



Jacqui Sinnott-Lacey
Chief Operating Officer

52 Derby Street
Ormskirk
West Lancashire
L39 2DF

Tuesday, 12 July 2022

TO: THE MAYOR AND COUNCILLORS

Dear Councillor,

You are summoned to a meeting of the **COUNCIL** to be held in the **COUNCIL CHAMBER, 52 DERBY STREET, ORMSKIRK L39 2DF** on **WEDNESDAY, 20 JULY 2022** at **7.30 PM** at which your attendance is requested.

Yours faithfully

A handwritten signature in black ink, appearing to be 'JS', written over a faint circular stamp.

Jacqui Sinnott-Lacey
Chief Operating Officer

AGENDA
(Open to the Public)

PAGE(S)

1. **PRAYERS**

2. **APOLOGIES**

3. **DECLARATIONS OF INTEREST**

If a member requires advice on Declarations of Interest, he/she is advised to contact the Legal and 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.)

53 - 54

4.	MINUTES To receive as a correct record, the minutes of the previous meeting held on Wednesday, 18 May 2022.	55 - 64
5.	ANNOUNCEMENTS BY THE MAYOR AND/OR THE CHIEF OPERATING OFFICER	
6.	TO ANSWER ANY QUESTIONS UNDER THE PROVISIONS OF COUNCIL PROCEDURE RULE 10.2	
7.	MINUTES OF COMMITTEES To receive the minutes of the following meetings, to confirm, if appropriate, such of the minutes as require confirmation and to pass such resolutions as the Council may deem necessary:	
a)	Tawd Valley Developments Shareholders Committee - Monday, 28 March 2022	65 - 70
b)	Planning Committee - Thursday, 21 April 2022	71 - 74
c)	Tawd Valley Developments Shareholders Committee - Wednesday, 27 April 2022	75 - 78
d)	Planning Committee - Wednesday, 25 May 2022	79 - 80
e)	Audit & Governance Committee - Tuesday, 31 May 2022	81 - 84
f)	Licensing & Appeals Committee - Wednesday, 8 June 2022	85 - 86
g)	Polling Districts and Polling Places Review Committee - Wednesday, 15 June 2022	87 - 88
h)	Tawd Valley Developments Shareholders Committee - Tuesday, 28 June 2022	89 - 94
8.	ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014: PUBLIC SPACE PROTECTION ORDER IN RESPECT OF PIMBO INDUSTRIAL ESTATE To consider the report of the Corporate Director of Place & Community.	95 - 126
9.	GRA REVENUE OUTTURN POSITION 2021-22 To consider the report of the Head of Finance, Procurement and Commercial Services.	127 - 130
10.	GRA CAPITAL PROGRAMME OUTURN To consider the report of the Head of Finance, Procurement and Commercial Services.	131 - 140
11.	HOUSING ACCOUNT - REVENUE & CAPITAL OUTURN To consider the report of the Head of Finance, Procurement and Commercial Services.	141 - 148

12. **TREASURY MANAGEMENT & PRUDENTIAL INDICATOR PERFORMANCE 2021-22** 149 - 156
To consider the report of the Head of Finance, Procurement and Commercial Services.
13. **COUNCIL PLAN ANNUAL REPORT 2021/22** 157 - 174
To consider the report of the Corporate Director of Transformation, Housing & Resources.
14. **FUTURE DIRECTION FOR TAWD VALLEY DEVELOPMENTS LTD** 175 - 194
To consider the report of the Head of Finance, Procurement and Commercial Services.
15. **PROPOSED AMENDMENTS TO SCRUTINY PROCEDURE RULE 15C OF THE CONSTITUTION REGARDING THE REQUIREMENTS TO EXERCISE CALL IN** 195 - 198
To consider the report of the Legal & Democratic Services Manager (Monitoring Officer).
16. **TIMETABLE OF MEETINGS - CHANGE OF DATE FOR EXECUTIVE OVERVIEW & SCRUTINY COMMITTEE**
To agree a change of date of the Executive Overview & Scrutiny Committee from Thursday 1st September to Tuesday 6th September 2022.
17. **EXCLUSION OF PRESS AND PUBLIC**
It is recommended that members of the press and public be excluded from the meeting during consideration of the following item(s) of business in accordance with Section 100A(4) of the Local Government Act 1972 on the grounds that it involves the likely disclosure of exempt information as defined in Paragraphs 1 & 2 (An Individual) of Part 1 of Schedule 12A to the Act and as, in all the circumstances of the case the public interest in maintaining the exemption under Schedule 12A outweighs the public interest in disclosing the information.

PART 2 - NOT OPEN TO THE PUBLIC

18. **VOLUNTARY REDUNDANCY - REVENUES & BENEFITS SERVICE** 199 - 204
To consider the report of the Corporate Director of Transformation, Housing & Resources.

PART 3 - OPEN TO THE PUBLIC

19. **MOTIONS**
To consider the following Motions included on the agenda at the request of the Members indicated:
- a) **Social Housing Decarbonisation Fund Wave 2 - Motion From Councillor Adrian Owens On Behalf Of The Our West Lancashire Group**
Council notes that in February in Social Housing Decarbonisation Fund Wave 1, 69 councils received a total of £179 million at an

average of £2.6million per council to upgrade around 20,000 council house homes which are currently below Energy Performance Certificate (EPC) C rating, helping to cut fuel bills for social housing tenants as well as delivering warm homes and reducing carbon emissions while supporting around 9,000 jobs in the green energy sector.

Council further notes that the Social Housing Decarbonisation Fund Wave 2 is scheduled to open for bids in late August/early September 2022 with around £700 million available for distribution. Furthermore, council notes that the current stock condition survey of West Lancashire Borough Council housing stock is well advanced and that this will provide the information necessary relating to WLBC properties which are currently below Energy Performance Certificate (EPC) C rating to make a detailed bid possible.

Council therefore instructs officers to prepare and submit an ambitious bid to the Social Housing Decarbonisation Fund Wave 2 so that council tenants in West Lancashire in poorly insulated homes can benefit from upgrades to their properties in the same way as 20,000 tenants in other parts of England are already benefiting.

b) To Introduce an Incentive To Attract New Traders To Ormskirk Market - Motion From Councillor Adrian Owens On Behalf Of The Our West Lancashire Group

Council strongly supports a thriving market in Ormskirk.

Council therefore agrees to the introduction of an incentive scheme to attract new traders to Ormskirk market as follows:

1.1 A new trader incentive scheme should be developed and introduced as soon as practicable that offers the following to new market traders:

- a) Free loan of a council gazebo for up to 6 weeks if required
- b) A rebate of the first 6 weeks' rent for new traders, the rebate being made at the point the