><b>Legislation / Government Guidance</b></p> <p>Publication of national planning policy statements can generate new issues that the Local Plan, or its preparation, must address, sometimes causing delays.</p>	<p>Maintain close liaison with latest national guidance and its preparation.</p> <p>Revise Local Plan timetable if necessary.</p> <p>Adequate budgetary provision for consultancy support if required.</p>
<p><b>Planning Inspectorate</b></p> <p>Delays could be caused if the Local Plan or other documents takes longer than expected in the Examination process.</p>	<p>Keep in touch with Inspectorate and advise them of requests for Examinations at the earliest possible time.</p> <p>The Council will monitor Inspector's decisions elsewhere to seek to ensure the Council is following best practice.</p>
<p><b>Legal / Soundness</b></p> <p>Local Plan fails tests of soundness which would significantly delay process.</p> <p>Legal challenge to document could see Local Plan, or part of it, quashed.</p>	<p>Ensure robust evidence base and use PAS Local Plan toolkit.</p> <p>Draw on external expertise where necessary to ensure evidence and approach to policy is robust.</p> <p>Ensure procedures, Acts and Regulations are complied with.</p>

Risk	Mitigation
<p><b>Other External Bodies</b></p> <p>The planning system involves complex arrangements for co-operation, consultation, engagement and evidence gathering. Failure on the part of other bodies to respond on time or to provide adequate responses (which require subsequent clarification) could cause significant delay to work programmes.</p>	<p>Contact external bodies at the earliest opportunity and communicate clearly and regularly with them to minimise risk of no / poor responses and therefore delays.</p>
<p><b>Joint Working</b></p> <p>There can be challenges in achieving joint working with other local authorities on evidence base and ensuring that the Duty to Co-operate is fulfilled because each authority is working to their own programme and has their own particular concerns with regard an area of evidence. As such, projects / evidence studies can take longer when joint working is involved.</p>	<p>Establish clear working arrangements with other local authorities and ensure strong programme / project management.</p>
<p><b>Staffing</b></p> <p>Individual absences due to leave, personnel changes or sickness can cause delays in document production.</p> <p>Staff could leave the authority and could be difficult to replace, therefore causing delays to document production while the team is under-strength.</p>	<p>Local Plan timetable should be set on a realistic basis taking into account the staff resources available.</p> <p>Ensure quick replacement of staff wherever possible.</p> <p>Flexibility of staff within the Growth and Development Service enables opportunities for planning officers from other teams in the Service to help with workload.</p> <p>Some elements of work can be undertaken by consultants, where there is financial resource available.</p>
<p><b>Political Direction / Management</b></p> <p>Members requiring late amendment to proposed documents or not willing to approve a document for consultation / submission / adoption.</p>	<p>Early consultation and information sharing with Members will reduce the likelihood of late amendments being required or documents being rejected.</p>
<p><b>Reduced Council Resources</b></p> <p>In the current climate of austerity, and reducing Council budgets, it is possible the resource available to the Growth and Development Service would be reduced, affecting the speed at which a Local Plan can be prepared.</p>	<p>Explore all opportunities for joint working and service sharing.</p> <p>Maximise flexibility across the Service.</p> <p>Revise Local Plan timetable if necessary.</p>

Risk	Mitigation
<p><b>Evidence Base</b></p> <p>The Evidence Base behind a Local Plan can become out-of-date over time, and the Planning Inspectorate provides guidance on how recent some of the key evidence needs to be to be considered up-to-date for Local Plan preparation.</p> <p>If preparation of a Local Plan therefore takes too long, the evidence base may need reviewing, thereby creating further delays in the delivery of the Local Plan (as well as additional cost for the Council).</p>	<p>Ensuring Members are aware of the time implications associated with their decisions on the Local Plan, to help keep the preparation process to schedule.</p>
<p><b>COVID-19</b></p> <p>Further delays due to COVID-19, or any equally significant pandemic, may create further delays in the preparation of the Local Plan. This could affect the Local Plan preparation by redirecting key staff to other frontline services and by limiting opportunities for public consultation.</p>	<p>The relevant services of the Council for the Local Plan are now set up to work effectively from home with minimal disturbance to work programmes. However, staff within those services may have to be redirected to other frontline services as necessary to help deal with the situation in a pandemic. In such circumstances, there is little the Council can do without incurring significant additional cost to keep the Local Plan preparation progressing, and a further delay in preparation is inevitable.</p>



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CABINET: 9 March 2021

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**Report of: Corporate Director of Place and Community**

**Relevant Portfolio Holder: Councillor David Evans**

**Contact for further information: Peter Richards**  
**(Email: [peter.richards@westlancls.gov.uk](mailto:peter.richards@westlancls.gov.uk))**

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**SUBJECT: ORMSKIRK EASTERN GATEWAY CONSULTATION FEEDBACK**

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Wards affected: Derby, Knowsley and Scott wards

## **1.0 PURPOSE OF THE REPORT**

- 1.1 To report to Cabinet the views of the Executive Overview and Scrutiny Committee and the outcome of the public consultation exercise on the Ormskirk Eastern Gateway project and to request conditional approval to enter into a Collaboration Agreement with Lancashire County Council to procure the works.

## **2.0 RECOMMENDATIONS**

- 2.1 That the agreed comments of the Executive Overview and Scrutiny Committee (Appendix 5) be noted.
- 2.2 That the feedback from the public consultation exercise (Appendices 1 and 2) be noted.
- 2.3 That, subject to securing funding from Lancashire County Council's Economic Recovery and Growth Fund and minor adjustments to the proposed works based on the feedback from the public consultation, delegated authority be given to the Corporate Director Place and Community, in consultation with the Portfolio Holders for Planning and Economic Regeneration, to negotiate and enter into a Collaboration Agreement with Lancashire County Council to undertake the works, as set out section 4 of this report, on a collaborative basis and to negotiate and enter into all other agreements as necessary for the scheme to proceed.
- 2.4 Should the funding from the Lancashire County Council's Economic Recovery and Growth Fund not be secured, delegated authority be given to the Corporate Director Place and Community, in consultation with the Portfolio Holders for Planning and Economic Regeneration, to agree suitable changes to the scheme

to meet the budget available and to enter into all appropriate agreements as necessary for the revised scheme to proceed.

- 2.5 That concerns regarding the manoeuvrability of buses and coaches entering, exiting and travelling through the bus station be raised with Lancashire County Council for consideration as they finalise the detailed plans for the Ormskirk Eastern Gateway works.

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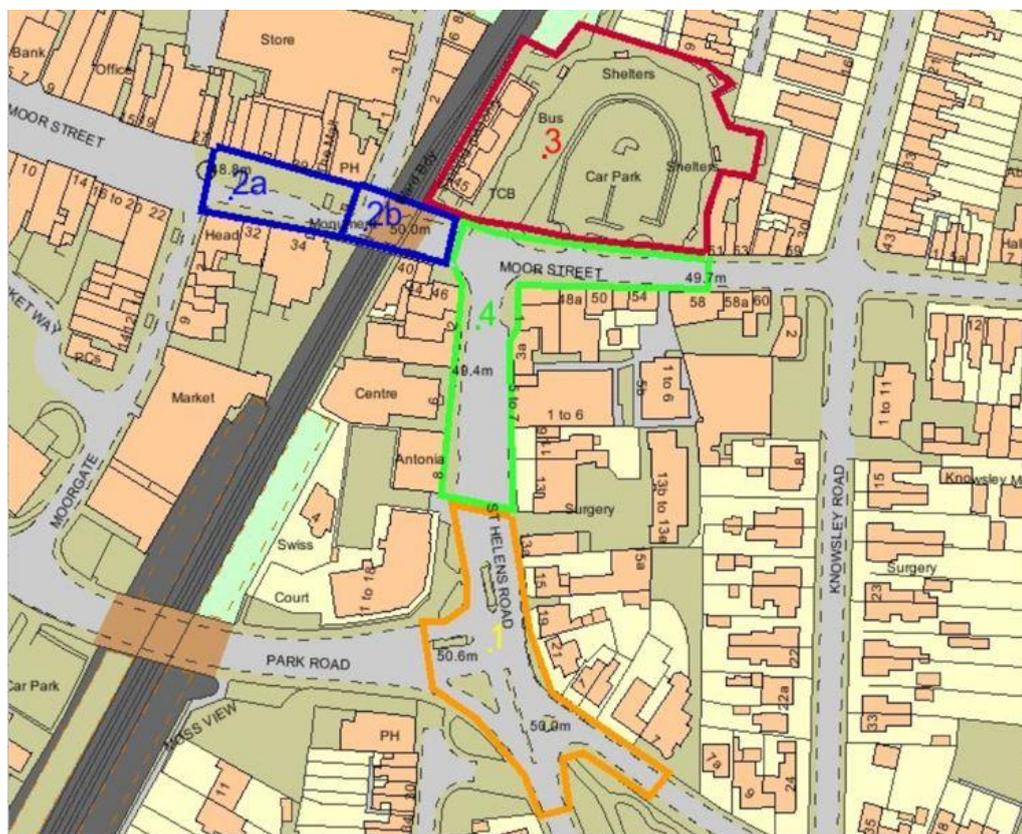
### **3.0 BACKGROUND**

- 3.1 At its meeting on 12th January 2021, Cabinet considered plans for the Ormskirk Eastern Gateway project, and resolved that the proposals set out within the report be publicly consulted upon, jointly with Lancashire County Council (LCC), and that the report be taken to Executive Overview & Scrutiny Committee on 28th January 2021 to seek their views on the proposals.
- 3.2 At its meeting on 28th January 2021, the Executive Overview & Scrutiny Committee resolved to fully support the proposals to Cabinet and encourage the public to take part in the Council's Consultation and also thank LCC for their participation and partnership in the Ormskirk Eastern Gateway Scheme (see minute at Appendix 5).
- 3.3 An on-line public consultation exercise, joint with LCC, was held from 25<sup>th</sup> January to 21<sup>st</sup> February 2021. Although the works will be delivered in four phases as described in paras 4.1 - 4.5 below, the consultation exercise was structured around three objectives:
- To create a more attractive and visually appealing town centre
  - To encourage walking and cycling
  - To improve and modernise the bus station
- 3.4 A description of the associated works, plans and artist's impressions were included under each Objective, and respondents were invited to "score" how satisfied they were that the proposals would help achieve the objectives.
- 3.5 A total 96 responses were received, 94 of which were "on-line" responses and 2 written submissions. The consultation results summary (how the proposals were rated against the objectives set for the project) and additional comments submitted by the public through the consultation are included as Appendices 1 and 2 respectively. An officer analysis of the additional comments submitted as part of the consultation responses is provided at Appendix 3.
- 3.6 For the programme of works currently proposed, there is a budget shortfall of just under £700,000. A table showing the costs and funding sources is shown in Appendix 4. LCC has invited the Council to submit a detailed bid for support for this project from its Economic Recovery and Growth Fund. A bid for £700,000 is being prepared and will be submitted by the 5<sup>th</sup> March 2021 deadline.
- 3.7 If the funding bid is successful, and all necessary approvals are secured, it is proposed that all of the works within the Ormskirk Eastern Gateway project would be delivered between 2021 and 2024.

## 4.0 ORMSKIRK EASTERN GATEWAY PROPOSALS

4.1 As described in the report to Cabinet on 12<sup>th</sup> January 2021, the Programme for the Ormskirk Eastern Gateway can be split into the following phases, as show in the plan below:

- Phase 1 - Ruff Lane/St Helens Road/Park Road junction (the improvements already agreed and planned for Spring 2021)
- Phase 2a – pedestrianised section of Moor Street from Moorgate to Railway Road
- Phase 2b – Moor Street from end of pedestrianised section to Bus Station
- Phase 3 – Bus Station site (including bus station car park)
- Phase 4 – Moor Street / St Helens Road junction



4.2 Phase 1 was agreed by Cabinet in September (in allocating S106 monies to it), but in relation to the remaining phases, in summary, the proposals are:

### Phase 2a

4.3 This Council consulted on proposals for public realm improvements on this pedestrianised section of Moor Street in August 2019. These proposals, and the feedback received from the public, has been shared with LCC, who will now

work-up and deliver the proposals for Moor Street, seeking to match the public realm created on the rest of the pedestrianised section of Moor Street a few years ago.

#### Phase 2b

- 4.4 The proposals for this small section of Moor Street, over the rail bridge, are seeking to de-clutter the public realm in this area and narrow the carriageway to force cars to slow down as they enter this part of the road and then turn right onto Railway Road. The entrance to this area from the St Helens Road junction will involve a segregated cycle path crossing from the bus station to travel down St Helens Road and an uncontrolled pedestrian/cycle crossing, and there will be removable bollards to enable access westwards onto Moor Street from the St Helens Road junction to be closed off for events and potentially for an extended Market. There will also be an uncontrolled pedestrian crossing of Railway Road for movement between the bus station and the pedestrianised part of Moor Street. Surface and public realm materials used in this phase will complement that provided in other phases and be in-keeping with the Conservation Area.

#### Phase 3

- 4.5 In relation to the bus station site, the proposals involve the retention of the horse-shoe shaped road for buses and coaches using the bus station, with the car park sitting within the horse-shoe and fronting Moor Street. However, on that same basic layout, the proposals do involve quite significant changes to the bus station, including:

- The demolition of the existing bus station building;
- The creation of segregated cycle path north-south across the western side of the bus station (where the building currently is) to connect from the station-to station path in the north down to the new cycle path on St Helens Road;
- A new "Cycle Hub" for secure, sheltered cycle parking;
- The creation of a new, smaller building on the eastern side of the bus station to accommodate public toilets and facilities for bus drivers;
- A change to the exit from the car park;
- A redistribution of the bus stands (although there will still be five stands, with new bus shelters, for regular bus services and a drop-off/pick-up stand specifically for coaches); and
- New surfacing (in keeping with the Conservation Area) throughout the pedestrian areas of the bus station.

- 4.6 If the Economic Recovery and Growth Fund bid is successful new toilets, market office and storage room will be provided on-site.

#### Phase 4

- 4.7 This last phase of works will involve the completion of the cycle lanes and new crossings on St Helens Road / Moor Street, to link the sections already provided through Phase 1 and Phases 2b / 3. In addition, the proposals see a reconfiguration of the junction of St Helens Road and Moor Street to remove traffic signals from the junction itself and replace it with a mini-roundabout, and

create a toucan crossing of St Helens Road just south of the junction to enable safe crossing by cyclists and pedestrians. This phase will follow-on from the completion of Phase 3, as temporary bus stops will need to be located on St Helens Road while the bus station is closed for the implementation of Phase 3. Surface and public realm materials used in this phase will complement that provided in other phases and be in-keeping with the Conservation Area.

## 5.0 CONSULTATION FEEDBACK

5.1 As referenced above, a total 94 responses were received. The consultation results summary and the additional comments from the consultation are included in Appendices 1 and 2. An analysis of the additional consultation responses is at Appendix 3.

The headline outcome can be summarised as follows:

OBJECTIVE	% strongly agree or agree	% strongly disagree or disagree
To create a more attractive and visually appealing town centre	55.32	19.15
To encourage walking and cycling to improve the health of residents and to improve air quality	44.68	35.11
To improve and modernise the bus station	54.25	31.92
Overall are you happy with the objectives of the Ormskirk Eastern Gateway?	46.81	29.79

5.2 A brief summary of the key "additional comments" and the Council's initial response to them is at Appendix 3. The most common issues are: the need for a replacement shelter if the existing bus station building is demolished; mixed views on additional cycling infrastructure; the merits of replacing the traffic lights with a mini-roundabout at the St Helens Road/Moor Street/ Wigan Road junction; and value for money.

5.3 Given that more respondents agreed that the Ormskirk Eastern Gateway proposals met the objectives for the project than disagreed, and that more were happy with the objectives than were unhappy with them, it is recommended that the project is taken forward and delivered, with the Council entering into a Collaboration Agreement to procure the works. Where possible within the available budget and in ensuring LCC's standards for highways, cycle routes and bus stations are met, the precise details of some aspects of the works may be amended to address suggestions and concerns raised through the additional comments made to the public consultation.

## 6.0 SUSTAINABILITY IMPLICATIONS

6.1 The delivery of the Ormskirk Eastern Gateway proposals will bring various positive benefits for sustainability and the community, including:

- improving the public realm in the area, to enhance the historic character;
- making walking and cycling easier and safer between the town centre and Edge Hill University and Ormskirk Hospital, via Ruff Lane entrances; and
- making the town centre more attractive as a visitor destination, and so supporting the town centre economy.

6.2 Furthermore, the traffic modelling undertaken by LCC suggests that the improvements will not significantly increase journey times for cars around the gyratory or create congestion, but will provide much better public transport facilities in the Bus Station.

## **7.0 FINANCIAL AND RESOURCE IMPLICATIONS**

7.1 The budget currently available for the Ormskirk Eastern Gateway proposals comes to a total of nearly £2.4m. The cost of the various elements of the proposals comes to a total of approximately £2.9m, and this would rise to nearly £3.1m if a building is developed on the eastern side of the bus station, to accommodate the small market office and storage room, as well as the toilet and bus driver facilities.

7.2 As such, there is currently a budget gap of between £500,000 and £700,000 on the project. LCC has invited the Council to submit a detailed bid for support for this project from its Economic Recovery and Growth Fund. A bid for £700,000 is being prepared and will be submitted by the 5<sup>th</sup> March 2021 deadline.

7.3 Cabinet has already agreed to the allocation of S106 funding collected from developments at Edge Hill University in order to commit the funds to the provision of improved walking and cycling infrastructure between Ormskirk town centre and the university campus.

## **8.0 RISK ASSESSMENT**

8.1 Some respondents to the consultation do not like all aspects of the proposals, and this can bring a risk of reputational damage to the Council. However, the project will help the implementation of the Council's green agenda as per the climate emergency declaration and climate change strategy, as well as the Council's health and wellbeing strategy through encouragement of walking and cycling and improvement to air quality. The project will also deliver improvements to walking and cycling that enhance the economy of the borough through improved connectivity.

8.2 Were the Council not to bring forward these proposals (or a replacement set of proposals) in a timely fashion, there is the risk that:

- the S106 funding would be lost (as it would have to be returned to Edge Hill University if it is not planned to spend the funding in accordance with the S106 Agreement);
- the investment from Historic England through the Heritage Action Zone Programme would be withdrawn; and
- LCC may choose to invest their funds in other projects elsewhere in the county if there is no progress made on the proposals.

- 8.3 There is a risk that monies from the Economic Recovery and Growth Fund cannot be secured to meet the budget gap. If this risk is realised, a review of the bus station element of the proposals would need to be undertaken to agree an acceptable scheme within the funding parameters or an alternative source of funding identified. If the scheme has to be revised, it is unlikely to have a material impact on the timescale for delivery.
- 8.4 In relation to a Collaboration Agreement with LCC for the agreed works, while this cannot ensure that the works to which it relates will, for certain, be carried out, and so entirely remove that risk, it forms a contractual basis between LCC and WLBC to proceed with an agreed plan of works and so reduces the risk of one partner in the agreement from withdrawing and not delivering the agreed works.

## **9.0 HEALTH AND WELLBEING IMPLICATIONS**

- 9.1 The Ormskirk Eastern Gateway proposals will have health and wellbeing benefits as they will make it easier to cycle and walk through this part of the town centre and to the south-eastern side of Ormskirk. They will also create a more pleasant environment in this part of the town centre (which can benefit mental health), and improve safety at the Moor Street/St Helens Road/Railway Road junctions.

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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 Ormskirk Eastern Gateway proposals are likely to have a direct impact on members of the public, employees, elected members and / or stakeholders and so an Equality Impact Assessment has been prepared (see Appendix 6).

### **Appendices**

Appendix 1 – Summary of Consultation Responses

Appendix 2a – Additional Comments, on-line responses

Appendix 2b – Additional Comment, written submission

Appendix 2c – Additional Comment, written submission (New Ormskirk Residents Group)

Appendix 3 – Analysis of Additional Comments

Appendix 4 – Cost and Funding Sources

Appendix 5 – Minute of Executive Overview & Scrutiny Committee of 28<sup>th</sup> January 2021

Appendix 6 – Equality Impact Assessment





## Ormskirk Eastern Gateway: Summary report

This report was created on Monday 22 February 2021 at 10:00 and includes **94** responses.

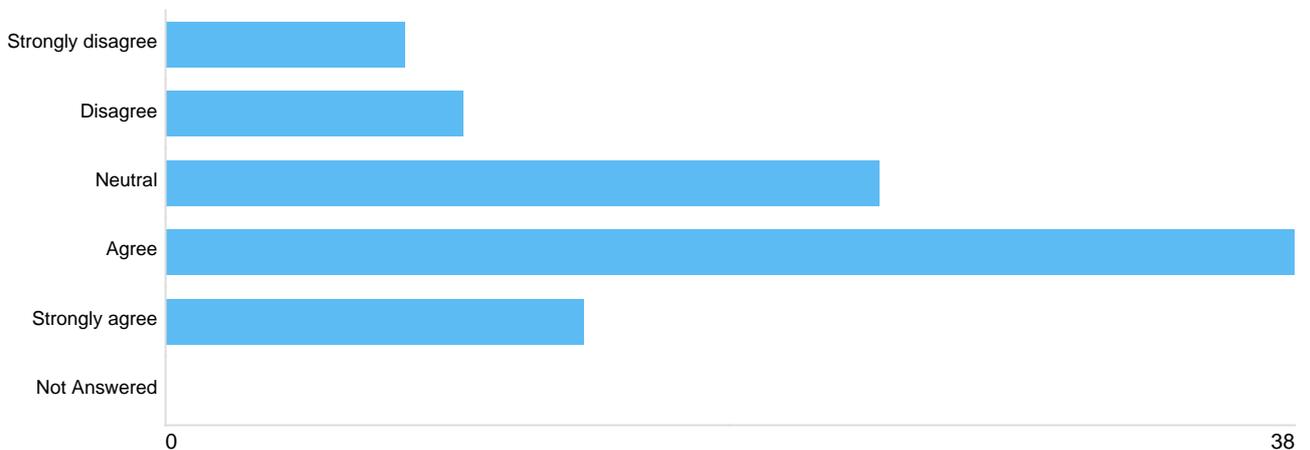
The consultation ran from 25/01/2021 to 21/02/2021.

### Contents

Question 1: How satisfied are you that these proposals will help us achieve Objective 1 - To create a more attractive and visually appealing town centre?	1
Do you agree with Objective 1? - Please select one answer	1
If you would like to provide any additional comments about Objective 1, please use the free text box below	1
Question 2: How satisfied are you that these proposals will help us achieve Objective 2 - To encourage walking and cycling to improve the health of residents and to improve air quality.	2
Do you agree with Objective 2? - Please select one answer	2
If you would like to provide any additional comments about Objective 2, please use the free text box below	2
Question 3: How satisfied are you that these proposals will help us achieve Objective 3 - To improve and modernise the bus station?	2
Do you agree with Objective 3? - Please select one answer	2
If you would like to provide any additional comments about Objective 3, please use the free text box below	2
Question 4: Overall are you happy with the objectives of the Ormskirk Eastern Gateway?	3
Overall satisfaction of three objectives - Please select one answer	3
If you would like to provide any additional feedback, please use the free text box below	3
Question 5: Are you a resident of West Lancashire?	3
Are you a resident of West Lancs?	3

### Question 1: How satisfied are you that these proposals will help us achieve Objective 1 - To create a more attractive and visually appealing town centre?

#### Do you agree with Objective 1? - Please select one answer



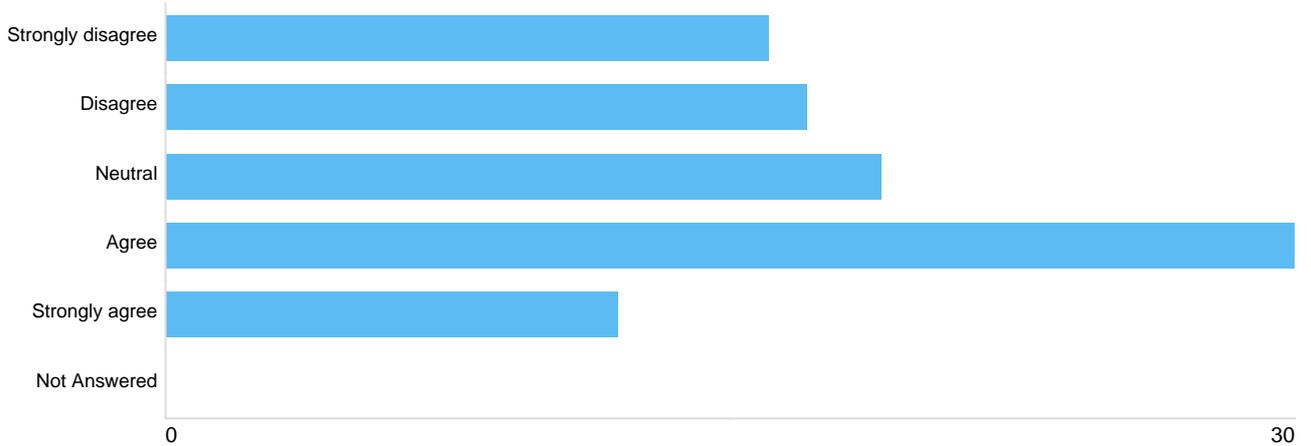
Option	Total	Percent
Strongly disagree	8	8.51%
Disagree	10	10.64%
Neutral	24	25.53%
Agree	38	40.43%
Strongly agree	14	14.89%
Not Answered	0	0.00%

#### If you would like to provide any additional comments about Objective 1, please use the free text box below

There were **48** responses to this part of the question.

**Question 2: How satisfied are you that these proposals will help us achieve Objective 2 - To encourage walking and cycling to improve the health of residents and to improve air quality.**

*Do you agree with Objective 2? - Please select one answer*



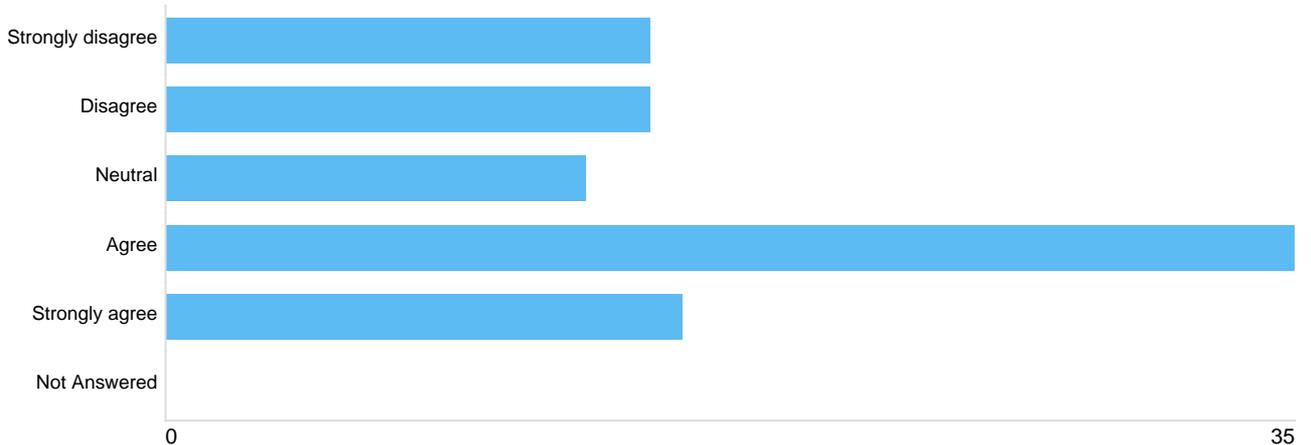
Option	Total	Percent
Strongly disagree	16	17.02%
Disagree	17	18.09%
Neutral	19	20.21%
Agree	30	31.91%
Strongly agree	12	12.77%
Not Answered	0	0.00%

*If you would like to provide any additional comments about Objective 2, please use the free text box below*

There were **60** responses to this part of the question.

**Question 3: How satisfied are you that these proposals will help us achieve Objective 3 - To improve and modernise the bus station?**

*Do you agree with Objective 3? - Please select one answer*



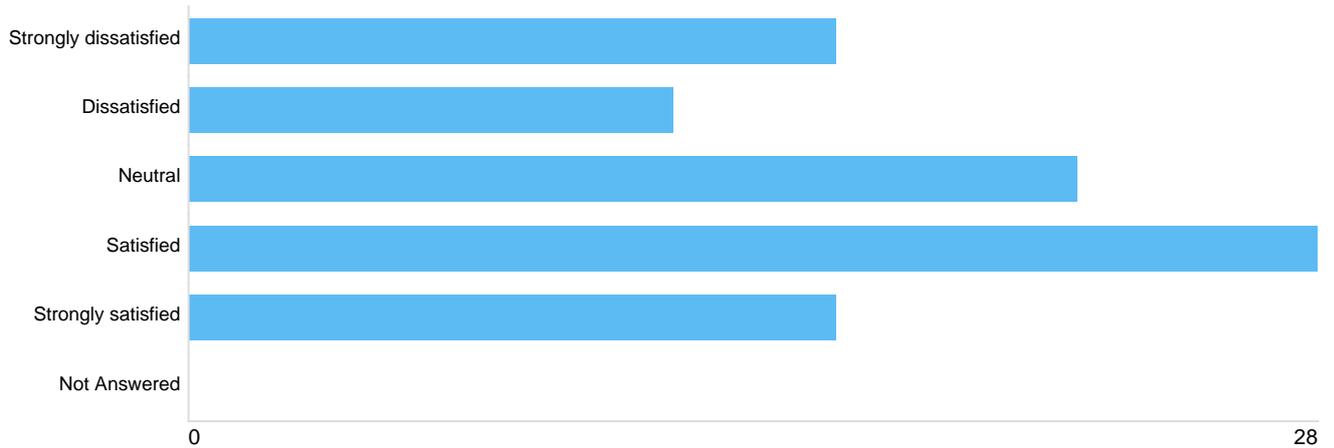
Option	Total	Percent
Strongly disagree	15	15.96%
Disagree	15	15.96%
Neutral	13	13.83%
Agree	35	37.23%
Strongly agree	16	17.02%
Not Answered	0	0.00%

*If you would like to provide any additional comments about Objective 3, please use the free text box below*

There were **56** responses to this part of the question.

**Question 4: Overall are you happy with the objectives of the Ormskirk Eastern Gateway?**

*Overall satisfaction of three objectives - Please select one answer*



Option	Total	Percent
Strongly dissatisfied	16	17.02%
Dissatisfied	12	12.77%
Neutral	22	23.40%
Satisfied	28	29.79%
Strongly satisfied	16	17.02%
Not Answered	0	0.00%

*If you would like to provide any additional feedback, please use the free text box below*

There were **52** responses to this part of the question.

**Question 5: Are you a resident of West Lancashire?**

*Are you a resident of West Lancs?*



Option	Total	Percent
Yes	88	93.62%
No	6	6.38%
Not Answered	0	0.00%



## Appendix 2a –Additional Comments

### Objective 1:

The new landscaping sounds good but it would be nice to see more detail. Has consideration been given to using only native species instead of non native ornamental trees.

More should be done to discourage drivers from turning left from St Helens road onto Railway road as it is used as a rat run by many and can be very dangerous for pedestrians crossing here.

Moor Street should be blocked to traffic except for traders. To many takeaway Drivers use it and Aughton Street as a Rat Run.

The other pedestrian crossings are long overdue.

---

Will entry to Moor Street be stopped?

Currently a rat run for taxis and delivery vehicles when the other Town Centre access points are locked.

Were will taxis park?

---

Please do not remove waste bins or the lovely wide slate seating that exists at present.

---

The council spent a staggering amount of money to re-pave the town centre, since then anytime anyone has had to dig anything the ground has been replaced with strips of badly laid tarmac, it looks atrocious, will there be anything in place to prevent this?

---

Mostly, I agree but the proposal to remove waste bins is negative, as it would lead to people discarding used tickets, sandwich wrappers, drinks containers and maybe even dog faeces onto the newly paved areas. Also, there is not enough imagery to be able to form an opinion of certain matters, such as covered waiting areas for bus passengers. Whilst it is important to provide access for pedestrian and cyclists to and from the railway station, it is to be, after all, a modified bus station. Bus travel should become a good alternative to travel by car, not consigned to being an afterthought.

---

And do we get free car parking? Or should I continue to do all my shopping online?

---

Visually attractive sustainable energy generation pieces could be installed to encourage communities to install.

---

Seems like change for the sake of change.

---

All work/new builds needs to keep the character of the town and the hideous new building for shops/student accommodation like the recent construction on Church Street should not be allowed.

---

Do not agree with cycle lane as you drive into St Helens Road if this means going into a single lane. The traffic build up in Moor Street is just ridiculous and the junction at the bottom of Wigan Road is already continually blocked. If more houses are built on the hospital site and even more road traffic it will take more than the 20 minutes that it can take at the moment.

---

Why would you remove street lights and waste bins? Surely these are a necessity.

---

The town centre improvement look excellent. Use similar materials and this should be a success

It appears that the traffic on small lane and bridge street will increase. I think this need looking into by a company out side if Lancashire

This is the worst decision I have ever heard of. We built the new bridge to take the traffic. Small lane and bridge street could become family homes again and safe if we had traffic go along main roads.

---

Nice cafe would be useful whilst waiting for the bus

---

A water feature

---

Appears to just replace traffic signals with roundabout and renew bus station buildings. I advocated a roundabout 10 years ago. Why not immediately paint roundabout and switch off traffic lights to see how it works.

A new bridge over the railway at Derby Street is scheduled, why not have the bridge between Derby Street and the bus station thus taking the traffic from Derby Street to St Helens Rd via the bus station and relieving the streets, which have domestic housing, and are used as the existing route, of heavy traffic?

---

Change is minimal for the extortionate amount being spent.

---

Removal of planters, waste bins and street lights will be detrimental to the area for residents and visitors.

---

It's over the top and not necessary - just refurbish what's there and use the money for Covid recovery

---

If trees are utilised they must be of a substantive size otherwise they will not flourish and be vandalised -ie a waste of money

Paved areas must be nadw more robust to allow delivery services without the surface breaking up

---

Whilst I welcome the open space. Ideally a bus station should have a waiting room not just open shelters. Also there would be some supervision or other amenities offered such as toilet or drinking facilities. The other public toilets by indoor market are out of date and should be discontinued.

---

We need waste bins , a lot of rubbish in hedges around the car park

---

As well as structural changes I think we need to also add green - trees planting our town in a sustainable way

---

Why are you insisting on cycle lanes when they are a waste of time and money. Throughout the country residents are saying similar and yet our council still won't listen.

I am yet to see a student riding a bike if that is the objective.

Why does the Council ask for input from residents and yet ignore comments they make? Baffles me.

---

Safety for visitors/residents vital, plans must include slip proof paving for elderly, disabled etc. This area must align in appearance with Moor St, St Helens Rd, Wigan Rd, path from station. Paving must be easily and affordably maintained, repaired, replaced. For every bench, a litter bin vital. What is planned to manage litter if waste bins removed? Planters previously stated by WLBC as important for street scene, why change of plan? How/who to define what is unnecessary re waste bins, street lights, planters, road signs?

We also need a Pedestrian crossing from Moor Street to St Helens Road. On the Corner (where the Bicycle Shop is over to the Bridal Gown Shop)

---

It has been an ongoing issue for my whole life and the town didnt need change in the first place it is a beautiful town already.

---

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Although the images shown to us so far are fairly vague I can only see what appears to be one shelter which appears to be at the start of the bus terminus where passengers are at present discharged from their bus. Are toilet facilities still to be included as they appear to be missing from the plans. If they are not in the plans the nearest toilet facilities will be opposite the old indoor market. Quite like the fact that there will be a roundabout at the bus terminus entrance instead of traffic lights.

---

Cycling in Ormskirk feels incredibly unsafe so any scheme that slows traffic and gives cyclists more space is a huge step forward and will recieve a warm welcome from me!

Traffic coming down Wigan Road at busy times backs up to the Hospital lights so ensuring a better flow would improve the pollution problem and road user frustration. It is unclear if your scheme will help this.

Seating is needed by the infirm while waiting for busses but our climate is very often inclement so sheltered seating is very desirable. If there are insufficient funds to keep areas swept, planted shrubs or trees will just add to drifts of leaf litter. Trees and shrubs may also provide places for muggers to wait for victims and teenagers to lurk. I would prefer low planting.

My main concern about the paving designis that some types of natural stone become overgrown rapidly with algae and very slippery. Please ensure a choice that does not become a slip hazard.

---

Covered areas at bus station for weather protection. More seating in town centre . Flower baskets like maghull square. Waste bins all around the town. Additional seating in the park and an outside cafe area in the summer

---

I think Ormskirk has suffered from having paving implemented and it not being maintained by the council when works are done. Also the bollards going on to moor Street it doesn't stipulate the exact location.

The bollards or force traffic to travel around the already congested one-way system to try and come in to the The car park and onto Station Road.

---

How are the busses going to negotiate the new small roundabout without stopping the flow of traffic around the one way system and cause tailbacks up Wigan road and Stanley Street . There are not enough seats and shelter for the vulnerable population waiting at the bus stations . What an absolute waste of £3m

---

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Shame that the paving on Moor street has recently been replaced in patches with tarmac but appreciate the effort to use a consistent material for this area.

Regarding the bus station alterations you haven't factored in toilets for the bus drivers to use, which is extremely important.

The bus drivers need these facilities!

I hope you are not thinking of taking our access from Moor Street to Railway Road. I am disabled and cannot walk far, I use parking site opposite Bargain Booze by bus station to park using my blue badge to access town centre. If there is no space there, I park in Railway Road.

---

I am one of those fuddy duddies who thinks that pavements would look better if NO money was spent on them after they are down BUT that they WOULD look better if 1- workmen left the brickwork AS THEY FOUND IT and 2- if people got a big fine for spitting out their chewing gum, the pavements are absolutely full of squashed chewing gum which is unhygienic and ugly 3 I am against spending huge amounts on street furniture - why not just get ordinary benches and get QUOTES from local firms or ask some local carpenters and apprentices to MAKE them esp when so many have lost their jobs with the covid problem I am a cyclist and find it dangerous going from St Helens Rd to eg the parish church, have had a few close calls... Why do so few students use bicycles? They dont have that much to carry, they could use a backpack... There are probably not enough designated bicycle paths on St Helens rd And the buses could easily put a bike rack on the front in case it is too cold or rainy for the return journey

---

Do not remove litter bins.

The bus station needs a booking office or somewhere with details of bus routes & times of journeys

---

Pedestrian access to Moor Street should be a top priority. Still plenty of hazards to negotiate including cyclists

---

Whilst I agree that the layout for the roads and crossings look good, the cycle lane I feel should take an alternative route maybe via Moor St and Railway Rd instead rather than through the bus station where there are many pedestrians.

If the objective was for cycles to use this proposed link to the train station then why was no cycle lane or infrastructure put in place when the railway link path was recently updated?

The path is not currently wide enough to be accommodating cycles and pedestrians.

---

By the removing the old building, which is an eyesore and has become a haven for gangs of local youths to congregate under, I think the plans should help to make the area look more attractive and 'open'.

I would like to see the street furniture reflect the history of the town, such as benches similar to elsewhere in the town centre with the iconic 'tower' and 'steeple' at each end.

Can I also suggest trying to tie in with design features present at the train station (which is a listed building) which is a short walk away down the newly-installed path. I'm very keen overall that rather than seeing them as two separate facilities, the bus and train stations are seen as one overall transport facility. For instance, the design of the metalwork supporting the roof over the platform at the train station could be copied for the new shelters that are proposed at the bus station. In addition, the look and design of the train station ticket office

(e.g. door / windows) could be copied for the new toilet / drivers' block proposed for the bus station.

---

"New high quality surfaces to complement the rest of Moor Street, including the pavement leading up to the bus station"

The projected streetscene in the image is quite devoid of colour. The use of grey for the paving slabs looks great on a rendered 3D image, but in reality, I'm not so sure. It's not particularly innovative or imaginative, which feels like a waste considering you're effectively starting with a blank canvas.

A quick glance at 'paving design for public realm solutions' on Pinterest brings back countless clever examples from the UK and around the world, where an innovative design has been implemented, like this one in Sheffield (<https://www.pinterest.co.uk/pin/300544975133626010/>), where the colours are much softer and the design itself is quite artistic - it shows a bit of thought went into the design. It helps give the paving some character, as opposed to resembling a game of Grey Tetris, where only two colours exist - light grey and dark grey.

The image projects a sunny day - the use of artificial sunlight is blinding - yet it still fails to capture the imagination. Perhaps grey has been used knowingly, that very soon after development, the pavements will soon gather chewing gum and other less permanent litter features.

It looks as though a similar formula is being used to the Preston Fishergate scheme - where the design may appear to be soft and gives an impression of 'shared space for all', actually does nothing to deter bus and taxi drivers from speeding along.

Use of materials on their own does not guarantee pedestrian safety.

Then there is the issue of loose paving slabs too. See also Fishergate, again.

"Improved access for pedestrians by removing kerbs"

This is to be welcomed. Indeed we need to remove more kerbs at desire path crossing points around the District.

"Removing unnecessary road signs, waste bins, planters and street lights"

Again, to be welcomed, although I would like to think any bins, planters and street lights that are removed are repositioned somewhere else.

"Removable bollards to enable access on to Moor Street from the St Helens Road junction. This could then be temporarily closed off for events and/or an extended Market"

This is a great idea and to take this idea to the next level, how about using these bollards between 7am and 7pm every Sunday, and temporary allow two-way traffic in and out of the taxi rank part of Moor Street so as not to upset the precious taxi drivers.

This way, they could simply turn round and head south or east if that's where they're heading (as so many do, i.e. to Skelmersdale or Aughton/Maghull), without heading all the way round Railway Road and Derby Street.

This would effectively turn Railway Road into a pedestrianised street every Sunday, leaving the road open to all users except motorists.

If a megacity such as Jakarta can pull it off, I don't see why a small town such as Ormskirk can't do it. It would be a UK first. Other towns and cities try it once per year, perhaps for World Car Free Day (September), but none do it every week in the UK.

If that's too much ambition to swallow in one go, perhaps it could be a seasonal occurrence - every summer, for example. Or when there are one-off/artisan markets on, etc.

"New trees, benches and other high quality street furniture"

There are indicative plans to plant new trees, but what kind? And why so few? Has there been consideration given to the use of Sustainable Urban Drainage Systems (SUDS), as used in (e.g.) Grangetown, Cardiff? There is an excellent opportunity here to create lots of new greenspace - a mix of planters, trees, hedges, shrubs, plants.

Instead, all we're going to get is The Cheapest Available Tree On The Market (i.e. the ones used next to new bypasses), which will look as lifeless as their surrounding paving slabs. Why not use this space to inject a bit of colour and (wild)life?

There is a large space outside The Bicycle Lounge, which is often used a social meeting point for local cyclists. Why not take this opportunity to enhance this little meeting space, perhaps to include benches? Cycle stands? Green features? A water refill station?

Regarding the use of trees, instead of persistently choosing the cheapest available trees (also the cheapest to maintain), why not consider the use of (e.g.) fruit trees? There is some new greenspace in the image near the new cycle lane, but perhaps this space can be utilised to plant new/different kinds of tree. Particularly along the path to the railway station. This is much more common in Europe and is much better for the local ecology, as well as having obvious perks for people (i.e. over-hanging fruit for people to pick at).

Other comments:

Next to the Bicycle Lounge is of course the taxi rank, but quite often, they have a number of cars parked on both sides of the road. This design shows a new bay (at the behest of pedestrian space), but I am concerned that taxis will continue to park on the other side of the road too, so this will require enforcement, or at least, could be prevented by tactfully locating trees, hedges or even bollards at the edges of the pavement.

I'm also pretty certain the taxi drivers will find something (anything) to complain about here, so you would do well to remind them they should be grateful for still having a taxi rank right outside their office. The self-importance of the taxi driver knows no bounds.

All in all, improvements can be made to the design here. It would be nice to see a few different options and for the urban designers to perhaps be a bit more creative. There's a great opportunity to revitalise this part of the town and Make Public Transport Cool Again. A nice place to hang out while waiting for a bus or a train.

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This is a really welcomed project.

I would like to be assured that the car parking spaces are still available.

A defibrillator

Public toilets

Trees lit up like Moor street trees

Don't put concrete benches put wood ones

An issue that I can see coming into play is the taxi rank and taxi company opposite the current bus station. Without deterrents to prevent taxi drivers dumping their cars on pavements and surrounding areas, especially if kerbs are dropped, the space for pedestrians and cyclists will not be adequate. However, depending on where the bollards are situated might prevent this.

With regards removal of bins, obviously these need to be replaced in more suitable locations to ensure the area is kept tidy and litter free.

The design is more visually attractive and less cluttered, as long as my above points are adhered to, otherwise there is potential for the area to be cluttered with parked cars (whose drivers claim they have nowhere else to park) and rubbish.

The temporary cycle lane along St Helens Road is now cluttered with parked cars often precariously parked as seemingly drivers would much rather have parked cars than a safe cycle lane to take cars off the roads (and ultimately out of their way!!)

I would suggest that it would be more favourable to plant trees that are both attractive and locally sourced rather than contracting out to have the cheapest possible alternatives that are not suitable/add nothing to the area apart from ticking a box on the proposal.

I would say that lighting should be top of the list of priorities as currently the bus station area can be very dark and dismal especially in the winter months. People will feel safer and more encouraged to use the space provided.

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there will always be a need for waste bins, but there is an urgent need for bins with appropriate segregation of waste,

defined lanes for cycling

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From an urban design perspective, the space bleeds into the backs of housing etc - could do with containment here and a strong tree line would achieve that

While the ped spaces are generous, they don't look inviting - more basic function of the bus station than a public space

Grouping trees always better than planting in strings

Trees like company and don't do so well isolated in a sea of hard materials

Groups also define space better - and this is a big hard space

Same with people and seats - need to be comfortable & safe in a landscape like this

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How can anyone possibly comment on this? There are just words and no firm proposals...no details.  
On one hand you speak of more trees and on the other to remove planters....

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There is always scope for improvement to any town centre but a balanced view is required and high street shopping is unfortunately on the decline and everyone appreciates this fact. It is borne out by the diminishing number of shops and retail failures through increasing online shopping. Whilst efforts to make visual improvements is to be applauded, I would not consider the proposed roundabout to be an advantage to either motor vehicles, pedestrians or cyclists. Anyone familiar with the traffic lights on both Derby St/Knowsley rd/Wigan rd/Moor st and those at the Bus station entry point, will know that there is considerable red light shooting. (I am conscious of this on most occasions negotiating the junctions.) The point I make, here is that the give way to traffic from the right status will be severely abused, adding a greater hazard to cyclists, pedestrians and law-abiding motorists. I cannot see how this proposal will enhance the area.

## Objective 2:

Agree with the proposals, its a particularly bad spot for pedestrians trying to cross St Helens Road to the Bus Station.

Has consideration been given to where traffic will be diverted to, I travel by bus 5 days a week for work and Wigan Road, Moor Street and St Helens Road are very congested and add delays o up to 10 minutes to Journeys just getting to the Bus Station at Peak times heading into Ormskirk. If the Road is narrowed where will the traffic go? Will congestion just get worse?

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Most people coming from the station will be walking not cycling so I think the emphasis should be on pedestrianisation.

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I don't think it will 'encourage' as such, more just make people's commute nicer to look at aesthetically, the roundabout will be better however there needs to be better crossing for the bus station side for pedestrians

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It seems, again that buses are a low priority in the scheme. The junction currently allows buses to use the outer lane, while vehicles (not just cars) can use the inner lane. Buses approaching the bus station from Moor Street (i.e. Skelmersdale/Wigan route) would havr to perform a 270 degree turn around a MINI roundabout, no doubt crossing the centre point in the process. It is also unclear how air quality would be improved significantly in the bus station itself until less-polluting vehicles are used extensively.

The objective is admirable but the implementation needs to be re-thought.

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And do we get free car parking? Or should I continue to do all my shopping online?

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Unsure that having a cycle lane incentivises cycle use to be honest. It's more a lack of a disincentive

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On St. Helens Road I would suggest removing all options for parking to encourage cyclists, reduce chances of cars discouraging cycle path usage & it would encourage more pedestrians to utilise the area on foot. This would encourage the usage of small stalls in the area, aesthetically pleasing furniture & cycle lanes safety.

In regards to cycling, I would suggest a pumping station that is metal & weather/ vandalism proof that has a multitude of tools attached for bike maintenance. I've seen several areas utilise these features when encouraging cycle usage. Secure storage with CCTV or other locker mechanisms as bike theft has increased in the area & I feel that simple Sheffield stands are no longer an attractive option for bike users with the cost of bikes going up & availability decreasing.

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I don't understand how this improves air quality. Additionally, this is a minuscule improvement to cycling.

If WLBC is serious about cycling, this is not substantial enough. Besides, Ormskirk is already relatively cyclist friendly. It does not need the investment like other towns in West Lancs does.

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Ormskirk is already a bottleneck for traffic and this proposal will not help until a by-pass is constructed. The semi-pedestrian conversion of Hayfield Road although an improvement for the residents of Hayfield Road has been to the detriment of everybody else especially the residents of Scarisbrick Street.

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I do not need you to encourage me to walk more I walk when I want to, I walk from the top of Wigan Road into the town centre 3 times a week for food shopping, this takes me past the area you are wanting to alter. How will the air quality be better when it will be standing traffic all the way down which it often is now and will be even worse by having a single traffic lane in St Helens Road. Have you even done a proper survey of St Helens Road, it is the quietest road in Ormskirk hardly anyone walks down it, I only go down it to my dentist.

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This seems like an important but still fairly small step in encouraging walking and cycling. I hope that it is just a start and that momentum toward this end will build.

Could the changes include facilities for cycle "parking" such as bike racks and/or a cycle "hub" ? (A cycle hub would provide indoor racking for cycle storage. Regular users would obtain access to this by registering and being provided, in return for a modest initial charge, with an entry fob.) One of these at Sheffield railway station has in years past proved very useful indeed.

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This is obscene. Why would you narrow the roads on an already busy street? The roundabout is the worst idea and will create nothing but more traffic, confusion and will no doubt cause accidents. Moreover, there is no call or need for this section of road to change. It is fine as it is with the traffic lights. It's a waste of money to change something that is not broken and could cause potential harm.

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It is very unclear how you would access the separate directional cycleways from the station link cycleway due to the shared space. It does not feel "joined up", as there is no junction provision for cycling, which can only lead to conflict and potential injury either between people on foot and bikes in the shared space or people on bikes and in motor vehicles on the roadway.

Would a passing motorist look at this and think it was a safe enough alternative than driving in their car? I highly doubt it.

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There are plenty of places for cyclists to go. How about Knowsley road being a cyclist road.

I don't know why I am making these comments as you will do what you are going to do anyway.

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I honestly don't think it is necessary to increase the width of the pavement or to create a bicycle lane as, from observations on my daily visit to the town, I very rarely see any people on bicycles. Students, whom I would have thought would be encouraged to use such facilities, still seem to use their cars. I really don't think the

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better facilities will increase the numbers using them x

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Although I agree that these changes would help achieve your objective I STRONGLY OPPOSE the addition of a cycling lane between Moor Street and the main St Helens Rd. We saw in 2020 the absolute chaos caused to the whole traffic system in that area when that section of St Helens Road was temporarily reduced to one lane and if made permanent it would be a disaster for those of us who are reliant on cars. As a resident of West Lancs and an Ormskirk business owner, I am reliant on my car to get to work and get my children to school (both Greetby and Ormskirk School) due to the lack of public transport from where we live to our closest schools. There are many of us in this situation who already have no choice but to suffer the congested traffic around Ormskirk every day. Please don't make our lives any more difficult!

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Cycle path should be protected with some form of physical barrier ie planters or bollards, to encourage more people to use bicycle as a regular form of transport.

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Better footpath to railway 🚂 station

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It's the same setup as now

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Too small an area of change to have the impact you are inferring will occur.

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This will cause lots of traffic onto Wigan road, just like when one lane was closed off for the "pop up" cycle lane during the first lock down in 2020 that not one cyclist used as they still used the lane for cars. Traffic will then back up along the one way system and cause major delays just like in summer 2020. Also very few people actually indicate at the lights near the bus station so a mini round about will cause chaos and accidents. The only beneficial thing I can see on this proposal is the crossing which will make it safer for pedestrians.

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It's not necessary - this won't increase bus or cycling. Use the money for Covid recovery in the community

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Unsure the actual need for cycle lanes. I don't believe I see cyclists very often in the town centre. The cycle lanes we do have (A59) are not used by cyclists, they would rather ride on the footpaths and be rude to pedestrians or gang up on the carriageway and cause hindrance to drivers!

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Cycle lanes are not an incentive to cycle into town and only result in narrowing roads creating problems for motorists

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The cycle lan introduced along with closing lower end of Rough Lane have not resulted in more cyclists just disrupted a way into town for motorists More free car parking needed

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To encourage cycling and walking amenities should also be offered

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Cycling and cycle paths great idea

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This is dangerous and hasn't been thought through.

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What's the point in cycle lanes, waste of time

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Welcome provision of crossings, pedestrian safety paramount.

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Presume the cycle path shown will link up with the new cycleways to the rear of the station which head to either Burscough or along paths to Dark Lane etc

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Whilst I agree with the Proposals to provide a safe crossing in this area, I think there is too much emphasis on Cyclists, I understand the reasons but cycling is not an option for the Elderly and Infirm.

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Nota fan of mini roundabouts. We have two near us and often cars fail to stop and have nearly crashed into us turning right on numerous occasions. I now look out for approaching cars so I'm ready for them not to stop.

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Keep the lights.

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If you want to encourage walking and cycling, help people be able to afford bicycles and improve your green spaces not the town center.

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We had a cycle lane during 2020 and I didn't see it used once!

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Beautiful when first laid but have you really looked at the town centre that once was also beautiful but is now a sad looking mixture of block paving and tarmac patches. Labour councils fault for not insisting road works are repaired as they were meant to be.

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Having seen coaches and articulated lorries mount the pavement and use the whole breadth of the road to traverse the corner from Moor St to St Helen's Road I think your proposed layout may cause more problems as it has very narrow lanes, particularly at the entrance to St Helen's Road. As a cyclist I would not want to be passed by another vehicle in this area. Believe me, far too many drivers will not wait while a cyclist negotiates an obstacle!

As a pedestrian, however, wider pavements are highly desirable

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Does Ormskirk really need Cycle paths?

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Getting from the dedicated cycle lane onto St Helens Road will be difficult as you have to either; make 2 road crossings where cyclists and pedestrians will be forced to mix or progress onto Moor Street followed immediately by turning right at the proposed mini roundabout. The quick left-right will make giving clear hand signals/road positioning difficult creating a potentially dangerous situation where motor vehicles are not sure of cyclists intentions leading to an increased risk of collisions.

A possible alternative is to have a separate cycle lane that runs around the perimeter of the bus station and deposits cyclists wishing to travel to St Helens Road at the same exit that the buses use, with a simple right turn onto Moor Street, followed by a much safer left turn at the mini roundabout. See the Oxford Road scheme in Manchester for how to integrate the cycle lane with bus stops.

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There is no need for a cycle lane within the bus station. Where is this going? Down the steep hill to the railway? This will make it unsafe for bus and train users. The ones on St Helens Road are OK.

Why a roundabout at the bus station "entrance." If buses can exit here it will. Make it harder to judge when to cross. 2 roads to the roundabout are exits so this is unnecessary.

A toucan crossing after a roundabout on a busy junction will cause traffic chaos. What road simulations/traffic analysis support this?

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The widening of pavements and measures to slow traffic look great for encouraging walking. However the design of the bike lane where the bus station used to be looks like it will cause conflict. The bike lane suddenly stops in the middle of a pavement There is no obvious way to join the road. Cyclists will probably not dismount and will simply ride over the pavement, this will lead to pedestrians being frustrated with cyclists zooming through their space.

In your plan, there is no obvious way depicted that the cyclists should join the road at the roundabout and thus connect up to the other planned cycle lanes. This will lead to cyclists joining the roundabout in unsafe and/or illegal ways. This frustrates drivers, causes a negative public perception of cycling, and endangers cyclists. The bike lane needs to lead cyclists to the road and other cycle lanes in a way that is safe and fair to everyone- cyclists, drivers and pedestrians.

If you want to encourage cycling, your cycle network has to be easy and intuitive to use. This means joining up

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the infrastructure so that it flows seamlessly for the cyclist and protects them at dangerous places like junctions or roundabouts. The navigation of roundabouts and junctions is the kind of hair-raising experience that puts people off cycling in the first place, so it is a bit puzzling to me that this is the only place without protected cycle infrastructure on the plan.

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Footpaths are wide enough..roundabout is a waste of money the lights work good. The trial cycling paths have not been used..yewtree road is a joke !

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We have seen by the ill conceived and L implemented restrictions that were placed on Saint Helens Road to the junction with ruff Lane. It's only increased waiting times and traffic pollution and poor air quality by vehicles waiting to access and maintain the route through Ormskirk. The new crossings Very close to the roundabout will be dangerous vehicles approaching from more street looking to turn left onto Saint Helens Road will have late visibility of the crossing. Why not improve the existing infrastructure and put crossings in there.

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I walk round Ormskirk most days and don't have any issues . My concerns are that on sunny summers days Ormskirk is clogged up with traffic going through from the M58 to Southport this will only make it worse in conjunction with narrowing of the railway bridge so air quality will get worse not better . An Ormskirk by pass would give you better air quality in the town ( been on radar for 40 years ) Out of the £3m why not give vulnerable people somewhere to sit and rest , at the bus station .

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Have you had any survey done on cycling numbers

We had a cycle bay hiring point but it was never used and removed inside a year

Have you checked on cycle hire at the train station as when I asked I was informed that it was very low.

Has a survey been done on student cycling from the university to the town centre and back.

So is it not best to do surveys before carrying out new cycling lanes[ and inform us of the surveys]

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Toucan crossing a great idea outside Kebab shop - could this replace the crossing further up at major junction?? Danger it could stop traffic again after such a short distance

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You are not including disabled people in your ideas, only cyclists and people that can walk!! You are going to make it more difficult for me to find parking , using my Blue Badge and park as close as I can to the town centre.

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Are there no civil engineers in Ormskirk to work on this

And where you REALLY need a traffic light is at Knowsley rd /st Helens rd /small lane junction

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The cycle lanes weren't used much when last erected. They caused traffic problems. I don't agree with a roundabout. The traffic lights are fine as they are.I agree something needs to be done about crossing the road on corner of St Helens Road. It's an accident waiting to happen.

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Cycling is a non-starter in this country because of the weather. People will not cycle to work or Uni if they are not provided with secure storage for bikes, changing/locker rooms and showers. No one will want to arrive at work covered in mud, or soaking wet if these facilities are not available.

Even young people attending Edge Hill do not use bikes or walk for that matter after they arrive by train. They would rather wait 20+ minutes for the next bus when they could have walked there in that time.

Narrowing the roads is ridiculous. There will be tailbacks right up and down Wigan Road making access to the Hospital even more hazardous than it is now and delaying the buses causing timetable chaos.

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I do not see how this will improve air quality when there is no plan in place to divert the current volume of traffic.

You propose a crossing on St Helens Rd, that's fine, however I would suggest it be moved further from the bend, otherwise someone may be killed from the swiftly moving vehicles negotiating the roundabout due to the omitting of traffic lights at the junction.

Furthermore if you have a crossing on St Helens Rd then why add another on Moor St with a central island?

This will only make driving more difficult for the lorries passing through and the buses serving the town - your plan is to reduce street furniture yet you are adding unnecessary road furniture.

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There are a couple of issues affecting pedestrian movement and/or safety, as follows:

a) The uncontrolled crossing on Railway Road looks very narrow compared to the other new crossing points. This is a heavily used pavement, particularly on market days and at school finishing times.

b) The pavement on Moor St outside the taxi rank is currently a 'pinch point'. I appreciate the loading bay is required by the shops and taxis, however if the pavement is no wider than at present then this is a potential hazard for trips/falls if pedestrians feel the need to step into the loading bay to pass oncoming pedestrians.

c) Similar to above, the pavement on St Helens Rd is currently a 'pinch point' with pedestrians needing to step into the road to pass oncoming pedestrians. If the new pavement is no wider then this issue will remain.

d) The road on Moor St, outside the Natwest Bank, is restricted to one way traffic, with a 'No Entry' sign being sited just past the car park for the Natwest Bank. However vehicles frequently access Moor St through the No Entry signs and proceed the wrong direction towards Moorgate. I have personally on several occasions been walking across Moor St within the pedestrianised zone, crossing towards the Natwest bank building, and had to stop in my tracks as a vehicle has come across in front of me travelling in the wrong direction. I feel something more should be done to physically prevent vehicles from doing so. Could moving bollards be built here which are permanently in the 'up' position, with automated lowering to allow vehicles to exit?

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Cyclists seem to assume they have priority where path shared wot pedestrians and seldom give warnings when approaching from behind. Suggest provision for dedicate pedestrian safety.

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I fully support proposals to improve infrastructures for cyclists and pedestrians, who too often lose out to the motoring lobby, although I do have some reservations.

The new cycle path through the bus station is a welcome addition, and will help join up with the cycle path leading from the train station (and further afield - Old Boundary Way / Hattersley Retail Park). However, I do have to question the abrupt way in which the path stops at the edge of the bus station, with cyclists then expected to ride straight into the path of pedestrians (as the artist's impressions show) before they join up again with the path up St Helens Road.

I was also interested to see the cycle paths highlighted on both sides of St Helens Road. Will these be going in as part of the work, and is the aspiration to have them go all the way up to the Edge Hill University campus? I hope so!

And just regarding pedestrians, with taking out the traffic lights at the junction, I fear they will find it a lot harder to cross from St Helens Road across Moor St to get to the bus station given what I believe will be a fairly constant flow of moving traffic leading up to and around the new roundabout. I would suggest that a pedestrian crossing with traffic lights is needed, rather than the 'uncontrolled crossing' indicated in the drawings (I assume that is one where you wait for the traffic to stop of its own accord before you can cross?).

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Finally, regarding improving air quality, can I suggest that the Council takes this opportunity to install electric vehicle charging points at some (or all?) of the car park spaces at the bus station. Ten years from now, all new cars on sale in the UK are due to be electric, and this is a great chance to encourage people to make the move to EVs and hence improve air quality in the town by reducing emissions.

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"The Council wants to encourage more walking and cycling to improve the health of residents and to improve air quality."

Then they're going to have to stand firm on this in the face of a loud, vocal minority of Daily Mail reading, Facebook Community Group users who despise anyone on a bike - even just the thought of cycling is enough to make their blood boil.

They are a dangerous, self-entitled section of people, and if the Council really means what it says in the above statement, then it will need to stand a lot firmer than the way it handled the pop-up cycle lane along St Helens Road, which built up a furious head of steam on social media and in the local newspapers, all because motorists had to wait a few seconds longer in their cars at traffic lights.

The Council must not deviate from its stance - the need to reduce pollution, improve road safety, and improve public health, as well as making our streets more people friendly.

If it bows down to Blue Labour pressure - which is what the District is - these schemes will never progress.

The money that could be spent on new "relief roads" around the District (hundreds of millions of pounds) could truly revolutionise local travel for residents that would change the face of transport in the District forever.

The legacy would far outlast the age of the Petrol/Diesel car (soon coming to end), and would usher in a new age of active travel.

The money would more than cover all aspirational schemes as well as funding brand new ones.

This is where the Council must stay true to its word if anyone is to seriously believe the above statement.

"Narrowing the roadway and increasing the width of the pavement. By making this section more pedestrian-friendly it will improve the link between the bus station and St Helens Road to the town centre."

Narrowing the road and increasing width of pavement is a positive step forward. I'm glad this design concept is finally coming into view, although we have decades of car-centric road design to unravel.

There are lots of ludicrously wide/flared junctions, such as the side junction for Tower Hill along Wigan Road. I hope the Council address these key crossing points in future schemes. And hopefully sooner rather than later.

"Improving the St Helens Road/ Moor Street junction to remove traffic signals and replace it with a mini-roundabout and create a toucan crossing."

I like this concept. It's quite bold. It always felt like a strange junction that never really worked well for either user. Its good that cars can continue to flow west toward Railway Road without stopping although I'm sceptical as to how many motorists will pay any attention to the new 'faux' crossing across Moor Street, likewise when they swing east off the roundabout toward Wigan Road. The crossings are in the right places but perhaps zebras could have been used. Give the pedestrian more clout.

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Overall, I'm pleased with the design proposal, which features new cycle lanes on either side. I know full well what kind of reaction will receive on social media and in the local papers, but its actually a really positive step forward. Overdue, considering the rise and rise of Edge Hill Uni, and hopefully its only the start of a more complete route up towards the Uni itself, but I think the proposals are good. Its nice to see a bit of thought's gone into it.

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I know that this area currently has an excessive level of air pollution and by encouraging more active travel, this could be reduced by providing a safer environment such as that proposed.

The phrase 'build it and they will come' comes to mind, however there needs to be publicity than reflects this notion that depicts ordinary people, in order to encourage this active travel.

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sufficient drop off and pick up places.

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I agree that walking and cycling can contribute to improved health and that improvement of air quality will need a variety of factors including people using low emission vehicles and providing safer pedestrian and cycling facilities to encourage people not to use cars. I am aware that modelling has been done on traffic flows but it is difficult to comment on the impact of these proposals on emissions and air pollution without sight of the conclusions of this modelling which I understand I can only access once I submit this consultation submission.

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Please aim to include as much tree planting and foliage as possible as this is important environmentally and for well being.

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The plans are difficult to follow, it may be they are incompatible on an ipad. I assume the cycle path will link to the train station.  
I would welcome seeing better plans..

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There will be very few cyclists using the ramp from the train station. Railway passengers with bikes must buy special tickets, in advance to be permitted to take bikes on trains. Unless foldable, a bike is not permitted on a bus in any instance. Why is there therefore a need to link the ramp with a new path/cycleway (involving the demolition of a serviceable building) to Moor street? As far as pedestrians are concerned there is adequate paving from the ramp linking to moor street. At Moor street (opposite the taxi shop and off license) the road is scarcely busy and does not represent a hazard to either cyclists or pedestrians.

No objection to making the area more pedestrian friendly. However, making this area the priority in lieu of introducing dedicated cycling lanes and safer roads in Ormskirk, is a case of mistaken priority.

The ramp work has been done- as stated above, there will be very few cyclists if any arriving by train.

Demolition of present bus station to accommodate the link from the ramp to Moor st ( for the non-existent cyclists) is a sheer waste of resources.

The dedicated cycle route from the Bus station to Edge Hill University, rear entrance gate under the previous scheme (approved in January) and this, actually stops at the Knowsley Rd/ Ruff lane traffic lights. Why has the plan not included the remainder of the route which represents ¾ of the route from the bus station to EHU.

From this point to the rear entrance gate is without doubt, the most dangerous section of road. Despite having a 20mph speed limit, the significant majority of motorists using the road are generally speeding at between 35 and 70 mph. The LCC survey carried out over 2 years ago was deeply flawed! Cyclists & pedestrians are at great risk on this road due to motorists adopting it as an unofficial Trunk road, subject only to the National speed limit. There were numerous accidents last year, fortunately no major injuries.

However, unless LCC Highways take steps to impose traffic calming on Ruff Lane (proper) there will be accidents resulting in either serious injury or death; the community will hold the LCC councillors and officers responsible for injuries and deaths due to a failure to recognize the dangers and prioritize other works ahead of essential traffic calming. Cyclists are very afraid to use the road in the current state and I have witnessed myself the crass selfishness of drivers either passing too close to the cyclists or forcing them to take evasive action.

LCC seem to be oblivious to the plain fact that they have allowed, through lack of action, many roads in Ormskirk to become a racetrack! Despite frequent accidents at the Green lane County rd junction the only

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action so far is cctv at the junction. Traffic calming is required on Green lane as the 20mph is largely ignored here too!

I have attended meetings with Cllr Iddon and Cllr Adrian Owens on three occasions ( one on site and two at County Hall in Preston) together with Highways officers and while discussions indicated action for traffic calming in order to establish the Safe Cycle route, the two councils are now presenting us with a scheme that does not fulfill it's objectives, certainly not for pedestrians and cyclists wishing to use the major part of the route to EHU's rear entrance.

The Budget of £ 2.4 million is excessive for what are basically minor works and represent poor value for money given the description of the work. There are considerable areas of the scheme that can be scaled down in order to conserve resources in these straightened times.

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### Objective 3:

The proposals do make the Bus Station look nicer and more modern.

However as someone who uses the bus to travel to work 5 days a week I'm more concerned about function, its unclear if you are providing enough shelter for passengers once the old building is demolished. Since the buses are often delayed by 10 to 15 minutes because of Road congestion I would rather have somewhere warm and dry to wait than nice looking paving stones.

At peak morning times there are 30+ college students waiting for there coaches to pick them up a small bus shelter at each stop wouldn't be enough to accommodate everyone.

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I agree but not convinced that the cycle areas would get the use you imagine they would.

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Please see my previous answers. I have not been able to go back and change my comments about bus shelters. Why can't I amend ealier comments? This consultation does not provide a set of plans before comments are called for!

Apart from replacing outdated facilities, the bus aspect is rather 'thin', with shelters seeming to be too small for busy times.

A narrowed exit is asking for trouble, as bus drivers already struggle to perform a left turn out of the station without crossing to the other side of Moor Street.

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And do we get free car parking? Or should I continue to do all my shopping online?

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The new, smaller facilities building looks tucked away out of sight, out of mind. It does not appear easy to casually police it from becoming an antisocial behaviour hot spot

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Again I'll mention the security of the bike shelters due to increased value/ reduced availability leading to higher theft cases. To consider the ground surface between cycle lanes & pedestrian paths to encourage attention & reduce chance of collision.

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It may not be the final design, but the open bus shelters appear to provide very little protection from wind and rain and in the case of the stand used for people travelling up to Edge Hill is far too small.

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Again, this seems like change for the sake of change. There is no tangible improvement for a lot of money being spent. This is a waste of money.

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I approve to the removal of the bus station but not so more student accommodation can be built in the future. What has happened to the information centre or has this been deemed not necessary any more.

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The pathway to the train station via the bus station is not conducive to both pedestrians and cyclists and I suspect pedestrians will be injured if this is not blocked off to cyclists.

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The bus station looks as though it will be an improvement as long as there is decent bus shelters and we do not lose to many car parking spaces.

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I've just seen that there is to be provision for a cycle hub. As can be seen from my earlier comment, I think this is an excellent idea....and that comment is now otiose: sorry.

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I am not convinced that the provision of car parking as part of this development is necessary. I urge the progressively increasing discouragement of the bringing of cars into the town centre. If car parking is really needed (e.g. for those who may travel by car from a considerable distance but for whom public transport is as yet unsuitable), could this best be provided using a space that is outside the town centre but has park & ride/park and cycle/park and walk facilities ?

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Great idea, should have been done years ago!

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As a bus station, it feels no more modern than it currently is. More modern shelters does not detract from the fact that the stands furthest away from the town centre will still be a lonely and potentially intimidating place to be outside of daylight hours.

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Can the car parking provision not be removed/relocated/reduced to bring the stands closer to each other to reduce this isolated feeling?

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More public money being wasted

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Just hope there is enough room for the buses and coaches that frequent the station

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I would seriously consider making temporary bus stops permanent.

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The positions are more convenient for bus traffic and safer. Then redevelop the bus station.

---

To small a change to have any impact. May affect traffic by removing the traffic lights and placing roundabout as this area backlogs during rush hour.

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Making st Helens rd into a single lane is a disaster waiting to happen for traffic which will discourage visitors as traffic will turn people away

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There is no provision of a heated waiting area with facilities such as WiFi/charging, shop or planters.

---

It does nothing for buses or their users. Use the money for Covid recovery in the community

---

No warm waiting areas for bus users. If you want people to use public transport then it's pedestrians need the safe hub not bicycles. Again all this emphasis on cycling.. this is not Oxford or Amsterdam!

---

I don't understand how any of this is heritage or anything to do with the history of Ormskirk.

---

Awaiting room would enhance the bus station Keep as much free access for motorists as possible Why all the fuss about expensive paving ?

---

We need a covered room for passengers to wait and sit down and modern with wi fi etc .

---

I may have missed it but not clear what happens to car park. Also is there an adequate way to drop passengers

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at the bus station.

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Yes we need the bus station updated but the plans are a disgrace.

Ormskirk still requires a fully functioning bus station.

Have you checked the railway station. Bikes are never used. This was also a complete waste of money and so are your ideas.

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Absolute waste of money which could be spent elsewhere

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With no plan for a waiting room , or Toilets , or even a facility for a small shop ,this is just not good enough , you can do better with a little effort.

---

Major flaw is failure to provide concrete recognition of the historical aspects highlighted in overview. Why not consult local historical /heritage societies, maybe volunteers could be provided for information desk, local walks. At least, essential to include in small toilet / facilities building (already planned ) a visitors' area with information on Ormskirk and surrounding area, including walking/cycling trails (could link with Martin Mere similar initiative in Burcough). Obvious lack of covered waiting room for transit passengers and provision of hot drinks/refreshments via vending machine. Also scope to provide by inexpensive and robust wall mounted video loop information on onward connections, also WLBC messages, government and public health advice, adverts for local services, etc. Ormskirk Station a good model and its small shop v useful, should be signposted from bus station.

---

This is a bus station. There is no waiting room with toilet facilities, bus shelters are open. Very little seating in place for bus users.

The concentration is on cyclists rather than people who use the bus. Many bus users are elderly and do not have any other means of transport.

It appears to focus on beautification rather than providing the services and facilities required by its customers. Surely both can be achieved.

---

Seems to accommodate bus transport and walking and cycling routes. Perhaps there should be improved footpaths right out to Dark Lane and the opposite way towards old Hattersleys site and Burscough

---

The bus station to me is a good town feature and other than new signs and a change of use for the 'information center' (potential for a small council owned cafe) i think it doesnt need to be changed.

---

A tourist or travel information centre is needed - and an indoor waiting room.

---

Wow.....found a second bus shelter. Obviously great in the summer IF the sun shines but what happens during the rest of the year when we are receiving a supply of water from the sky which is good for our water supplies but not welcome to be falling on our bodies.

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Temporary bus stops in St Helen's Road will be a big hazard to cyclists, who will have to pull into a concentrated traffic stream to pass them.

There is a likely problem from cyclists exiting at speed the planned new cycleway into the footpath going down to the station.They will be unsighted until the last minute and there will be a danger of collisions with less-mobile pedestrians on the path. This is already dangerous enough, especially when covered with wet leaves in the autumn.

Is the planned new building really big enough for office and toilets? It doesn't look like it is!

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Instead of yet more cycle paths why not some nice outdoor seating, a place where people can sit and weight

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for the bus.

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What is the purpose of putting a cycle lane in the bus station? It literally goes no where. This could be used for new facilities.

The tiny cycle station is insufficient.

Removal of current trees during a climate crisis. This is abhorrent and out of touch.

The car park exit onto a roundabout entrance will make this more difficult for all involved.

There is less cover for bus users and next to no new facilities. This will not encourage bus use.

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Sounds good

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The demolition of the existing bush shelter is long overdue but there is no facility shown for shelter in bad weather for people who will be waiting for buses. Increased cycle lane along Towards the train station does not seem justified to the expense due to the limited number of cyclists that have been seen to use that area and what evidence is there based for this extra expenditure?

---

It's a waste of taxpayers money you are leaving people exposed to the elements . It's all very well looking at pictures in the summer but what about the depths of winter waiting for a bus . I don't see why you think demolishing the bus station will make more people come into Ormskirk . There are no decent shops as they have all closed down . Most people come in on the train anyway .

---

Will there be any air monitoring

Will there be any electrical car charging points

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Unsure of how the cycle path is handled with the temporary coach parks on St Helens Rd? There does seem ample room in the bus park area could coaches not be accommodated in there? Lancaster (a modern bus station) seems to have used limited space well - has this type of park been considered? I can see this design makes minimal disruption to the working bus station but worth considering a more creative use of the generous space?

---

Need to factor in toilets for bus drivers

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pavement in front of Chapel Gallery is in desperate need of widening

---

Apart from lack of shelter I think the bus station is fine as it is. It needs a booking office or time tables but why waste the money on changing it.

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I would have liked to have seen more seating space / protection for those waiting for buses - it gets very cold / windy in this area. Also not sure why we have kept the parking area.

---

Again reducing the width of the road for the cycle lanes will cause traffic to queue both up and down Wigan Road therefore causing access to the Hospital to be even more hazardous than it is now. Buses will also be affected by the queues causing disruption to the already inadequate service to the Hospital.

---

The demolishing of the bus station is completely unnecessary.

The current building supplies suitable toilet facilities to the public and to bus drivers and is situated in the most convenient location.

Provision for a cycle hub can be made by adapting the current building of which 70% is now unused space.

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To demolish and create what you intend is crazy when money can be better spent elsewhere in the current climate.

You propose toilet and rest facilities for bus drivers but what about the general public?

Making people walk to the other side of the bus station to visit the toilet is less than convenient.

You propose a dedicated coach stand for the many visitors to be attracted to the town. Where are the coaches going to park up? as there looks to be no provision for 2 coaches to park up and wait whilst visitors browse the market.

Access/egress into the car park looks sensible only if the proposal of a crossing on Moor St is removed.

The temporary proposal of using St. Helens road as bus stops is ok, however please consider the 375 Wigan bound will be facing the wrong way in the town due to the route it takes.

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I don't feel the plans significantly 'improve' or in particular 'modernise' the bus station.

A few suggestions from me in these areas:

Firstly, by taking away the old 1970s building, it means bus passengers will have to wait under shelters for their bus in bad weather. In an ideal world, I'd like to see a replacement covered and manned area / waiting room, possibly incorporating a shop or cafe, and with wifi access for passengers to utilise.

I'd also like to see the inclusion of electronic display boards giving times of buses, whether they're delayed etc in the same way that the train station does. And how about also including a live display of train times at the bus station for passengers coming into the town by bus and going on to take a train?

It's imperative also that security is improved at the bus station - as I've highlighted, the current facility has been plagued by gangs of threatening local youths, which would put my off using the bus station during evenings. I would therefore like to see the bus station very well lit, with CCTV in place covering all areas.

On a similar note, the proposed 'Cycle Hub' needs to be truly secure, and not just some covered Sheffield stands as is suggested. Really secure bike lockers are needed, and it would also be good to install a free air pump for cyclists to use and other tools and possibly a water fountain too for cyclists to use.

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"The demolition of the existing bus station building"

Yes, this is long overdue. It will be a welcome relief to see it go, and I'm glad the Council refused permission to build flats there.

A town as big as Ormskirk with such a busy rail station has deserved a bus/rail interchange befitting of its patronage for a long time now. That we are only getting round to this now in the 2020s is quite staggering, but of course, this is to be expected when the political system keeps on destroying local government and depriving them of investment in key public services.

"The creation of a two-way cycle path running north-south across the western side of the bus station through land where the bus station building currently is"

The new path from bus to rail station (which is not a cycle path, which was a bit misleading) was a job well done, and a massive improvement on the old path, which was an absolute disgrace and a stain on the town, especially with the amount of ASB it used to attract.

This new section through the side of the bus station seeks to connect the rail station path with the cycle lanes marked out in Objective 2, so I applaud the intent here. The easy thing to do would have left a big shared space open to anyone, but the creation of a segregated cycle lane (presuming it is segregated) is a welcome

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move addition. Again, its good to see some ambition.

"A new "Cycle Hub" for secure, sheltered cycle parking"

Not entirely sure what this is referring to, but if its cycle hire, while I'm all for making active travel easier for people, I'm not convinced it will work. Who knows. Other University towns have massive cycling levels, and if this particular hub looks the part with decent bikes for hire, it may do well. I hope so.

Re the cycle parking - I think its really important the Council gets this right. The parking facility needs to be big, well sheltered (not exposed to windy showers), and truly secure. That means it needs to be prominent - with good surveillance. But the location is good because its near the bicycle shop, and if it looks good (check out Green Roof Shelters - <https://greenroofshelters.co.uk/green-roof-cycle-shelter/>), it will also help attract new users.

Currently, cycle parking in the town is peripheral. Frivolous. There are one or two Sheffield stands about but no sheltered parking that I can think of.

If cycling to become normalised and 'acceptable', then Councils must offer much better parking provisions.

When I go the Doctor's Surgery on St Helens Road I have to chain my bicycle up to a drainpipe. This is a sad state of affairs, but very much symbolic of cycling infrastructure in the UK. There are no end of poor examples.

"The creation of a new, smaller building on the eastern side of the bus station to accommodate public toilets and facilities for bus drivers"

So long as the public toilets remain, this is fine.

"A redistribution of the bus stands, which will have new modern bus shelters, and a drop-off/pick-up stand specifically for coaches"

As the new station is not going to incorporate an actual bus station into its proposals, i.e. like the one in Chorley, the least the Council can offer is quality bus shelters with digital info boards, customer activated heating (<https://www.solairaheaters.com/commercial-comfort/transit-bus-shelter-heating/>) and living/green roofs (<https://news.leicester.gov.uk/news-articles/2020/october/leicester-s-bus-shelters-to-go-green-as-part-of-new-partnership/>).

Bog standard bus shelters won't cut the mustard. Buses, much like cycling and walking, is seen as inferior to car travel. Almost embarrassing. And with such appalling infrastructure, a lack of network coverage and extortionately high fares, its little wonder why buses are shunned.

Bus stops, much like cycle parking, are all part of the big picture. Councils need to haul our bus system into the 21st century if its to stand any chance of survival beyond the next few Tory governments.

It needs to be modernised - glamourised even. It needs to be proud of itself, and for it to be confident in going head-to-head with the private car.

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Currently, buses are the fat kid at the back of the class who no-one wants to speak to.

Bus stops/shelters are a part of the 'face' of the bus system.

In the competitive, capitalist world in which we live in, Councils and bus operators have got to try harder to make it a truly competitive form of transport, because at the moment it's just hopeless. Much the same way people used to view car brands such as Skoda or Lada.

In a socialist planned economy, this would be less of an issue, but as things stand, buses have to compete with the car, and they currently don't stand a chance. It's such an uneven playing field, it's not even a competition.

Most people have probably not travelled on a bus for a good number of years - perhaps going back to their school days. I dare say more people have been on a bike in recent years than they have on a bus.

Councils and bus operators have got to start, at the very least making buses competitive, and they could start by cleaning/upgrading their rotting bus shelters, and revitalising its bus stations.

It's high time Councils gave something back to the people who so depend on the bus system, and by making it more attractive and respectable, who knows they may even entice new users too (in combination with making driving a less attractive option).

Other comments:

The car park is still present and actually still dominates the bus station, in terms of its size - the amount of space it uses up. Is it really so necessary with all the other parking on offer in the town? Is it really so much to ask for people to find alternative parking spots? Or at least, does it really still need to be this big?

To quote Brent Toderian:

"Too much parking induces too much car ownership and too much driving, which in turn makes people think we need more parking. It's a self-fulfilling prophesy."

Also to quote Donald Shoup in "The High Cost of Free Parking":

"Minimum parking requirements act like a fertility drug for cars. Why do urban planners prescribe this drug? One explanation is that planners are not exercising professional judgment. They're simply responding to political pressure."

Taking the first quote, does Ormskirk town centre suffer from a lack of parking? Is there any evidence to suggest that removing this car park, or at least reducing it, would create a deficiency in parking that would result in people having to turn round and go home? Even then, did they need a car to access the town in first instance?

Removing the car park by replacing it with a central bus station hub would have been the biggest statement of all at this location. Even transforming it into a small greenspace/park area would have been a bold step forward. I'm just not convinced of the need to utilise this land for motorists to store their cars on. It still feels as though there is a fear of political pressure that hasn't changed since the 1960s. That local 'traditionalists' will be outraged. We can't keep allowing these narrow-minded individuals to stand in the way of progress.

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Great design with more space and provides a pleasant space to actively travel as well as wait for a bus.

I am happy to see that there will be only one entrance/exit for cars using the car park as currently as a pedestrian it can be very difficult to check whether a car is leaving the car park due to an obstructed view.

Another issue that must be raised is when buses turn out of the current station towards Wigan Road (Skelmersdale bound) they sometimes mount the kerb (this has happened to me twice whilst walking- and I have reported it to Arriva to investigate). This junction needs to be re-considered in terms of safety as if it is a

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infrastructure issue as well as a driver issue, it must be factored into the proposal before there is a serious accident involving someone who isn't able to move out of the way as quickly as I have.

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the diagram shows little about the location of bus shelters and whether they will be electronically , with displays of arrival times on a time table notice board and on the individual stops as in other major cities.

as coaching facilities are to be made available - arrival time are often not so precise due to length of routes and conditions suitable waiting area will be required.

there doesn't appear to be thought and preparation for the development of alternatively fuelled transport - eg under the surface fuelling area.

As the area is being made more open it will increase the flow of the wind, coupled with rain transport users will need protecting from this in order to make the use of public transport acceptable

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Spatially has to be shaped by vehicle (bus) requirements & that looks effective in the space

Ped space looks generous and routes direct

Cycles pushed to back & not well integrated

Cycling needs to be better integrated into the wider network - can't see evidence

Space here for a meaningful & secure cycle park too under a structure

Does this scheme need all this car parking - outside of disabled & perhaps people with v young children

Could the car park be used for occasional markets and other civic events?

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I hope that electronic displays for information on bus times etc. will be included.

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The toilets need to be closer to the town centre and not behind people's houses.  
That way they would serve the market users too. The east side may seem a short walk for the younger legs...it's a long way for those with old legs and a weak bladder.  
...the area besides the houses could have landscaping and quiet out of the way seating.  
The plans are not properly accessible on an iPad.

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Why demolish the existing bus station in favour of a smaller building. Public toilets could be installed within the existing building and the cycle route taken around the rear of the existing building.

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I would like to see some final consideration of whether we really need the retained carparking, which would have been removed if the hotel plans had succeeded, and whether instead of parking we might be able to put in additional green civic space.

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## Overall (Objective 4):

A much better proposal than the previous one that better reflect the needs of users of the bus station and local residents.

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Please make a replacement bus station building a priority in the final plans if the old one is demolished. Facilities including the public toilet and shelter are far more important than a nicely paved cycle route.

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I absolutely disagree with the proposal to allow traffic into Moor Street. This is a backward step, would be dangerous as the rest of the town centre is pedestrianised and detrimental to cleaning the air. This is a daft idea and I can see no advantage.

---

I think money could be better spent in the town, there are businesses failing everywhere, you have ruined the market with the removal of the stalls, many more repairs are needed, whilst the bus station will be nice, it's never been something that I would have thought was a priority

---

I am satisfied with the OBJECTIVES but not with the PROPOSALS as they stand. The scheme is at least a considerable improvement on the previous plans for (yet more) student accommodation and unnecessary shops.

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And do we get free car parking? Or should I continue to do all my shopping online?

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Seems a lot of money to achieve little

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This looks like a great plan, I think it will be vital to continue this cycle path to Edge Hill University to encourage a sustainable link between areas & reduce traffic in the nearby area.

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This is a waste of money that should be redistributed to improving the dreadful roads, flood defences, maintaining grass on roundabouts and beside roads etc that would actually improve appearances and people's attitudes towards the council.

This, as the general social media reaction shows, is not what people want.

We want basic maintenance to be carried out way before anything like this.

Besides, Ormskirk has had lots of money spent on it. What about all the new houses in Burscough or a new leisure centre in Skelmersdale?

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Some as stated. Ormskirk is losing its character and this should not be allowed. The planners need to ensure this does not happen.

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With the bus station yes with the road layout no.

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Great news about the bus station but please scrap plans for the ridiculous roundabout. Good day.

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This will destroy communities in Ormskirk .

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I am unhappy about the objective to prioritise cyclists and pedestrians. Some of us have no choice but to drive due to poor public transport links and it feels we are being victimised simply because of where we live within the borough.

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Have concerns about the temporary bus stops. I appreciate they will be short term, but I envisage traffic congestion at busy times.

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This is not wide thinking enough for the future of Ormskirk.

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Not worth the monies planned on being spent. Will not make the differences you are hoping. Only students will benefit but they don't really spend their monies in the town, with exception to the pubs and clubs.

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This scheme does nothing that couldn't be achieved by just maintaining what's already there. Use the money for Covid recovery in the community

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Again how is this related to heritage and historical England? This is a waste of money from that pot of cash. Other projects that do preserve historical features would be more beneficial to the history of this market town. This project is predominantly for the benefit of the university disguised as a local improvement.

I don't think this will encourage visitors nor extra commerce that's significant. However it will make like easier for the students attending the university who live outside of walking distance.

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Overall I feel the opportunity to improve this much needed facility has been missed in this expensive proposal. More effort required to make the most of a rebuild.

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Happy with open space

Happy with toilets

Not happy with no enclosed area for travellers

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Need a cafe for people coming or departing from Ormskirk to rest whilst waiting for the bus, with signs displaying the bus has arrived and at which stand it will depart from.

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I am not sure how often I can say your plans are not suitable for Ormskirk. It will be interesting to see if you listen.

I think back to the Pagoda. You totally disrespected residents' opinions and went through with your own ideas. Another waste of money for a council that is supposedly short of cash.

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No point in asking as nothing will be listened to.

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Strongly support improvement of this key area. But see major flaw, ie absence of reference to historical aspects that form key part of overview. Also lack of link to a West Lancs Tourism Strategy that should be kickstarted by this development. Ormskirk has obvious basis to be a centre for history/heritage/environmental tourism. Visitor convenience and facilities are underprovided. Provide small visitor area in already planned toilet/facilities building, include seating, hot drinks/refreshments by vending machine, install wall mounted video monitor for visitor information including council messages, local services, safety information. Could be financed by local advertising. Consult local history/heritage/environmental societies for advice, support, maybe volunteers to lead walks from bus station.

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Needs to be customer focussed not design led.

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It is important not just to upgrade the centre but make sure there are walking and cycling routes leading into Ormskirk. The cycle lanes introduced temporarily recently failed to last the council too quick to listen to a few complaints from motorists.

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I think the public's money in regards to our small town can be spent much wiser, with a much better response from residents. I personally would propose a small business stimulus. Including reduced business rates for 12 months and rental help for 6 months post lockdown, to help revitalise the town's business who will in turn, using social media try their utmost to draw in visitors and boost our economy!

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Just satisfied. Could be improved with waiting room and travel information centre with hot drinks machine.

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While I can see merit in the proposals (albeit with the misgivings I have registered on previous screens) I am not convinced that the £3m spend is really worthwhile. We have a functional, though ugly, bus station. Retail in Ormskirk struggles to compete with out-of-town shopping centres. Better to subsidise parking.

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Anything that keeps heavy traffic away from Ormskirk Town Centre and ring-road and improves safety of cycling on our roads will have my enthusiastic support.

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The plan is nice but what about the tarmac in filler that make Church st, Moor st look so untidy. All that money spent doing it up and its not maintained properly, shame on the council for letting the workmen do that.

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Waste of public money, nothing wrong with how it is currently

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This needs more work. Bus users have downgraded shelter and cyclists can ride within the station for little purpose.

The cycle stand is a good idea in principle but the layout needs work.

A better use of money would be to replace the bus shelter building with something more modern adding new facilities and better shelter.

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A welcome to ormskirk sign...repair the roads and clear the gutters of weeds to help stop flooding.

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I don't believe that the new plans will improve safety for pedestrians or cyclists. The mini roundabout will be the source of many collisions and pedestrian RTC As I've already stated due to the late visibility of the crossing it will now be on St Helens Road.

I think the misguided thought that cyclist will use this New cycle path is impart a large waste of money cyclists already use existing road infrastructure to access the train station.

And overall fully consulted cycle plan for Ormskirk should be dealt with in a separate consultation as we have seen from the ones that were implemented in 2020 they had little to no impact on cyclists but had a greater impact on other road users creating longer waits.

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Don't understand why you think more people will come to Ormskirk as it looks "pretty " what is there for them to do .. have a coffee or go to a bar !

---

Appreciate the thinking around pedestrians, cyclists and open space/aesthetics. Struggling with plans for coaches on St Helens. The general one way system needs a big think, realise this plus the railway bridge being strengthened is beyond this scope, but hope there are similar public consultation.

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I would agree and be satisfied if you take my comments on board about disabled issues and bus drivers toilets.

The proposals are much improved from your previous plans.

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no where to sit and be dry where the bus station is, in the proposals Not good

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I am supportive of any move to increase cycle provision in the town, and would like to see more.

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Who drew up these plans? Will any amendments be made after this consultation?

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I agree with the proposals for St Helens road (with amendments to the pedestrian crossing as stated earlier)

However I disagree very strongly with the proposal to demolish the bus station without even considering making it work in its current form with alterations that I believe would cost considerably less than this new and unnecessary proposal.

No real consideration has been made to visitors public conveniences or coach parking, instead it's all for cyclists who will hardly use the path anyway.

In the current climate the funds would be better spent on enticing businesses to open shops in the town first before vistors will come.

The only facilities currently in the town centre are banks, charity shops and coffee shops - not exactly going to

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draw in the crowds.

Consider the fact that Ormskirk has seen investment over the last few years in reflagging of walkways etc, maybe funds should be given to help regenerate Skelmersdale which is in more need than Ormskirk currently is.

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Really think you are over estimating the cycle take up and giving them too much priority over pedestrians. Most edge hill students come from distance and have cars and cannot see that much take up of cycle route.

The Yew Tree Road closure is an example of things being done in the name of safety / promotion of town centre but do you ever see cyclists using it?

---

While I like some aspects of these plans (e.g. new cycle lanes), and I'm keen to see the back of the dilapidated old building / shelter, I don't feel these plans actually do a great deal to meet the objectives.

By removing the building and not replacing it with some sort of covered waiting area, you could make the case that the plans actually make things worse for passengers.

The disjointed cycle path also doesn't make sense to me - I'd instead like to see an unbroken cycle path leading through the bus station into St Helens Road.

I also suspect that these plans are less about improving the appearance of the area, and more about improving the flow of traffic around the one-way system with the removal of the traffic lights, and getting rid of a maintenance issue for the Council in the form of the old building.

I really hope some of my suggestions can be taken on board (e.g. electronic signage, CCTV / lighting, new waiting room and area incorporating tourist information / a shop or cafe, EV charging points, secure cycle storage etc) to genuinely improve the bus station, rather than simply putting in a bit of landscaping and a few new bus shelters, and removing the traffic lights.

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I feel as though if this is undertaken well and meets the objectives it will be a great opportunity for Ormskirk to 'put itself on the map' and encourages people to actively travel more than currently.

Events such as the twice weekly market and any festivals will be greatly attended by people that do not drive for whatever reason.

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something urgently needs to be do to improve this area, but it must be something more than just a bus stop/station. i feel that there has been little thought to up grade the whole area. the development of a small cafe area would be a start, even a small unit for a new start up venture would add colour, life to what is set out to be a deadly boring area,, you might as well be anywhere, nothing says this is Ormskirk. to my mind this plan for the bus area say no one really cares.ne

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I fully support the objectives of making Ormskirk a healthier, more attractive place for residents and visitors.

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Hopefully, a scheme of this scale gets appropriate attention and can be made really good - it is a central urban space with potential to become a useful community hub - but not cluttered

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It is important that cycles lanes do not impact negatively on traffic flow.

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Can't see the plans properly so don't understand what is actually proposed and cannot comment. I can read plans very well it is not my capacity to read plans but the inadequacy of those provided.

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No, the Councils are not addressing the major problems in the Town. Park road will remain congested ( backing up into St Helens road) and there are no measures to introduce traffic calming on roads requiring this solution. ie Ruff Lane and Green lane.

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## **New Bus Station Proposals**

Initial reaction to the plan.

It looks good, clean, tree lined rather more of a picture than a plan. I had difficulty in envisioning how it would fit into the use, which is made of bus stations by residents and visitors. There are no dimensions given. On an Ormskirk street map it is designated a “bus interchange.”

I agree with all the comments made by the Our West Lancashire Councillors.

Without the added facilities already suggested it will adversely affect sections of the residents and the public i.e. the elderly, disabled, and low income families, and those eligible for Now cards, which do not cover the more expensive rail travel. I am sure that the bus station is used by residents (in normal times) to travel further afield.

I certainly approve of the need to encourage cycling but I am concerned that the introduction of cycling lanes leading to the town centre will impinge on pedestrians.

I believe that when commenting on the plan further reading of Ormskirk Eastern Gateway, and consideration of the future proposed Ormskirk Strategies, is necessary to make informed comments.

I see a vague circle at the base of the plan. Does this represent a mini roundabout which will have to cope with large buses entering the bus station and vehicles entering the car park from Stanley street and Wigan road? The instillation of a mini round about at this point does not give me confidence from the experience of living close by such a junction or is this taken care of by Phase one and the County Council scheme?

At the above point I do not find the route of the traffic clear, nor whether the semi circle path within the bus station site on the left adjacent to the trees is a foot path or a cycle path. It is almost at one point very close to what I believe to be railway road where Moor street turns into it, or does the traffic stop there because it is not just a bend it's a right angle. “pedestrian safety is a priority” for which I am very pleased.

The suggestion of a small shop could also provide a venue for forthcoming events and timetables. Not every one has the means to access high tech. There used to be an information desk situated there.

## WLBC ORMSKIRK EASTERN GATEWAY – CONSULTATION

After consultation with our members New Ormskirk Residents Group (NORG) would like to make the following comments. Moor Street Public realm, Bus Station, Junction Moor St/St Helens Rd., Junction Ruff Lane/St Helens Rd, option developments for Ruff Lane form the published list making the subsections of the overall project, however we note that public comment has not been invited on the Ruff Lane proposals. As all the subsections are interlinked and give the project its entirety we will comment on all subsections. As a general comment we note the projected cost and have concerns about current and predicted cycle use to justify this cost. As a group we would like to see the assessment of how the current exceptionally low cycle usage in this area will increase as a result of the construction of dedicated cycleways. Also are we correct in assuming section 106 EHU monies will be allocated specifically as designated ?

### Moor Street Public Realm.

NORG welcomes any improvement to the street scene in terms of additional seating, litter collection, paving and greenery. This will only enhance the entrance to the central area from the bus and train stations. We feel that the issue of waiting taxis around the Moor St/ Railway Rd junction should be addressed, perhaps with specific taxi bays here or on the nearby car park. Idling taxis are not only an eyesore but a pollution hazard.

### Bus Station

Firstly we note that proposals state that the demolition of the present building to create a new cycle route between the railway station and town centre will attract more people to the town and help support local business. As a Residents Group we would like to see and understand the data on the expected increase in the use of cycles by train passengers that justifies this conclusion. Proposals to improve the appearance with landscaping are to be welcomed – giving as it does, first impressions to visitors. However, our members feel a number of issues have been overlooked. At each bus stand we would like to see more substantial and visibly acceptable shelters and some seating. With the removal of the present brick built shelter, we would like to see a substantial building to accommodate those with longer waits – seating, vending machines for snacks, WiFi, - such provision would be in line with the stated objective of improving and modernising the bus station. Without such additions, improvements and modernisation will not be met.

### Moor St/St Helens Rd junction.

The plans for the mini roundabout at this location with the controlled pedestrian crossing are welcome and look to be a considerable improvement on the current traffic light controlled junction with no dedicated pedestrian crossing. Our only concern here is the uncontrolled crossing and the cycle route are in the position which now sees taxi waiting – see above.

Ruff Lane/ St Helens Rd junction.

The Residents Group has already written at length to Lancs CC about this junction. We were dismayed on reading the inadequate risk assessment for this change as it gave no consideration at all to the knock on effect at the Knowsley Rd/St Helens Rd junction, as now vehicles – and there are many – travelling from town to access Ruff Lane and the hospital and University rear entrances have to make a left turn around a very tight angle into Knowsley Rd, often coming face to face with Knowsley rd traffic as the vehicles have to swing into the centre of the road to avoid vehicles parked in the permitted bays along by the Park. This whole junction needs careful monitoring.

Ruff Lane options

The two options proposed are speed cushions and cycle bypass priority chicanes. Problems in this road between the university rear entrance and Knowsley road are speeding vehicles and parking in chicanes some of which result in restricted visibility and queuing. Of the two options it is felt that speed cushions would give the most benefit together with revoking lengths of long duration parking to reduce speeding and to make for safer travel for the occasional cyclist. However there is a concern that this may lead to parking on the verges which would need addressing along with the present poor state of the verges, which need to be looked at in line with the values of Conservation area status. NORG WILL COMMENT FURTHER ON RUFF LANE IF REQUIRED.

### Appendix 3: Analysis of Additional Comments

Additional Comment	Council's Initial Response
Objective 1: to create a more attractive and visually appealing town centre	
<p>The provision of waste bins, seating and lighting is imperative.</p> <p>A preference to replicate the existing paving materials in Moor Street, preferably non-slip.</p> <p>Regular cleaning, including the removal of chewing gum and sensitive maintenance with any repairs or other works being made good using the natural stone rather than tarmac.</p> <p>New tree planting with some respondents requesting locally sourced, semi mature, native species.</p> <p>The St Helens Road/Moor Street/Wigan Road junction: will replacing the traffic lights with a mini roundabout improve or worsen traffic congestion and therefore air quality? In addition, a number of respondents have expressed concern at the pedestrian crossing arrangements at this junction.</p> <p>The ability to temporarily limit access to Moor Street is generally supported although one respondent expresses concern that this will force traffic around the one way system, thereby increasing congestion.</p> <p>The provision of cycle lanes receives a</p>	<p>This is recognised and an appropriate level of provision will be made.</p> <p>As natural materials are being used it may not be possible to procure an exact match, but a sensitive approach will be adopted, especially bearing in mind the Heritage Action Zone status.</p> <p>Although this is outside the remit of the procurement works, the comments are noted.</p> <p>These comments will be passed on to the design team.</p> <p>Traffic modelling shows that the provision of this roundabout, alongside other improvements should not increase congestion. However, this comment will be passed on to the highways design team.</p> <p>This comments will be passed on to the highways design team.</p>

mixed reaction. Whilst some respondents support their provision, others suggest that they will be little used, and will only add to congestion.

Respondents generally accepted that the existing bus station building is outdated but there is a strong feeling that if demolished, then a substantial shelter with seating needs to be provided. In addition, there is clear support for replacing the toilets if the current building is demolished. Some respondents have also asked for a café and information centre be provided at the bus station.

A small number of respondents suggest that no changes are necessary with others suggesting that the proposals are "a waste of money" with the finances being better spent on supporting small businesses and investment to help tackle the issues arising from COVID 19.

West Lancashire Borough Council is committed to support the delivery of new cycle infrastructure to help reduce carbon emissions and support the shift towards sustainable means of transport and to improve health. It is expected that the provision of this new infrastructure should help support that modal shift and will increase usage of cycling. However, traffic modelling provided by LCC shows that overall there should be no increase in congestion.

The current proposals include provision for replacement toilets. Individual shelters will be provided at each bus station to provide cover from the elements. Unfortunately, much of the current building is underused and there is no funding for a new information centre, which was closed a number of years ago. There has been little demand for a café or other kiosks on the bus station site but the Council would be open to discuss any future approach or proposal for additional amenities such as coffee kiosk, information centre or other facility.

The funding to deliver these schemes comes from a variety of sources including S106 agreements, Community Infrastructure Levy, Local Transport Plan 3 money, as well as Heritage Action Zone funding. As such there are requirements on what the funding can be used for which would limit its use. It is intended that the proposed improvements can support the long term viability and attractiveness of Ormskirk town centre and West Lancashire generally. Although the funding is limited, these comments will be passed on to the design team. In particular, it will not be possible to

	<p>reallocate these monies for a business support scheme.</p>
<p>Objective 2: To encourage walking and cycling to improve the health of residents and to improve air quality.</p>	
<p>Many respondents expressed the view that the provision of additional cycle Lanes would not increase levels of cycling but would simply lead to increased traffic congestion and an associated deterioration in air quality.</p> <p>Some respondents supported the narrowing of St Helens Road whilst others expressed serious concerns at the impact this would have on traffic congestion and air quality.</p> <p>Replacing the traffic lights with a mini-roundabout at the St Helens Road/Moor Street/Wigan Road junction generated particular concerns on buses being able to negotiate the mini-roundabout and on possible confusion needing to an increased risk of collision.</p> <p>Some respondents asked for a controlled pedestrian crossing from the bus station to St Helens Road to be considered.</p> <p>With regard to the proposed cycle path through the bus station from Wigan Road/Moor Street linking with the path to the railway station, concerns were expressed about the conflict between pedestrians and cyclists in this area and how cyclists would negotiate their way to St Helens Road.</p> <p>One respondent also suggested providing electric vehicle charging</p>	<p>The Council is committed to delivering safe cycling infrastructure which should increase usage, reducing congestion in the long term and improving air quality.</p> <p>Traffic modelling does show that this proposal alongside other improvements should not increase congestion. However, these comments will be passed on to the highways design team. LCC will consider if air quality monitoring is necessary</p> <p>These comments will be passed on to the highways design team.</p> <p>These comments will be passed on to the highways design team. However appropriate crossings are already included within the proposals</p> <p>These comments will be passed on to the highways design team. However the cycle paths have been designed to be largely segregated from pedestrians and to include safe crossing point to access St Helens Road.</p> <p>The funding for the proposed</p>

<p>points in the car park.</p> <p>A number of respondents suggested that investment in high quality cycle hubs/storage facilities is needed to encourage more cycling.</p> <p>It is claimed by some that the "pop up" cycle lanes in 2020 were little used.</p> <p>The value for money aspects were raised by a small number of respondents, with some asking whether or not the project needed to proceed at all.</p>	<p>programme of works has been compiled from a number of different capital allocations. This means there is limited scope on how the money can be spent. The council will explore other funding opportunities for the provision of electric vehicle charging points</p> <p>These comments will be passed on to the design team</p> <p>These comments will be passed on to the highways design team. However the particular issues learnt from the pop up cycle lanes have helped inform the permanent design.</p> <p>The funding to deliver these schemes comes from a variety of sources including S106 agreements, Community Infrastructure Levy, Local Transport Plan 3 money, as well as Heritage Action Zone funding. As such there are requirement on what the funding can be used for which would limit its use.</p>
<p>Objective 3: To improve and modernise the bus station.</p>	
<p>Whilst there is considerable, but not unanimous support for demolishing the bus station building, a large number of respondents make the point that there needs to be a substantial sheltered area, preferably heated with wi-fi and either information boards or an information centre and possibly a café.</p>	<p>The current proposals include provision for replacement toilets. Individual shelters will be provided at each bus station to provide cover from the elements. Unfortunately, much of the current building is underused and there is no funding for a new information centre, which was closed a number of years ago. There has been little demand for a café or other kiosks on the bus station site but the Council would be open to discuss any future approach or proposal for additional</p>

<p>Concerns were expressed at the security of the proposed toilet block on the eastern side of the bus station, and indeed the security of passengers using stands on that side of the bus station.</p> <p>A number of respondents make the point that secure cycle store is facilities and are essential and also pointed out that the temporary bus stops in St Helens Road could cause a conflict with cyclists.</p> <p>It is also pointed out the bus is leaving the bus station heading east toward Skelmersdale have to make a difficult manoeuvre and that this should be resolved as part of the works.</p> <p>The value for money aspects were raised by a small number of respondents, with some asking whether or not the project needed to proceed at all.</p>	<p>amenities such as coffee kiosk, information centre or other facility.</p> <p>The comments are noted and it is proposed that this part of the site would be monitored by CCTV.</p> <p>These comments will be passed on to the design team. Traffic modelling shows that the St Helens Road proposal alongside other improvements should not increase congestion.</p> <p>This comment will be passed on to the highways design team</p> <p>The funding to deliver these schemes comes from a variety of sources including S106 agreements, Community Infrastructure Levy, Local Transport Plan 3 money, as well as Heritage Action Zone funding. As such there are requirement on what the funding can be used for which would limit its use.</p>
<p>Objective 4: Overall are you happy with the objectives of the Ormskirk Eastern Gateway?</p>	
<p>The value for money aspects were raised by a significant number of respondents, with some asking whether or not the project needed to proceed at all. A number of respondents suggested that the money could be better spent on supporting local businesses and in addressing the impacts of COVID 19.</p>	<p>The funding for the proposed programme of works has been compiled from a number of different capital allocations. This means there is limited scope on how the money can be spent. In particular, it will not be possible to reallocate these monies for a business support scheme.</p>

There was a mixed response to investment to encourage cycling. Some are highly supportive and others dismissive.

There is strong support for replacing the toilet provision and for providing a high quality bus waiting area.

West Lancashire Borough Council is committed to support the delivery of new cycle infrastructure to help reduce carbon emissions and support the shift towards sustainable means of transport and to improve health. It is expected that the provision of this new infrastructure should help support that modal shift and will increase usage of cycling.

The current proposals include provision for replacement toilets. Individual shelters will be provided at each bus station to provide cover from the elements. Unfortunately, much of the current building is underused and there is no funding for a new information centre, which was closed a number of years ago. There has been little demand for a café or other kiosks on the bus station site but the Council would be open to discuss any future approach or proposal for additional amenities such as coffee kiosk, information centre or other facility.

## Appendix 4 – Cost and Funding Sources

	Costs	Funding Gap	Funding	
Phase 1 St Helens Road / Ruff Lane	£253,907	£0	£103,860	S106 Monies 2009/1052/FUL
			£150,047	LTP Monies for Edge Hill Cycle Link
Phase 2A Moor St (Pedestrianised area)	£268,288	£0	£185,000	WLBC Capital Funding for Moor Street
			£83,288	Ormskirk HAZ Funding
Phase 2B Moor St (West)	£119,390	£119,390		
Phase 3 Bus Station	£1,472,346	£634	£990,000	LTP Monies for Ormskirk Bus Station
			£481,712	Ormskirk HAZ Funding
Bus Station Enhancement	£170,000	£170,000	£0	
Phase 4 Moor St (East) / St Helens Road	£799,077	£401,644	£279,480	S106 Monies 2011/1079/FUL
			£117,953	LTP Monies for Edge Hill Cycle Link
	<b>£3,083,008</b>	<b>£691,668</b>	<b>£2,391,340</b>	



## **Appendix 5: Minute of the Executive Overview and Scrutiny Committee Meeting 28<sup>th</sup> January 2021.**

Consideration was given to the report of the Corporate Director of Place and Community as contained on pages 435 to 448 of the Book of Reports, which presented the plans prepared for the Ormskirk Eastern Gateway in partnership with Lancashire County Council, and to seek the Committees comments on the proposals for feedback to Cabinet alongside the public consultation.

The Strategic Planning, Regeneration & Implementation Manager outlined the report and presented plans detailed at (Appendix A). He gave an overview of the four different phases of the Ormskirk Eastern Gateway. He also provided a demonstration of the on line Consultation on the Council website.

Questions and comments were raised in respect of:-

- Improve cycling and walking links to Edge Hill University
- Create a visually appealing Town Centre
- Engagement with bus users with no digital means
- Posters displayed in Bus Station / call or write to team to engage in consultation
- WLBC Social media/ Champ website
- Rest room at Bus Station

**RESOLVED:** That Executive Overview & Scrutiny Committee fully support the proposals to Cabinet and encourage the public to take part in the Council's Consultation and also thank Lancashire County Council for their participation and partnership in the Ormskirk Eastern Gateway Scheme.



## Equality Impact Assessment Form



<b>Equality Impact Assessment Form</b>	
<b>Directorate: Place and Community</b>	<b>Service: Strategic Planning Regeneration &amp; Implementation</b>
<b>Completed by: Peter Richards</b>	<b>Date: 23<sup>rd</sup> February 2021</b>
<b>Subject Title: ORMSKIRK EASTERN GATEWAY PROJECT</b>	
<b>1. DESCRIPTION</b>	
Is a policy or strategy being produced or revised:	No <span style="float: right;"><i>*delete as appropriate</i></span>
Is a service being designed, redesigned or cutback:	No
Is a commissioning plan or contract specification being developed:	Yes
Is a budget being set or funding allocated:	No
Is a programme or project being planned:	Yes
Are recommendations being presented to senior managers and/or Councillors:	Yes
Does the activity contribute to meeting our duties under the Equality Act 2010 and Public Sector Equality Duty ( <b>Eliminating unlawful discrimination/harassment, advancing equality of opportunity, fostering good relations</b> ):	Yes
Details of the matter under consideration:	Proposals developed between WLBC and LCC to improve the eastern gateway to Ormskirk including providing an upgraded bus station, new cycle links and an improved public realm
<i>If you answered <b>Yes</b> to any of the above go straight to Section 3</i>	
<i>If you answered <b>No</b> to all the above please complete Section 2</i>	
<b>2. RELEVANCE</b>	
Does the work being carried out impact on service users, staff or Councillors (stakeholders):	Yes <span style="float: right;"><i>*delete as appropriate</i></span>
If <b>Yes</b> , provide details of how this impacts on service users, staff or Councillors (stakeholders): <i>If you answered <b>Yes</b> go to Section 3</i>	The proposals will improve accessibility to and through the town centre for all stakeholders including those using sustainable means of transport, as well as those with disabilities. The proposals will also improve the appearance of Ormskirk and improve its historic setting. These improvement should encourage more residents/visitors to come into the town

	centre helping to sustain town centre businesses as well as supporting active lifestyles through improved walking and cycling links.
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)?	The public who visit, use or live in the town centre, students and staff travelling to and from Edge Hill University, public transport providers and business in the town centre.
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)?	The proposed improvements should improve accessibility into the town centre for all users and in particular improving access for the disabled.
Which of the protected characteristics are most relevant to the work being carried out?  Age Gender Disability Race and Culture Sexual Orientation Religion or Belief Gender Reassignment Marriage and Civil Partnership Pregnancy and Maternity	<i>*delete as appropriate</i>  Yes No Yes No No No No No No No
<b>4. DATA ANALYSIS</b>	
In relation to the work being carried out, and the service/function in question, who is actually or currently using the service and why?	The town centre, carpark, bus station is used by members of the public, visitors, businesses and students travelling to and from Edge Hill University.
What will the impact of the work being carried out be on usage/the stakeholders?	The proposal should increase the use of the town centre by all stakeholders which should help support town centre businesses. By improving cycle links health and air quality should be improved. By improving cycle links to Edge Hill University congestion in Ormskirk should be reduced.

	The proposed public realm improvements should improve accessibility for those with disabilities.
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?	<p>These proposals should be seen as positive as they are improvements to areas that will require substantial maintenance in the coming years. However the delivery of any such works will impact upon accessibility during the construction phase. To reduce this impact development will be phased and critical works on Moor Street will be delivered at a time to reduce the impact upon business. Communication will also be critical to ensure stakeholders are fully informed.</p> <p>Similarly whilst the bus station refurbishment is taking place it will be important to ensure that public transport provision is maintained so temporary bus stops will be need to be used.</p>
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?	<p>Consultation has taken place with business and members of the public in relation to improvements to the pedestrianised part of Moor Street. Officers consulted with representatives of Galloways a sight loss charity and proposals have been discussed with members of the Ormskirk Town Centre management Group. Further consultation will be required as part of the wider proposals.</p> <p>Discussions have also taken place with bus providers.</p> <p>The recent public consultation on the OEG project showed broad support for the proposals.</p>
If any further data/consultation is needed and is to be gathered, please specify:	Additional consultation will take place with the public, businesses and University. A wider consultation on all proposals will take place.
<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	The proposals will have a positive impact upon all with protected characteristics in terms of improving accessibility.

disproportionate impact)?	The proposals do include the removal of the existing changing places facility at the bus station site. However we believe that this facility is currently not used and an alternative improved facility will be provided in the new Ormskirk leisure centre/health and wellbeing hub.
<b>6. CONSIDERING THE IMPACT</b>	
If there is a negative impact what action can be taken to mitigate it? (If it is not possible or desirable to take actions to reduce the impact, explain why this is the case (e.g. legislative or financial drivers etc.).	There may be a negative impact for a temporary period whilst construction work is taking place on things such as access. However, we will ensure that LCC provide alternative, appropriate provision and appropriate diversions are in place.
What actions do you plan to take to address any other issues above?	Further liaison will need to take place with LCC and relevant representation groups as proposals are developed.  <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?	The proposals shall be under constant review by officers until the developments are complete.



**CABINET: 9 MARCH 2021**

**EXECUTIVE OVERVIEW &  
SCRUTINY COMMITTEE: 25  
MARCH 2021**

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**Report of: Corporate Director of Place and Community**

**Relevant Portfolio Holder: Councillor Ian Moran / Councillor David Evans**

**Contact for further information: Mr Peter Richards**

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**SUBJECT: ORMSKIRK TOWN CENTRE STRATEGY ACTION PLAN UPDATE  
2021-2026 AND THE HERITAGE ACTION ZONE PROGRAMME**

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Wards affected: Ormskirk Ward(s)

## **1.0 PURPOSE OF THE REPORT**

- 1.1 To outline and inform members regarding the details of the Action Plan for 2021 - 2026 in relation to Ormskirk Town Centre and to update Cabinet on the progress of the Heritage Action Zone (HAZ) project and how this project will assist with the recovery and regeneration efforts for the town centre.

## **2.0 RECOMMENDATIONS TO CABINET**

- 2.1 That the Ormskirk Town Centre Strategy Action Plan 2021-2026 be considered and approved by Cabinet.
- 2.2 That the ongoing work on regeneration plans for Ormskirk Town Centre as proposed in the Heritage Action Zone (HAZ), that is included within the Town Centre Strategy Action Plan, be noted.

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

- 3.1 That the agreed comments of the committee on the Ormskirk Town Centre Strategy Action Plan 2021-2026 be considered by the Corporate Director of Place and Community, in consultation with the Portfolio Holder for Planning, before taking the Action Plan forward.

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#### **4.0 ORMSKIRK TOWN CENTRE ACTION PLAN 2021 - 2026**

- 4.1 The Ormskirk Town Centre Strategy Action Plan 2021-2026 follows the adoption of the Ormskirk Town Centre Strategy 2015-2020 in September 2015, and as agreed by Cabinet, an Ormskirk Town Centre Management Group was established.
- 4.2 In 2020 Ormskirk town centre was successfully awarded High Street Heritage Action Zone funding by Historic England to help deliver improvements to the high street utilising Ormskirk's heritage. This funding (£755,000) was supported by match funding provided by WLBC and Lancashire County Council (£1.9m) which was allocated to deliver improvements within Ormskirk town centre. This updated action plan seeks to link with and build upon the HAZ programme. It is hoped this new vision and proposed significant level of investment can act as a crucial intervention and help deliver confidence that Ormskirk town centre can move beyond the COVID 19 pandemic and prosper in the medium to long term.
- 4.3 Seven key action areas have been included within the updated action plan which will work in combination to continue to progress improvements within Ormskirk town centre. These are Brand, Marketing and Town Centre Management, Heritage & Culture, Ormskirk Market, town centre car parks, transport and access, night time economy and monitoring and review.
- 4.4 Branding for Ormskirk town centre will be developed to build a sense of identity for the town centre. This could be achieved by building upon the heritage of the town and communicating via a robust marketing strategy communicated both locally and further afield.
- 4.5 Liaising with the Town Centre Management Group and the newly formed Cultural Consortium (which includes Ormskirk Community Partnership, Positive Placemakers Community Interest Company, Chapel Gallery, Edge Hill University and Ormskirk and District Family History Society) a series of cultural events are to be delivered both within the town centre and online. These events are to be designed to encourage engagement with all and raise the profile of Ormskirk to help increase footfall.
- 4.6 To help fund town centre improvements funding streams will continue to be identified to ensure any schemes are financially viable. Potential schemes to be prepared to ensure shovel ready projects can be used when grant funding becomes available.
- 4.7 A full appraisal of the Ormskirk Town Centre Conservation Area will be undertaken to provide information on physical assets and their historical significance. All projects undertaken will be, where applicable, discussed with Historic England and advice will be sought to ensure that Ormskirk's heritage is safeguarded and, where possible, enhanced.

- 4.8 As part of the HAZ a number of improvements to the public realm will be delivered over the four year programme to 2024. These include the Ormskirk Eastern Gateway, Moor Street and Wheatsheaf Walk. These projects aim to improve the appearance of this important gateway, enhance accessibility in to the town centre and provide public areas which can be used to increase dwell time in the town centre (i.e. the amount of time they spend in the town centre).
- 4.9 As part of the HAZ a programme of events will take place to deliver events which celebrate Ormskirk's heritage. These will be facilitated in partnership with the Cultural Consortia and partners such as the Chapel Gallery and community groups.
- 4.10 The appearance and stall layout of Ormskirk Market will continue to be improved to ensure the market operates alongside businesses and increase visitors to the town centre. New traders will be encouraged to operate at Ormskirk Market, thus increasing stall numbers and providing a wider range of commodities which will enhance the sustainability of the market. The feasibility of artisan and specialist markets will also be explored to either enhance the offer on regular market days or to operate on additional days to increase footfall levels in the town centre.
- 4.11 The overall use of the land area of the car parks will be investigated to ascertain whether further other services can be installed. Examples of such services could be parcel collection lockers or valeting, potentially raising revenue for the Council and helping our businesses adapt to changing consumer behaviour of shopping online.
- 4.14 The installation of additional electronic vehicle charging points within town centre Council car parks will also be enabled, helping to support the Council's commitment to reducing climate change and improving air quality. This will build upon the funding secured to install twelve electronic vehicle charging points located within three town centre car parks (four charging points in each) to be installed by April 2021.
- 4.15 The installation of additional contactless methods for purchasing car parking tickets to be investigated. This may include payment via smart phone application.
- 4.16 The Ormskirk Eastern Gateway project will enhance transport and access which will link the railway station to the bus station at the eastern approach to the town centre. The project will improve the link to St Helens Road and the town centre. Cycle routes will be made safer and physically improved to help link the railway station to the bus station and Edge Hill University. This scheme should deliver significant physical and visual improvements helping to draw people into the town centre using sustainable transport.
- 4.17 Projects to enhance the public realm to assist the further development of the night time economy will include a landscaping scheme at Wheatsheaf Walk and lighting enhancements in Church Street.

- 4.18 Continued collation of footfall and property vacancy data will help to monitor and review actions taken to improve the town centre. Liaison and consultation with town centre businesses will also help to ensure that any planned projects will help to make businesses more resilient, create a vibrant place and attract further investment within the town centre environment.

## **5.0 NEXT STEPS**

- 5.1 It is evident that Ormskirk town centre is in an extremely challenging period generally and that the COVID-19 pandemic has had, and will continue to have an impact upon it. However, the town centre has fared better than many other town centres during the pandemic and there are many reasons to be optimistic for Ormskirk town centre and, in the short to medium term, Ormskirk is well positioned as a retail/leisure destination in the post COVID-19 world.
- 5.2 With regards to safe transport access Ormskirk is also well positioned with new cycle routes currently in development. Officers at both Lancashire County Council and West Lancashire Borough Council have been working on a number of proposals to improve cycle infrastructure in Ormskirk, with the Ormskirk Eastern Gateway proposals being a key part of this.
- 5.3 Given officers at Lancashire and West Lancashire have already been working collaboratively on a number of transport and public realm related schemes to deliver much needed improvements, supported by a successful Heritage Action Zone bid and effective leadership from Town Centre Management Group, Ormskirk Town Centre is in a strong position to survive in the short term and ultimately grow and prosper in the medium to long term.
- 5.4 As the recovery phase continues, it will be extremely important to use all available means to understand the new baseline position, sustain it and grow as appropriate. Officers will also continue to monitor and apply for all relevant funding streams that could assist with recovery efforts and deliver our aspirations for the future.
- 5.5 Officers will bring an update on progress with the Town Centre Strategy Action Plan 2021-2026 to Cabinet each year, to enable any necessary modifications to the Action Plan to be considered.

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

- 6.1 There are no significant sustainability impacts associated with this particular report and, in particular, no significant impact on crime and disorder. The report has no significant links with the Sustainable Community Strategy. However, by implementing the Ormskirk Town Centre Strategy and encouraging businesses to be engaged in its delivery, there are additional benefits that may include increased footfall into the town centre and the economic impacts this would in turn generate.

## **7.0 FINANCIAL AND RESOURCE IMPLICATIONS**

- 7.1 There are financial and resource implications arising from this report in respect of the cost of delivering proposals submitted as part of the Council's Heritage Action Zone programme, and Officer resources to help deliver those programmes. However, funding identified as match to support the Heritage Action Zone bid has already been allocated for individual projects from WLBC and LCC and the additional funding provided from the HAZ funding will help improve the quality and amount of proposals being brought forward.
- 7.2 Officers will continue to monitor all funding streams made available by the Government and others to investigate if they are appropriate and could be utilised to help with recovery efforts and to generally improve Ormskirk town centre.

## **8.0 RISK ASSESSMENT**

- 8.1 The actions referred to in this report are covered by the scheme of delegation to officers and any necessary changes have been made in the relevant operational risk registers.
- 8.2 There is the risk that projects which require materials that need to be imported from outside of the United Kingdom may need additional financial resources following United Kingdom's exit from the European Union. Goods may be more expensive due to being subject to import taxes/levies and, as a result, increase the costs of projects.
- 8.3 There may be a need to use materials sourced from within the United Kingdom which would negate the risk of leaving the European Union.
- 8.4 The continued COVID-19 pandemic will increase labour costs due to revised working practices including social distancing. This will lead to projects also potentially taking longer to complete on site to ensure a safe working environment for project staff and the public and businesses in the town centre.
- 8.5 The risks associated with the COVID-19 pandemic will not have been included in previous financial forecasting of projects as this was an unforeseen event. The pandemic will have a substantial impact upon contractors' costs and increase timescales which will need to be considered to ensure minimal disruption to town centre businesses.
- 8.6 To minimise the associated financial risks of projects being over the forecast, Council Officers will investigate with partners the likelihood of any increased financial assistance.

## **9.0 HEALTH AND WELLBEING IMPLICATIONS**

- 9.1 The proposals contained within this report should help support the development of the town centre helping to increase access for all to essential services and leisure facilities. The proposals will also help support active lifestyles and positive mental health.
- 

### **Background Documents**

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

### **Equality Impact Assessment**

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

### **Appendices**

Appendix A – Review of Ormskirk Town Centre Strategy Action Plan 2021-2026

Appendix A Review of Action Plan 2021-2026

Key Action Area	Action Point 2021-2026	Key Delivery Partner	Estimated Timescale
Brand, Marketing and Town Centre Management	The Ormskirk Town Centre Management Group will continue to provide leadership and engage with different town centre stakeholders. Further engagement with businesses is required to assist with the economic recovery and growth. In particular it will be important to work with Historic England to fully capitalise on the Ormskirk Heritage Action Zone.	Town Centre Management Group	Ongoing
	As part of Ormskirk's Heritage Action Zone firmly establish a cultural consortia made up of cultural, arts and community organisations to encourage residents and visitors to enjoy Ormskirk's unique high street.	Ormskirk Cultural Consortia	2021
	Develop a new marketing strategy for Ormskirk to help ensure Ormskirk is well positioned for changing consumer/visitor behaviour. In particular investigate opportunities for marketing Ormskirk to the neighbouring conurbations of Merseyside, Greater Manchester. Continued marketing of Ormskirk to people in relatively close proximity to the	WLBC	2021-2022

Key Action Area	Action Point 2021-2026	Key Delivery Partner	Estimated Timescale
	town centre via shop local communication. Continue to have, and develop, the Ormskirk ambassadors team as key on-street communicators providing assistance to visitors to the town centre.	WLBC/Community Ambassadors	2021-2022
	Continue to monitor all funding streams that could be used to assist with improving Ormskirk town centre, including investigating cultural grants which could be utilised by members of the cultural consortia as well as any funding to help deliver shelf-ready projects.	WLBC	Ongoing
	Engagement with wider attractions and stakeholders to support the visitor economy. This will include supporting and engaging with Lancashire's bid for County of Culture in 2025.	WLBC/Town Centre Management Group	2021-2025
	To assist with business resilience it will be important to support businesses use of technology such as click and collect/online ordering and shared town centre websites.  Development of a town centre gift card for Ormskirk to encourage increased spend	WLBC/TCMG/Contractor	Ongoing

Key Action Area	Action Point 2021-2026	Key Delivery Partner	Estimated Timescale
	within the town centre. This would build upon the loyalty base already in place and help the resilience of town centre businesses.	WLBC/TCMG	2022
	Utilising heritage projects as part of HAZ build upon Ormskirk's heritage, including the Warhorse and Gingerbread links. This would help to ensure Ormskirk remains an attraction and is promoted by both Visit Liverpool and Lancashire.	WLBC/TCMG	2021-2023
	Continue to work with partners to ensure a range of appropriate events takes place to encourage visitors to the town centre as well as raising the profile of the town.	WLBC/TCMG	2022-2026
Heritage & Culture  (Buildings and Place)	Undertake an update of the Ormskirk Town Centre Conservation Area Appraisal.	WLBC	2021
	Work with Historic England to ensure that improvements to the town centre are delivered in a way that enhances the historic qualities of Ormskirk.	WLBC/LCC	2021-2023
	Deliver a series of physical improvements	WLBC/LCC/OTCMG/Historic	

Key Action Area	Action Point 2021-2026	Key Delivery Partner	Estimated Timescale
	<p>to improve the public realm considered as part of the HAZ programme including:</p> <p>A) Public realm improvement scheme within Wheatsheaf Walk</p> <p>B) Establish pop up shops in vacant units</p> <p>C) Alleyways and ginnels enhancement scheme</p> <p>D) Develop proposals to improve Ormskirk's Eastern Gateway including improving Moor Street, redeveloping Ormskirk Bus station and better linking the Chapel Gallery and St Helens Road to the town centre.</p> <p>E) The delivery of a lighting scheme along Church Street to link the historic clock tower and Parish Church.</p>	England	<p>2021</p> <p>2021</p> <p>2022</p> <p>2021-23</p> <p>2022</p>
	<p>Further establish arts and culture within Ormskirk by delivering:</p> <p>A) Programme of events to extend activity from the Chapel Gallery to the town centre including a grant programme.</p> <p>B) Community engagement and delivering a heritage programme.</p> <p>C) A virtual museum and gallery to help bring arts and culture to residents and to be available to a range of groups.</p>	WLBC/Cultural Consortia/TCMG	<p>2022</p> <p>2021-2023</p> <p>2022</p>

Key Action Area	Action Point 2021-2026	Key Delivery Partner	Estimated Timescale
	Continue to monitor and asses if any suitable opportunities exist to purchase land or property in Ormskirk, if a positive business case can be made, including exploring all opportunities to work with OPE, Homes England and Historic England to facilitate any further improvements in the town centre.	WLBC	2021-2026
	Develop shelf-ready proposals to further improve areas of Ormskirk town centre to take advantage of funding opportunities as soon as they become available.	WLBC/LCC	2021-2023
	Work with developers and landowners to bring forward development sites and ensure that design is of the highest quality which respects, and where possible, enhancing the historic character of Ormskirk Town Centre.	WLBC	Ongoing
Ormskirk Market	Continue to work on the layout of the stalls in the market which will work	WLBC WLBC/Night-time economy businesses	

Key Action Area	Action Point 2021-2026	Key Delivery Partner	Estimated Timescale
	<p>effectively for both the market traders and town centre businesses. Continue to ensure that town centre businesses can function effectively on market days and can be seen.</p> <p>Look to enhance the range of commodities available for sale at Ormskirk Market to ensure increased footfall levels.</p> <p>Investigate opportunities to encourage new traders to attend the market, potentially through short-term reduced start-up costs to encourage new traders to become permanent licensed traders.</p> <p>Encourage all traders to enhance the appearance of their stall/s. This may include a small investment in stalls sheeting and sidewalls where traders do not use gazebos.</p> <p>Investigate if an additional niche, specialist market could help to support and enhance the Saturday Market.</p> <p>Investigate the opportunity to hold night markets within the town centre to help to support the night-time economy and increase footfall during the early evening.</p>	<p>WLBC/Contractor</p>	<p>2021-2022</p> <p>2021-2022</p> <p>2022</p> <p>2022</p> <p>2022</p> <p>2021-2022</p>

Key Action Area	Action Point 2021-2026	Key Delivery Partner	Estimated Timescale
	Investigate the opportunity to hold Artisan Markets on Sundays. Such markets to be held monthly and procured by WLBC contracting, raising revenue for WLBC.		2021-2022
Car Parks	In the short term, it is important to ensure that car parks re-open safely to support town centre recovery efforts and particularly as car travel is seen as relatively safe whilst current advice is to avoid public transport were possible.	WLBC	2021
	In the medium term, it will be important to ensure that our car park provision is considered as part of the wider transport network within Ormskirk and that provision is included within our car parks for EVR points. Monitor any opportunities for funding to help provide additional EVR points.	WLBC	2022
	In the medium term, need to investigate the cost of implementing contactless payment systems for the sale of parking tickets in the car parks. This includes payment via smart mobile phone applications to provide a further method of contactless payment.	WLBC/Contractor	2022-2023
	In the long term, it will be important to		

Key Action Area	Action Point 2021-2026	Key Delivery Partner	Estimated Timescale
	ensure car park provision reflects changing behaviour. It may be appropriate that click and collect bays are fitted in Council car parks, for example, or car parking spaces are given over for other temporary uses such as car washes, automobile repair for example helping to generate an income for the Council.	WLBC	Ongoing
	Town centre car parks are currently in a good condition, however, it will be important to monitor their condition and implement a rolling period of refurbishments as required.	WLBC	Ongoing
Transport and Access	<p>In the short term, as part of the COVID-19 response, work with Lancashire County Council to consider temporary widening of some key footways to assist with safe access into and out of the town centre as well as other areas.</p> <p>Consider temporary measure to ensure safe social distancing in the town centre if required. Close monitoring of the situation and, if appropriate, interventions to be implemented where practical.</p> <p>In the medium term, introduce cycle and</p>	WLBC/LCC	<p>2021</p> <p>2021</p>

Key Action Area	Action Point 2021-2026	Key Delivery Partner	Estimated Timescale
	<p>pedestrian improvements as part of the HAZ programme/Ormskirk Movement strategy.</p> <p>Establish a cycle hub within the town centre to visibly raise the profile of cycling within Ormskirk.</p> <p>In the long term, consider all options to support the shift to renewable and sustainable forms of transport.</p>		<p>2022</p> <p>2022</p> <p>Ongoing</p>
	<p>As part of Ormskirk Eastern Gateway proposals are being developed to:</p> <p>A) Improve Ormskirk Bus station to provide modern fit for purpose facilities better linking the bus station/train station and town centre together.</p> <p>B) As part of these proposals we will be providing a new cycleway going through the bus station to the town centre as well as onto a segregated cycle lane on St Helens Road linking the train station to Edge Hill University.</p> <p>C) Improvements will also see the</p>	LCC/WLBC	<p>2022</p> <p>2021/2022</p> <p>2022</p>

Key Action Area	Action Point 2021-2026	Key Delivery Partner	Estimated Timescale
	traffic signalling in Ormskirk town centre improved to reduce congestion.		
	Continue to support proposals to improve rail services to Ormskirk including those on the Ormskirk to Preston line.	WLBC	2021-2026
	Through the development of wider cycling/pedestrian links access should be improved for pedestrians and cyclists visiting Ormskirk.	LCC/WLBC	2023
	Delivery of new lighting schemes within Wheatsheaf Walk and Church Street to help provide an attractive night time environment and enhance footfall.	WLBC	2021/2022
	Town Centre environment to become more attractive to allowing outdoor seating at restaurants, bars, coffee shops in the early evening.	WLBC/LCC	2021
Night Time/Evening Economy	Build upon the success of existing events such as Night Markets to help support the evening economy. A number of events by	TCMG	2021

Key Action Area	Action Point 2021-2026	Key Delivery Partner	Estimated Timescale
	partners will be considered.		
	Continue to monitor town centre vacancy rates to understand how the town centre is performing.	WLBC	2021-2026
	Continue to monitor footfall data to compare how Ormskirk has performed against historical data as well as against different sizes of towns and the regional and national averages.	WLBC	2021-2026
Monitor and review	Introduce more sophisticated technology to understand the number of repeat visitors and how long people spend in the town centre.	WLBC	2021
	Continue to liaise with business owners in the town centre to understand how they are performing, the issues they are experiencing and help to provide solutions.	WLBC	2021



# Equality Impact Assessment Form



<b>Directorate: Place &amp; Community</b>	<b>Service: Growth &amp; Development</b>
<b>Completed by: Ian Goodall</b>	<b>Date: 26.01.2021</b>
<b>Subject Title: Ormskirk Town Centre Strategy Action Plan Update 2021-2026</b>	
<b>1. DESCRIPTION</b>	
Is a policy or strategy being produced or revised:	Yes
Is a service being designed, redesigned or cutback:	No
Is a commissioning plan or contract specification being developed:	No
Is a budget being set or funding allocated:	Yes
Is a programme or project being planned:	Yes
Are recommendations being presented to senior managers and/or Councillors:	Yes
Does the activity contribute to meeting our duties under the Equality Act 2010 and Public Sector Equality Duty ( <b>Eliminating unlawful discrimination/harassment, advancing equality of opportunity, fostering good relations</b> ):	Yes
Details of the matter under consideration:	To outline and inform members regarding the details of the Action Plan for 2021 - 2026 in relation to Ormskirk Town Centre. To update Cabinet on the progress of the Heritage Action Zone (HAZ) project and how this project will assist with the recovery and regeneration efforts for the town centre.
<i>If you answered <b>Yes</b> to any of the above <b>go straight to Section 3</b></i> <i>If you answered <b>No</b> to all the above <b>please complete Section 2</b></i>	
<b>2. RELEVANCE</b>	
Does the work being carried out impact on service users, staff or Councillors (stakeholders):	-
If <b>Yes</b> , provide details of how this impacts on service users, staff or Councillors (stakeholders): <i>If you answered <b>Yes</b> go to <b>Section 3</b></i>	-
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)?	All those who use Ormskirk town centre, including the public who visit the town centre and residents of the town centre and businesses who operate there.
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)?	The Town Centre Strategy Action Plan is a cross cutting document which seeks to improve conditions for retailers/residents and visitors of Ormskirk. The Town Centre Strategy Action Plan outlines the projects which will deliver improvements, detailing the outcomes.
Which of the protected characteristics are most relevant to the work being carried out?  Age Gender Disability Race and Culture Sexual Orientation Religion or Belief Gender Reassignment Marriage and Civil Partnership Pregnancy and Maternity	Yes No Yes No No No No No No No
<b>4. DATA ANALYSIS</b>	
In relation to the work being carried out, and the service/function in question, who is actually or currently using the service and why?	N/A
What will the impact of the work being carried out be on usage/the stakeholders?	The actions contained within the Town Centre Strategy Action Plan and HAZ programme seek to improve the appearance and vitality of Ormskirk town centre helping to improve the town centre for all stakeholders.
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?	N/A
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?	Public consultation has taken place to gain the views of people regarding the potential Wheatsheaf Walk project. An online public consultation is currently taking place to gain views regarding the Ormskirk Eastern Gateway Scheme.

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)?	The implementation of the Town Centre Strategy Action Plan and HAZ programme should help to improve the town centre, encouraging more people to visit helping to enhance shopping conditions for retailers. The proposals should have a positive impact upon all.
<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.).	The development of actions contained within the Town Centre Strategy Action Plan and HAZ programme should have a positive impact upon all stakeholders.
What actions do you plan to take to address any other issues above?	Timetable for proposed public realm work will be considered to ensure it has the least negative impact upon town centre businesses.  <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?	A review of the Town Centre Strategy Action Plan and HAZ programme will take place on an annual basis and be reported back to members. However, Council Officers and partners are constantly reviewing all available data to assess the vitality of the Town Centre Strategy Action Plan and HAZ programme and monitor the effects of interventions.





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**Report of:** Corporate Director of Place and Community

**Relevant Portfolio Holder:** Councillor David Evans

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

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**SUBJECT: USE OF SECTION 106 FUNDS ON BUS STOP IMPROVEMENTS,  
DIGMOOR**

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Wards affected: Digmoor

## **1.0 PURPOSE OF THE REPORT**

- 1.1 To seek authorisation to spend Section 106 funds on bus stop improvement works in Digmoor.

## **2.0 RECOMMENDATION TO CABINET**

- 2.1 To agree the use of £10,000 of S106 monies from planning permission 2012/0456/FUL (Digmoor Business Site, Digmoor) to provide bus stop improvement works as outlined in this report.
- 

## **3.0 BACKGROUND & PROPOSALS**

- 3.1 Planning permission was granted at Digmoor Business Site, Digmoor Road (2020/0458/FUL) in conjunction with a Section 106 agreement requiring the developer to pay £10,000 for the purposes of providing improvements to transport infrastructure. Since receipt of the payment (December 2012), officers have been liaising with Lancashire County Council (LCC) to identify a suitable scheme to utilise the monies.
- 3.2 LCC have now identified a scheme to fund bus stop improvement works in the vicinity of the original development site. The works are to implement two bus stop

clearways, on both the north and south sides of Digmaor Road, involving the completion of legal requirements, initial road markings and sign plates. Whilst the south side already has kerbs upgraded for a quality bus stop, the north side will also see improvements made to the footway to form a quality bus stop. The total cost of the improvements has been costed at £5,800, and it is expected that works would be completed within six months of any approval to use the funds on this scheme. A plan showing the proposed works and costs is provided at Appendix A.

3.3 In addition, it is proposed to use the remaining £4,200 to replace a bus shelter on Digmaor Road. Current Council policy is that it will no longer maintain or replace bus shelters but will instead remove them when they became damaged or unsightly. The use of S106 monies to replace a bus shelter is therefore acknowledged to be a departure from Council policy, but funds are available for such improvements and failing to spend the S106 funds could lead to their return to the developer so it would be better to see them used on delivering some meaningful improvements. The remaining £4,200 is considered by LCC to be too small a sum to be able to deliver larger projects and so the use of monies on Council-owned bus shelters helps deliver improvements to transport infrastructure, without risking the loss of the available monies.

3.4 The scheme is thus costed at a total of £10,000.

#### **4.0 SUSTAINABILITY IMPLICATIONS**

4.1 Improvements to public transport provision, including through this bus stop scheme, will have positive sustainability implications for Skelmersdale and West Lancashire, by supporting sustainable travel.

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

5.1 The proposals will be funded through Section 106 funding as per the recommendation at 2.1 above.

#### **6.0 RISK ASSESSMENT**

6.1 There is a limited risk for the scheme's delivery, associated for the Council with a decision in line with the recommendation at paragraph 2.1 above, given it is utilising Section 106 monies that the Council is already in receipt of and is facilitating a scheme that will be delivered by WLBC and LCC, who are a reliable public sector delivery partner with a great deal of experience of managing such projects.

6.2 Should the S106 monies remain unallocated, or unspent, by December 2022 then there is a risk that the Council would need to return the monies to the developer. However, as a scheme has been identified, with delivery expected in 2021/22, it is considered that there is a very minimal risk of return.

## **7.0 HEALTH AND WELLBEING IMPLICATIONS**

- 7.1 The promotion of sustainable transport through this project will have positive health and wellbeing implications for those that use bus transport services and, indirectly, by reducing the number of private vehicles using the borough's roads, thus improving air quality.

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### **Background Documents**

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

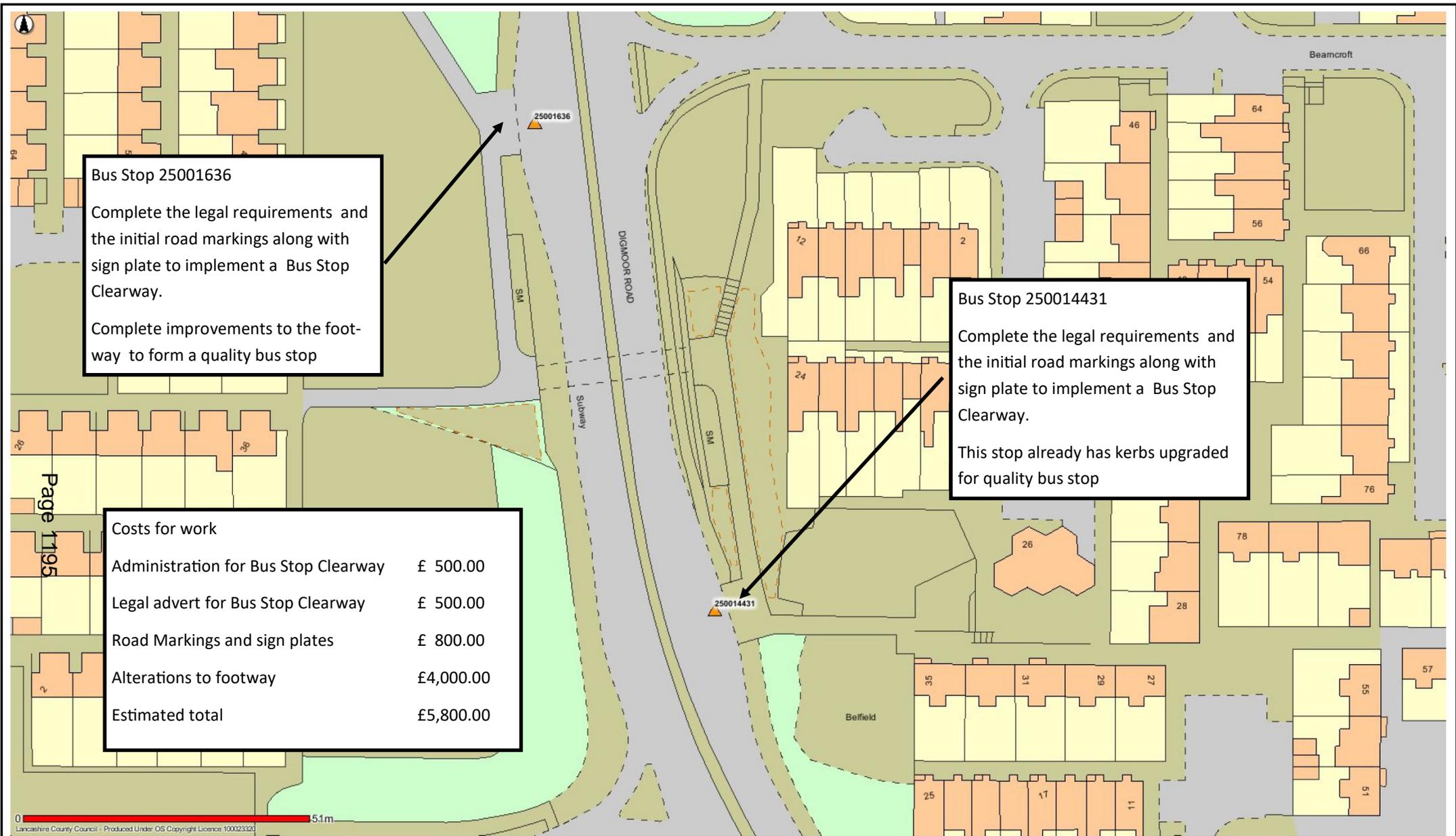
### **Equality Impact Assessment**

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

### **Appendices**

1. LCC Proposed bus stop improvement works
2. Equality Impact Assessment





**Bus Stops 25001636 & 250014431 Digmaor Rd**



# Equality Impact Assessment Form



<b>Directorate: Growth &amp; Development Services</b>		<b>Service: Strategic Planning, Regeneration &amp; Implementation</b>	
<b>Completed by: Helen Hatch</b>		<b>Date: 6 January 2021</b>	
<b>Subject Title: Use of Section 106 funds on bus stop improvements in Digmoor</b>			
<b>1. DESCRIPTION</b>			
Is a policy or strategy being produced or revised:	No	<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:	Yes		
Is a programme or project being planned:	Yes		
Are recommendations being presented to senior managers and/or Councillors:	Yes		
Does the activity contribute to meeting our duties under the Equality Act 2010 and Public Sector Equality Duty ( <b>Eliminating unlawful discrimination/harassment, advancing equality of opportunity, fostering good relations</b> ):	Yes		
Details of the matter under consideration:	The approval of the use of S106 funds on bus stop improvements in Digmoor, Skelmersdale.		
<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):	Yes/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)?	The project will deliver bus stop and bus shelter improvements on Digmoor Road, Digmoor. The improvements will benefit bus-service users in		

	that ward.
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)?	The project will improve accessibility for all users, by upgrading bus stops to quality bus stops and providing a new shelter.
Which of the protected characteristics are most relevant to the work being carried out?  Age Gender Disability Race and Culture Sexual Orientation Religion or Belief Gender Reassignment Marriage and Civil Partnership Pregnancy and Maternity	<i>*delete as appropriate</i>  Yes Yes Yes No No No No No Yes
<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?	Users of the bus-service that work / live in the local area.
What will the impact of the work being carried out be on usage/the stakeholders?	Provision of improved infrastructure can only benefit stakeholders.
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?	It would be expected that stakeholders would be in support of improved stops and shelters
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?	None. S106 funds must be spent or risk being returned to developers. Therefore, it is important that the council utilise the monies on an infrastructure scheme, designed specifically to provide sustainable transport benefits for local service users.
If any further data/consultation is needed and is to be gathered, please specify:	-
<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)?	Provision of improved infrastructure can only benefit all parts of the community, including those with protected characteristics.
<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.).	No negative impacts have been identified.

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?	Not applicable





CABINET:  
9 MARCH 2021

AUDIT AND GOVERNANCE  
COMMITTEE  
25 MAY 2021

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**Report of:** Legal and Democratic Services Manager

**Relevant Portfolio Holder:** Councillor I Moran, Leader

**Contact for further information:** Mr M Jones (Ext 5025)

(E-mail: [matthew.jones@westlancs.gov.uk](mailto:matthew.jones@westlancs.gov.uk))

Mrs J C Williams (Extn. 3264)

(E-mail: [judith.williams@westlancs.gov.uk](mailto:judith.williams@westlancs.gov.uk))

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**SUBJECT: REGULATION OF INVESTIGATORY POWERS ACT – ANNUAL SETTING OF THE POLICY**

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Wards affected: Borough Wide Interest

## **1.0 PURPOSE OF THE REPORT**

1.1 To report on the Council's use of its powers under the Regulation of Investigatory Power's Act (RIPA) and to present the RIPA Policy document.

## **2.0 RECOMMENDATIONS TO CABINET**

2.1 That the Council's RIPA activity and the RIPA Policy at Appendix 1, be noted.

## **3.0 RECOMMENDATIONS TO AUDIT AND GOVERNANCE COMMITTEE**

3.1 That the Council's RIPA activity and the RIPA Policy at Appendix 1, be noted.

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## **4.0 BACKGROUND**

4.1 The Regulation of Investigatory Powers Act 2000 (RIPA) came into force in 2000. Both the legislation and Home Office Codes of Practice strictly prescribe the situations in which and the conditions under which councils can use their RIPA powers.

## **5.0 MONITORING OF RIPA ACTIVITY**

- 5.1 The Council has not had cause to use its powers under RIPA during the last 12 months.
- 5.2 The Senior Responsible Officer proactively seeks to ensure that the use of covert surveillance in this authority is well regulated. Applications for authorisation to use covert surveillance must be rejected when the Authorising Officer is not satisfied that the surveillance is necessary or proportionate and legal advice should be sought by Authorising Officers in appropriate cases.

## **6.0 THE RIPA POLICY**

- 6.1 The RIPA Policy is presented to Cabinet each year as required by guidance (Section 4.47 of the Home Office Covert Surveillance and Property Interference Code of Practice of August 2018 and Section 3.30 of the Home Office Covert Surveillance Human Intelligence Sources Code of Practice of August 2018). Officers ensure the use of RIPA is consistent with the Council's Policy and regularly report on activity, again as is required.
- 6.2 The Council's current RIPA Policy is annexed at Appendix 1. This contains (in Appendix 3 of the policy) the current RIPA management structure. The current policy has been considered in the light of government guidance and best practice and no changes are considered necessary to the policy at this time.

## **7.0 SUSTAINABILITY IMPLICATIONS**

- 7.1 There are no significant sustainability impacts associated with this report and, in particular, positive impacts on crime and disorder will be achieved by adhering to RIPA and the RIPA Policy.

## **8.0 FINANCE AND RESOURCE IMPLICATIONS**

- 8.1 There are no significant financial and resource implications arising from this report.

## **9.0 RISK ASSESSMENT**

- 9.1 The Council could be in breach of the relevant legislation if it does not follow the procedures set out in the RIPA Orders and Codes. This could result in the inadmissibility of evidence.

## **10.0 HEALTH AND WELLBEING IMPLICATIONS**

- 10.1 There are no health and wellbeing implications envisaged from 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**

This will be considered in relation to any particular authorisation.

## **Appendices**

1. Appendix 1 – RIPA Policy



# **WEST LANCASHIRE BOROUGH COUNCIL**

## **RIPA POLICY**

### **The Regulation of Investigatory Powers Act 2000**

#### **In respect of**

#### **Directed Surveillance, Use of Covert Human Intelligence Sources and Accessing Communications Data**

Version: No.10 2020

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# 1 INTRODUCTION

- 1.1. The Regulation of Investigatory Powers Act 2000 (the 2000 Act) regulates covert investigations by a number of bodies, including local authorities. It was introduced to ensure that individuals' rights are protected consistent with the obligations under The Human Rights Act 1998, while also ensuring that law enforcement and security agencies have the powers they need to do their job effectively.
- 1.2. West Lancashire Borough Council is therefore included within the 2000 Act framework with regard to the authorisation of Directed Surveillance, the use of Covert Human Intelligence Sources (CHIS) and the obtaining of communications data through a single point of contact (SPOC).
- 1.3 The purpose of this guidance is to:

- explain the scope of the 2000 Act and the circumstances where it applies
- provide guidance on the authorisation procedures to be followed.

This continues to be a developing area of law and the Courts are yet to fully define the limits of the powers. This should be borne in mind when considering this Guide.

- 1.4 The Council has had regard to the Codes of Practice on covert surveillance, CHIS and accessing communications data produced by the Home Office in preparing this guidance and each Service should hold copies to which staff can refer. These documents are available at [www.homeoffice.gov.uk/ripa](http://www.homeoffice.gov.uk/ripa).
- 1.5 In summary the 2000 Act requires that when the Council undertakes “directed surveillance”, uses a “covert human intelligence source or accesses communications data (defined below at paragraphs 2, 3 and 4 below) these activities must only be authorised by an officer with delegated powers when the relevant criteria are satisfied.
- 1.6 The Chief Operating Officer, Corporate Director of Place and Community and, Corporate Director of Transformation and Resources can authorise these activities (in relation to communications data, they shall be known as Designated Persons and shall seek the advice of the SPOC, see further paragraphs 4 and 5.1.3 below). Such nomination permits officers to grant authority for any purpose under the terms of the 2000 Act across all Council Services and service areas.
- 1.7 **Once an authorisation is granted for the use (or renewal) of directed surveillance, or acquisition of communications data, or covert human intelligence source it cannot take effect without an order approving the grant (or renewal) being obtained from a single Justice of the Peace (Magistrate, District Judge) (under amendments made by the Protection of Freedoms Act 2012, to s.32A and s.32B of the 2000 Act). This order must be sought from the Magistrates’ Court, but when the Court is not in session. The arrangements for seeking the order will be made in consultation with Legal Services.**
- 1.8 Authorisation under the 2000 Act gives lawful authority to carry out surveillance and the use of a source. Obtaining authorisation helps to protect the Council and

its officers from complaints of interference with the rights protected by Article 8(1) of the European Convention on Human Rights, i.e. the right to respect for private and family life which is now enshrined in English law through the Human Rights Act 1998. This is because the interference with the private life of citizens will be “in accordance with the law”. Provided activities undertaken are also “reasonable and proportionate” they will not be in contravention of Human Rights legislation.

- 1.9 Authorising Officers and investigators within the Local Authority are to note that the 2000 Act does not extend to powers to conduct intrusive surveillance. Investigators should familiarise themselves with the provisions of Sections 3, 4 and 5 of the Code of Practice on Directed Surveillance to ensure a good understanding of the limitation of powers within the 2000 Act.
- 1.10. Deciding when authorisation is required involves making a judgment **and assessing whether specific conditions apply to the investigation target**. Paragraph 3.4 explains this process in detail. If you are in any doubt, seek the advice of an Authorising Officer, if they are in doubt they will seek advice from the Legal and Democratic Services Manager/Senior Responsible Officer. However, in those cases where there is doubt as to the need for an authorisation it may be safer to consider seeking/granting an authorisation: a broader reading of the application of the Act’s requirements is encouraged.
- 1.11. In the case of CHIS authorisations for vulnerable people or juveniles, or where surveillance involves communication subject to legal privilege, confidential personal information or confidential journalistic material authorisation must be obtained from the Chief Operating Officer only, **together with the necessary application for an order giving effect to authorisation from a Justice of the Peace**.
- 1.12 The Chief Operating Officer should be requested to authorise directed surveillance involving the covert filming of any Council member or employee to the extent that this falls within RIPA.

## **2. DIRECTED SURVEILLANCE**

2.1 **The Council must apply to a Justice of the Peace for an order that gives effect to the authorisation for the use of directed surveillance prior to undertaking the activity.**

2.2 What is meant by Surveillance?

"Surveillance" includes:

- a) monitoring, observing or listening to persons, their movements, their conversations or their other activities or communication;
- b) recording anything monitored, observed or listened to in the course of surveillance; and
- c) surveillance by or with the assistance of a surveillance device.

### 2.3 When is surveillance directed?

Surveillance is 'Directed' for the purposes of the 2000 Act if it is covert, but not intrusive and is undertaken:

- a) for the purposes of a specific investigation or a specific operation.
- b) in such a manner as is likely to result in the obtaining of private information about a person (whether or not one is specifically identified for the purposes of the investigation or operation); and
- c) otherwise than by way of an immediate response to events or circumstances the nature of which is such that it would not be reasonably practicable for an authorisation to be sought for the carrying out of the surveillance.

2.4 In certain circumstances, use of social media sites such as Facebook, or using the internet in other ways could need authorisation as directed surveillance. The Office of Surveillance Commissioners has given guidance on when the use of social media and the internet might need authorisation on RIPA. The guidance can be read at appendix 4.

### **2.5 Surveillance Threshold**

**2.5.1 Before directed surveillance can be undertaken and the requisite order from a Justice of the Peace applied for, the Council must be satisfied that they are investigating a criminal offence that carries a maximum sentence of 6 months or more imprisonment.**

**2.5.2 The exception to the 6 month sentence threshold is specific offences of sale of alcohol or tobacco to an underage person which does not fall within the Council's range of regulatory activities.**

**2.5.3 During the course of an investigation, should the Council become aware that the criminal activity under investigation falls below the 6 month sentence threshold, then use of directed surveillance should cease.**

**2.5.4 This 6 month sentence threshold does not apply to use of covert human intelligence or communications data techniques.**

**2.6 The Council cannot undertake intrusive surveillance.**

2.6.1 Surveillance becomes intrusive if the covert surveillance:

- a) is carried out in relation to anything taking place on any "residential premises" or in any "private vehicle"; and
- b) involves the presence of an individual on the premises or in the vehicle or is carried out by means of a surveillance device; or
- c) is carried out by means of a surveillance device in relation to anything taking place on any residential premises or in any private vehicle but is carried out without that device being present on the premises or in the vehicle, where the device is such that it consistently provides information of

the same quality and detail as might be expected to be obtained from a device actually present on the premises or in the vehicle.

2.7 Before any officer of the Council undertakes any surveillance of any individual or individuals they need to assess whether the activity comes within the 2000 Act. In order to do this the following key questions need to be asked.

2.7.1 Is the surveillance covert?

Covert surveillance is that carried out in a manner calculated to ensure that subjects of it are unaware it is or may be taking place.

If activities are open and not hidden from the subjects of an investigation, the 2000 Act framework does not in general apply. However, if there is any doubt in respect of this matter, an officer must consider whether it may be appropriate to seek a RIPA authorisation.

2.7.2 Is it for the purposes of a specific investigation or a specific operation?

For example, are Civic building CCTV cameras which are readily visible to anyone walking around the building covered?

The answer is not if their usage is to monitor the general activities of what is happening in the car park. If that usage, however, changes, the 2000 Act may apply.

For example, if the CCTV cameras are targeting a particular known individual, and are being used in monitoring his activities, that has turned into a specific operation which may require authorisation.

2.7.3 Is it in such a manner that is **likely** to result in the obtaining of private information about a person?

"Private information" is any information relating to a person's private or family life and aspects of business or professional life.

For example, if part of an investigation is to observe a member of staff's home to determine their comings and goings then that would be covered.

If it is likely that observations will not result in the obtaining of private information about a person, then it is outside the 2000 Act framework. However, the use of 'test purchasers' may involve the use of covert human intelligence sources (see later).

If in doubt, it is safer to consider getting authorisation.

2.7.4 Is it undertaken **otherwise than by way of an immediate response to event or circumstances where it is not reasonably practicable to get authorisation?**

The Home Office gives the example of an immediate response to something happening during the course of an observer's work, which is unforeseeable.

However, if as a result of an immediate response, a specific investigation subsequently takes place that brings it within the 2000 Act framework.

### 2.7.5 Is the Surveillance Intrusive?

Directed surveillance turns into intrusive surveillance if it is carried out involving anything that occurs on residential premises or any private vehicle and involves the presence of someone on the premises or in the vehicle or is carried out by means of a (high quality) surveillance device.

If the device is not on the premises or in the vehicle, it is only intrusive surveillance if it consistently produces information of the same quality as if it were.

Commercial premises and vehicles are therefore excluded from intrusive surveillance. **The Council is not authorised to carry out intrusive surveillance.**

### 2.7.6 Does the offence under investigation meet the 6 month threshold?

## 3 COVERT USE OF HUMAN INTELLIGENCE SOURCE (CHIS)

3.1 A person is a Covert Human Intelligence Source if:

- a) he establishes or maintains a personal or other relationship with a person for the covert purpose of facilitating the doing of anything falling within paragraph b) or c).
- b) he covertly uses such a relationship to obtain information or provide access to any information to another person; or
- c) he covertly discloses information obtained by the use of such a relationship or as a consequence of the existence of such a relationship.

3.2. A purpose is covert, in relation to the establishment or maintenance of a personal or other relationship, if and only if the relationship is conducted in a manner that is calculated to ensure that one of the parties to the relationship is unaware of that purpose.

3.3. The above clearly covers the use of professional witnesses to obtain information and evidence. It is not Council practice to use such witnesses. It can also cover cases such as a Council officer making a test purchase when there is a need to cultivate a relationship with the seller, which would not usually be the case.

3.4. There is a risk that an informant may be, or become, a CHIS. A member of the public giving information will be a CHIS if the information which he covertly passes to the authority has been obtained in the course of (*or as a consequence of the existence of*) a personal or other relationship. See paragraph 2.22 of the CHIS Code of Practice, and paragraph 270 of OSC Procedures and Guidance 2011, which refers to the risk of "status drift". When an informant gives repeat information about a suspect or about a family, and it becomes apparent that the informant may be obtaining that information in the course of a family or neighbourhood relationship, alarm bells should begin to ring. It probably means that the informant is in reality a CHIS, to whom a duty of care is owed if the information is then used. In such circumstances officers should refer any such instance for legal advice before acting on the information received from such an informant.

3.5 In this context (of authorising CHIS) ANY information (ie not confined to private information alone) to be gained by the covert manipulation of a relationship will

require authorisation.

**3.6 The Council must apply to a Justice of the Peace for an order that gives effect to the authorisation for the use of covert human intelligence source (see 1.7 above).**

3.7 In certain circumstances, use of social media sites such as Facebook, or using the Internet for research in other ways could need authorisation as the use of a covert human intelligence source. The guidance can be read at appendix 4.

#### **4 COMMUNICATIONS DATA**

4.1 The Council may also access certain communications data under the 2000 Act, provided this, like all other surveillance, is **for the purpose of preventing or detecting crime**.

4.2 Following the passage of the Data Retention and Investigatory Powers Act 2014 the Home Office has revoked all accreditation which enabled local authority staff to acquire communications data with effect from 1 December 2014. The Council is now required to use the National Anti-Fraud Network's (NAFN's) Single Point of Contact services to acquire communications data under RIPA, if approved by a magistrate. The Acquisition and Disclosure of Communications Data Code of Practice shall be followed at all times. Council staff are not permitted to obtain telecommunications and internet use data other than as provided for by the Act.

**4.3 The Council must apply to a Justice of the Peace for an order giving effect to the authorisation of the use of communications data.**

4.4 The accredited SPoCs at NAFN will scrutinise the applications independently. They will provide advice to applicants and designated persons ensuring the Council acts in an informed and lawful manner.

#### **5. AUTHORISATIONS, RENEWALS AND DURATION**

**5.1 The Council must apply to a Justice of the Peace for an order that gives effect to the authorisation for the use of directed surveillance, communications data and covert human intelligence source (see 1.7 above).**

5.1.1 The Conditions for Authorisation

5.1.2 Directed Surveillance

5.1.1.3 For directed surveillance no officer shall grant an authorisation **and make an application to a Justice of the Peace** for the carrying out of directed surveillance unless he believes:

- a) that an authorisation is necessary for the purpose of preventing or detecting crime and
- b) the authorised surveillance is proportionate to what is sought to be achieved by carrying it out.

5.1.1.4 The onus is therefore on the person authorising such surveillance to satisfy

themselves it is:

- a) necessary for the ground stated above and;
- b) proportionate to its aim.

5.1.1.5 In order to ensure that authorising officers have sufficient information to make an informed decision **about whether to make an application to a Justice of the Peace for an order to give effect to any authorisation**, it is important that detailed records are maintained. As such the forms in the Appendix and the accompanying Guidance on Completing RIPA Authorisation Forms are to be completed where relevant.

It is also sensible to make any authorisation sufficiently wide enough to cover all the means required as well as being able to prove effective monitoring of what is done against that which has been authorised.

An Authorising Officer may partially approve or partially refuse an application for authorisation. If an Authorising Officer does not authorise all that was requested, a note should be added explaining why.

#### 5.1.2 Covert Use of Human Intelligence Sources

5.1.2.1 The same principles as Directed Surveillance apply. (see paragraph 5.1.1.3 above)

5.1.2.2 The conduct so authorised is any conduct that:

- a) is comprised in any such activities involving the use of a covert human intelligence source, as are specified or described in the authorisation;
- b) relates to the person who is specified or described as the person to whose actions as a covert human intelligence source the authorisation relates; and
- c) is carried out for the purposes of, or in connection with, the investigation or operation so specified or described.

5.1.2.3 In order to ensure that authorising officers have sufficient information to make an informed decision it is important that detailed records are maintained. As such the forms attached are to be completed where relevant.

It is also sensible to make any authorisation sufficiently wide enough to cover all the means required as well as being able to prove effective monitoring of what is done against that is authorised.

#### 5.1.3 Communications Data

Section 22(4) of RIPA allows the Council to request “communications data” from Communication System Providers (CSPs). The access allowed under these powers is limited to telephone, postal and email subscriber and billing information. Any access must be obtained through the use of an authorised single point of contact (SPOC). (See Code on Acquisition and Disclosure of Communications Data paragraphs 3.85, 3.86 and 3.87.) The Council does not have the right to

obtain the content of the communication, but can obtain details of the source and destination of a message. The only ground for Local Authorities is the prevention or detection of crime. CSPs must be provided with a Notice Requiring Disclosure of Communications Data, which must have been duly authorised. The only officers who are allowed to authorise such requests are those accredited by the Home Office (the “Designated Persons” (DPs)). The DP is an individual at the level of Chief Operating Officer and Corporate Director and will scrutinise all applications for Communications Data.

The authorisation or grant of a notice to obtain communications data require judicial approval on each occasion.

## 5.2 Further Requirements of the 2000 Act

**5.2.1 An application must be made to the Justice of the Peace for an order that gives effect to the authorisation for the use of Directed Surveillance, Communications Data and CHIS. This process is in addition to the Council’s existing authorisation procedure (see 1.7 above).**

5.2.2 In light of the changes to the regime applications for urgent grants or renewal, must be in writing. In the Guidance on Completing RIPA Authorisation Forms document which accompanies this Guide are standard forms, which must be used. Officers must direct their mind to the circumstances of the individual case with which they are dealing when completing the form.

5.2.3 Although it is possible to combine two authorisations in one form the Council’s practice is for separate forms to be completed to maintain the distinction between Directed Surveillance and the use of a CHIS.

5.2.4 Authorisations lapse, if not renewed:

- 12 months - if in writing/non-urgent - from date of last renewal if it is for the conduct or use of a covert human intelligence source or
- in all other cases (ie directed surveillance) 3 months from the date of their grant or latest renewal.

5.2.5 Any person entitled to grant a new authorisation can renew subject to judicial approval being obtained an existing authorisation in the same terms at any time before it ceases to have effect.

But, for the conduct of a covert human intelligence source, an Authorised Officer should not renew **or make an application to a Justice of the Peace to renew** unless a review has been carried out and that person has considered the results of the review when deciding whether to renew or not. A review must cover what use has been made of the source, the tasks given to them and information obtained.

5.2.6 The benefits of obtaining an authorisation are described in paragraph 7 below.

5.2.7 Factors to Consider (see further guidance the Guidance on Completing Forms document)

Any person giving an authorisation should first satisfy him/herself that the authorisation is necessary on particular grounds and that the surveillance is proportionate to what it seeks to achieve. The proportionate test involves balancing the intrusiveness of the activity on the target and others who might be affected by it against the need for the activity in operational terms. The activity will not be proportionate if it is excessive in the circumstances of the case or if the information which is sought could reasonably be obtained by other less intrusive means. All such activity should be carefully managed to meet the objective in question and must not be arbitrary or unfair.

5.2.8 Particular consideration should be given to collateral intrusion on or interference with the privacy of persons other than the subject(s) of surveillance. Such collateral intrusion or interference would be a matter of greater concern in cases where there are special sensitivities, for example in cases of premises used by lawyers or for any form of medical or professional counselling or therapy.

5.2.9 An application for an authorisation should include an assessment of the risk of any collateral intrusion or interference. The authorising officer will take this into account, particularly when considering the proportionality of the surveillance and whether measures to avoid can be stipulated.

5.2.10 Those carrying out the covert surveillance should inform the Authorising Officer if the operation/investigation unexpectedly interferes with the privacy of individuals who are not the original subjects of the investigation or covered by the authorisation in some other way. In some cases the original authorisation may not be sufficient and consideration should be given to whether a separate authorisation is required.

5.2.11 Any person giving an authorisation will also need to be aware of particular sensitivities in the local community where the surveillance is taking place or of similar activities being undertaken by other public authorities which could impact on the deployment of surveillance.

### **Home Surveillance**

5.2.12 The fullest consideration should be given in cases where the subject of the surveillance might reasonably expect a high degree of privacy, for instance at his/her home (NB. the Council cannot undertake intrusive surveillance) or where there are special sensitivities.

### **Spiritual Counselling**

5.2.13 No operations should be undertaken in circumstances where investigators believe that surveillance will lead them to intrude on spiritual counselling between a Minister and a member of his/her faith. In this respect, spiritual counselling is defined as conversations with a Minister of Religion acting in his/her official capacity where the person being counselled is seeking or the Minister is imparting forgiveness, or absolution of conscience.

## **Confidential Material**

5.2.14 The 2000 Act allows in exceptional circumstances for authorisations to gather 'confidential material' (see the definitions in Appendix 1). Such material is particularly sensitive, and is subject to additional safeguards under this code. In cases where the likely consequence of the conduct of a source would be for any person to acquire knowledge of confidential material, the deployment of the source should be subject to special authorisation (by the Chief Operating Officer).

5.2.15 In general, any application for an authorisation which is likely to result in the acquisition of confidential material should include an assessment of how likely it is that confidential material will be acquired. Special care should be taken where the target of the investigation is likely to be involved in handling confidential material. Such applications should only be considered in exceptional and compelling circumstances with full regard to the proportionality issues this raises.

5.2.16 The following general principles apply to confidential material acquired under authorisations:

- Those handling material from such operations should be alert to anything that may fall within the definition of confidential material. Where there is doubt as to whether the material is confidential, advice should be sought from the Legal and Democratic Services Manager/Senior Responsible Officer before further dissemination takes place;
- Confidential material should not be retained or copied unless it is necessary for a specified purpose;
- Confidential material should be disseminated only where an appropriate officer (having sought advice from the Legal and Democratic Services Manager/Senior Responsible Officer) is satisfied that it is necessary for a specific purpose;
- The retention or dissemination of such information should be accompanied by a clear warning of its confidential nature. It should be safeguarded by taking reasonable steps to ensure that there is no possibility of it becoming available, or its content being known, to any person whose possession of it might prejudice any criminal or civil proceedings related to the information;
- Confidential material should be destroyed as soon as it is no longer necessary to retain it for a specified purpose;
- Any covert surveillance concerning premises on which legal consultations take place are to be regarded as intrusive surveillance and may not be undertaken by the Council.

## **Combined authorisations**

5.2.17 Although it is possible to combine two authorisations in one form the Council's practice is for separate forms to be completed to maintain the distinction between Directed Surveillance and the use of a CHIS.

5.2.18 In cases of joint working with other agencies on the same operation, e.g. by a Housing Benefit Investigator authority for directed surveillance should be given by the lead agency.

5.2.19. On occasion, several Council Services may be included in the same investigation. One authorisation from the Lead Service should cover all activities.

### **Handling and disclosure of product**

5.2.20 Authorising Officers are reminded of the guidance relating to the retention and destruction of confidential material as described in paragraph 5.2.16 above.

5.2.21 Authorising Officers are responsible for ensuring that authorisations undergo timely reviews and are cancelled promptly after directed surveillance activity is no longer necessary.

5.2.22 Authorising Officers must ensure that the relevant details of each authorisation are sent to the Legal and Democratic Services Manager/Senior Responsible Officer as described in paragraph 9 below.

5.2.23 The originals of applications for authorisations, reviews, renewals and cancellations for directed surveillance and the use of a CHIS should be submitted to and thereafter retained by the RIPA Co-ordinator, for a period of 3 years and at least between inspections. Copies are to be retained by the authorising officer for a commensurate period. Where it is believed that the records could be relevant to pending or future criminal proceedings, they should be retained for a suitable further period, commensurate to any subsequent review.

5.2.24 Any personal data collected during the course of a covert surveillance operation must be stored as per data protection guidelines set out in the Council's Data Protection Policy below.

- Analysis of data from the operation must be carried out by the officers who carried out the investigation and should be done in a private office to avoid personal material being accessible to other council employees.
- The authorising officer may also be included in analysis of the data collected.
- Data must be kept in a secure environment with limited access.
- Data must be labelled with the reference of the case and the date of collection.
- Data collected which is not appropriate or useful as evidence in the investigation and subsequent formal action must be deleted as soon as this fact is determined or when the case is closed, whichever is the sooner. Consideration of whether or not this material should be destroyed is the responsibility of the senior authorising officer. Care must be taken in this respect, as it must be considered that even if this information is not to be used as evidence, it may be "unused material" for the purposes of criminal proceedings.

- If there is any reason to believe that the data obtained during the course of an investigation might be relevant to that investigation, or to another investigation, or to pending or future civil or criminal proceedings, then it should not be destroyed but retained in accordance with established disclosure requirements and may be disclosed.

5.2.25 There is nothing in the 2000 Act that prevents material obtained through the proper use of the authorisation procedures from being used in other investigations. However, the use outside the Council, of any material obtained by means of covert surveillance and, other than in pursuance of the grounds on which it was obtained, should be authorised only in the most exceptional circumstances.

### 5.3 **The Use of Covert Human Intelligence Sources**

5.3.1 The Council will not normally use an external or professional source for the purpose of obtaining information. It is not the Council's usual practice to seek, cultivate or develop a relationship through an external or professional source although this may occur where circumstances require it. In these circumstances appropriate authorisations must be obtained. It is potentially possible, though highly unlikely, that the role of a Council employee may be that of a source, for example, as contemplated in paragraph 3.3 above, please cross refer for detail.

5.3.2 Nothing in the 2000 Act prevents material obtained by an employee acting as a source being used as evidence in Court proceedings.

5.3.3 The Authorising Officer must consider the safety and welfare of an employee acting as a source, and the foreseeable consequences to others of the tasks they are asked to carry out. A risk assessment should be carried out before authorisation is given. Consideration from the start for the safety and welfare of the employee, even after cancellation of the authorisation, should also be considered.

5.3.4 The Authorising Officer must believe that the authorised use of an employee as a source is proportionate to what it seeks to achieve. Accurate and proper records should be kept about the source and tasks undertaken.

5.3.5 The Council's practice is not to use an employee acting as a source to infiltrate existing criminal activity, or to be a party to the commission of criminal offences, even where this is within the limits recognised by law.

5.3.6 Before authorising the use of an employee as a source, the authorising officer should believe that the conduct/use including the likely degree of intrusion into the privacy of those potentially affected is proportionate to what the use or conduct of the source seeks to achieve. He should also take into account the risk of intrusion into the privacy of persons other than those who are directly the subjects of the operation or investigation (collateral intrusion). Measures should be taken, wherever practicable, to avoid unnecessary intrusion into the lives of those not directly connected with the operation.

5.3.7 Particular care should be taken in circumstances where people would expect a high degree of privacy or where, as a consequence of the authorisation,

“confidential material” is likely to be obtained.

5.3.8 Additionally, the Authorising Officer should make an assessment of any risk to an employee acting as a source in carrying out the proposed authorisation.

## 6. REVIEWS

6.1. The Home Office Code of Practice on directed surveillance makes specific reference to reviews at paragraph 3.23. It recommends regular reviews be undertaken to see if the need for the surveillance is still continuing. Results of reviews should be recorded in a central record of authorisations (see paragraph 8.1). Reviews should be more frequent when access to confidential information or collateral intrusion is involved. Review frequency should be as often as the authorising officer deems necessary or practicable.

6.2. Similar provisions appear at paragraphs 7.1 – 7.2 of the code of practice for CHIS, save that tasks given to the source and information obtained should also be included.

6.3. Each authorising officer will therefore determine in each case how often authorisations should be reviewed. They will ensure records of the review will be supplied on the relevant form in Section 9 and send copies to the RIPA Co-ordinator to keep the central register up to date. Good practice requires that this should be done monthly at least.

## 7. RENEWALS

7.1. An authorising officer may renew an authorisation before it would cease to have effect if it is necessary for the authorisation to continue for the purpose for which it was given. **An application for a renewal to the Justice of the Peace is also required (see above).**

7.2. The Home Office Code of Practice for directed surveillance at paragraph 5.12 - 5.16 refers. A renewal of the authorisation in writing can be made for 3 months. Applications for renewal should detail how many times an authorisation has been renewed; significant changes to the original application for authority; reasons why it is necessary to renew; content and value of the information obtained so far and results of regular reviews of the investigation or operation.

7.3. Similar provisions apply in the code of practice for CHIS except that a renewal here can last for a further 12 months, a review must have been carried out on the use of the source and an application should only be made to renew when the initial authorisation period is drawing to an end. Applications to renew a CHIS also should contain use made of the source and tasks given to the source during the previous authorised period.

7.4. Each application to renew should be made at least 7 days before the authorisation is due to expire on the relevant form in Appendix 2. A record of the renewal should be kept within the applying service and supplied centrally to the Legal and Democratic Services Manager/Senior Responsible Officer - see Section 8 to update the central register of authorisations.

## **8. CANCELLATIONS**

- 8.1. All authorisations, including renewals should be cancelled if the need for the surveillance is no longer justified. This will occur in most cases where the purpose for which the surveillance was required has been achieved.
- 8.2. Requesting officers should ensure they inform authorising officers if this is the case before the next review. If, in the opinion of the authorising officer at the next review, the need for surveillance is no longer justified, it must be cancelled.
- 8.3. The cancellation forms at Appendix 2 will be used to record a cancellation; the original will be sent to the RIPA Co-ordinator to update the central register of authorisations and the authorising officer will retain a copy - see Section 8.
- 8.4. The Home Office Codes of Practice for both directed surveillance and CHIS make it clear that authorisations must be cancelled if the original authorising criteria are not met. With CHIS, it must be cancelled if satisfactory arrangements for the source no longer exist. Consideration for the safety and welfare of a source continues after cancellation of any authorisation.

## **9. CENTRAL REGISTER OF AUTHORISATIONS**

- 9.1. The Codes of Practice under the 2000 Act require a central register of all authorisations to be maintained. The Senior Responsible Officer or nominated representative shall maintain this register.
- 9.2. Whenever an authorisation is granted renewed or cancelled the Authorising Officer must arrange for the following details to be forwarded by e-mail to the Senior Responsible Officer or nominated representative. Receipt of the e-mail will be acknowledged.
  - Whether it is for Directed Surveillance or CHIS ;
  - Applicants name and Job Title (manager responsible);
  - Service and Section;
  - Applicant's address and Contact Number;
  - Identity of 'Target';
  - Authorising Officer and Job Title; (in line with delegation scheme)
  - Date of Authorisation.
  - A unique reference number for the investigation or operation
  - Whether confidential information is likely to be reviewed as a consequence of the investigation /operation.
  - The date the authorisation was cancelled

Details should be provided to the Senior Responsible Officer in respect of when an authorisation is refused.

### **See Appendix 2 for the Form of Notification**

The original of the authorisation should also be provided; the authorising officer should retain a copy. The Chief Operating Officer will review authorisations every 6 months. It is suggested that authorising officers supply these directly.

- 9.3. The original authorisations shall be securely retained within the RIPA Co-ordinator's Service. It is each Service's responsibility to securely retain all copy authorisations within their Service. Authorisations should only be held for as long as it is necessary. Once the investigation is closed (bearing in mind cases may be lodged some time after the initial work) the records held by the Service should be disposed of in an appropriate manner (e.g. shredded).

## **10 CODES OF PRACTICE**

There are Home Office codes of practice that expand on this guidance. All relevant Services hold a copy.

The codes do not have the force of statute, but are admissible in evidence in any criminal and civil proceedings. As stated in the codes, "if any provision of the code appears relevant to a question before any Court or tribunal considering any such proceedings, or to the tribunal established under the 2000 Act, or to one of the commissioners responsible for overseeing the powers conferred by the 2000 Act, it must be taken into account".

Staff should refer to the Home Office Codes of Conduct for supplementary guidance. These should be available to all relevant officers (see earlier).

## **11 BENEFITS OF OBTAINING AUTHORISATION UNDER THE 2000 ACT.**

### **11.1 Authorisation of surveillance and human intelligence sources**

The 2000 Act states that

- if authorisation confers entitlement to engage in a certain conduct and
- the conduct is in accordance with the authorisation, then
- it shall be "lawful for all purposes".

Part II of the 2000 Act does not impose a requirement on public authorities to seek or obtain an authorisation where, under the 2000 Act, one is available (see section 80 of the 2000 Act). Nevertheless, where there is an interference by a public authority with the right to respect for private and family life guaranteed under Article 8 of the European Convention on Human Rights, and where there is no other source of lawful authority, the consequence of not obtaining an authorisation under the 2000 Act may be that the action is unlawful by virtue of section 6 of the Human Rights Act 1998.

Public authorities are therefore strongly recommended to seek an authorisation where the surveillance is likely to interfere with a person's Article 8 rights to privacy by obtaining private information about that person, whether or not that person is the subject of the investigation or operation. Obtaining an authorisation will ensure that the action is carried out in accordance with law and subject to stringent safeguards against abuse.

- 11.2 The 2000 Act states that a person shall not be subject to any civil liability in relation to any conduct of his which -

- a) is incidental to any conduct that is lawful by virtue authorisation; and
- b) is not itself conduct for which an authorisation is capable of being granted under a relevant enactment and might reasonably be expected to have been sought in the case in question

## **12. SCRUTINY AND TRIBUNAL**

12.1. To effectively "police" the 2000 Act, Commissioners regulate conduct carried out thereunder. The Investigatory Powers Commissioner will keep under review, among others, the exercise and performance by the persons on whom are conferred or imposed, the powers and duties under the Act. This includes authorising directed surveillance and the use of covert human intelligence sources.

12.2. A tribunal has been established to consider and determine complaints made under the 2000 Act if it is the appropriate forum. Complaints can be made by persons aggrieved by conduct e.g. directed surveillance. The forum hears application on a judicial review basis. Claims should be brought within one year unless it is just and equitable to extend that.

The tribunal can order, among other things, the quashing or cancellation of any warrant or authorisation and can order destruction of any records or information obtained by using a warrant or authorisation, and records of information held by any public authority in relation to any person. The Council is, however, under a duty to disclose or provide to the tribunal all documents they require if:

- A Council officer has granted any authorisation under the 2000 Act.
- Council employees have engaged in any conduct as a result of such authorisation.
- A disclosure notice requirement is given.

12.3 The Senior Responsible Officer will ensure that a report is submitted to the Council's Audit and Governance Committee on a regular basis and that an annual report is submitted to Cabinet. The reports will include details of the overall number and type of authorisations granted and the outcome of the case, where known. In addition, the reports will provide a breakdown of the same information by service or groups of services, as appropriate. In order to comply with General Data Protection Regulation and Code of Practice requirements, no specific details of individual authorisations will be provided.

12.4 The RIPA Co-ordinator will maintain and check the central register of all RIPA authorisations, reviews, renewals, cancellations and rejections. It is the responsibility of the authorising officer, however, to ensure the RIPA Co-ordinator receives the original of the relevant forms as soon as possible and in any event within 1 week of authorisation, review, renewal, cancellation or rejection. The authorising officer should retain copies.

12.5 The management structure for RIPA is set out in Appendix 3.

**Definitions from the 2000 Act**

- **“2000 Act”** means the Regulation of Investigatory Powers Act 2000.
- **“Confidential Material”** consists of:
  - a) matters subject to legal privilege;
  - b) confidential personal information; or
  - c) confidential journalistic material.
- **Matters subject to legal privilege”** includes both oral and written communications between a professional legal adviser and his/her client or any person representing his/her client, made in connection with the giving of legal advice to the client or in contemplation of legal proceedings and for the purposes of such proceedings, as well as items enclosed with or referred to in such communications. Communications and items held with the intention of furthering a criminal purpose are not matters subject to legal privilege (see Note A below)
- **“Confidential Personal Information”** is information held in confidence concerning an individual (whether living or dead) who can be identified from it, and relating:
  - a) to his/her physical or mental health; or
  - b) to spiritual counselling or other assistance given or to be given, andwhich a person has acquired or created in the course of any trade, business, profession or other occupation, or for the purposes of any paid or unpaid office (see Note B below). It includes both oral and written information and also communications as a result of which personal information is acquired or created. Information is held in confidence if:
  - c) it is held subject to an express or implied undertaking to hold it in confidence; or
  - d) it is subject to a restriction on disclosure or an obligation of secrecy contained in existing or future legislation.
- **“Confidential Journalistic Material”** includes material acquired or created for the purposes of journalism and held subject to an undertaking to hold it in confidence, as well as communications resulting in information being acquired for the purposes of journalism and held subject to such an undertaking.
- **“Covert Surveillance”** means surveillance which is carried out in a manner calculated to ensure that the persons subject to the surveillance are unaware that it is or may be taking place.
- **“Authorising Officer”** means a person designated for the purposes of the

2000 Act to grant authorisations for directed surveillance. (see the Regulation of Investigatory Powers (Prescription of Offices, Ranks and Positions) Order) SI 2000/2417.

**Note A.** *Legally privileged communications will lose their protection if there is evidence, for example, that the professional legal adviser is intending to hold or use them for a criminal purpose; privilege is not lost if a professional legal adviser is properly advising a person who is suspected of having committed a criminal offence. The concept of legal privilege shall apply to the provision of professional legal advice by any agency or organisation.*

**Note B.** *Confidential personal information might, for example, include consultations between a health professional or a professional counsellor and a patient or client, or information from a patient's medical records.*

**Notification to Central Register of Authorisations under RIPA**

Whether it is for Directed Surveillance or CHIS	
Applicants name and Job Title (manager responsible)	
Service and Section	
Applicant's address and Contact Number	
Identity of 'Target'	
Authorising Officer and Job Title; (in line with delegation scheme)	
Date of Authorisation	
Whether confidential information is likely to be reviewed as a consequence of the investigation/operation	
The date the authorisation was cancelled	
Whether the authorisation is renewed.	

A copy of the authorisation shall also be sent (See above, Paragraph 9.2).

A unique reference number for the investigation or operation will be allocated by the Legal and Democratic Services Manager upon receipt of this notification. This reference must be used in subsequent correspondence regarding this authorisation.

**APPENDIX 3**

**Chief Operating Officer  
Head of Paid Service  
and Returning Officer**

Jacqui Sinnott-Lacey \*\*

**Corporate Director  
of Place and  
Community**

Heidi McDougall \*

**Corporate Director  
of Transformation  
and Resources**

Chris Twomey \*

**Legal and  
Democratic  
Services Manager  
Monitoring  
Officer**

**Senior  
Responsible  
Officer**

Matt Jones

Supported by

**Assistant Solicitor  
RIPA  
Co-ordinator and  
SPOC  
Co-ordinator**

Judith Williams

\* Authorising Officer

\*\* Authorisations when knowledge of confidential information likely to be acquired or vulnerable individual or juvenile is to be used as a source.

Investigatory Powers Commissioner Guidance

Covert surveillance of Social Networking Sites (SNS)

The fact that digital investigation is routine or easy to conduct does not reduce the need for authorisation. Care must be taken to understand how the SNS being used works. Authorising Officers must not be tempted to assume that one service provider is the same as another or that the services provided by a single provider are the same.

Whilst it is the responsibility of an individual to set privacy settings to protect unsolicited access to private information, and even though data may be deemed published and no longer under the control of the author, it is unwise to regard it as “open source” or publicly available; the author has a reasonable expectation of privacy if access controls are applied. In some cases data may be deemed private communication still in transmission (instant messages for example). Where privacy settings are available but not applied the data may be considered open source and an authorisation is not usually required. Repeat viewing of “open source” sites may constitute directed surveillance on a case by case basis and this should be borne in mind.

Providing there is no warrant authorising interception in accordance with section 48(4) of the 2000 Act, if it is necessary and proportionate for a public authority to breach covertly access controls, the minimum requirement is an authorisation for directed surveillance. An authorisation for the use and conduct of a CHIS is necessary if a relationship is established or maintained by a member of a public authority or by a person acting on its behalf (i.e. the activity is more than mere reading of the site’s content).

It is not unlawful for a member of a public authority to set up a false identity but it is inadvisable for a member of a public authority to do so for a covert purpose without authorisation. Using photographs of other persons without their permission to support the false identity infringes other laws.

A member of a public authority should not adopt the identity of a person known, or likely to be known, to the subject of interest or users of the site without authorisation, and without the consent of the person whose identity is used, and without considering the protection of that person. The consent must be explicit (i.e. the person from whom consent is sought must agree (preferably in writing) what is and is not to be done).

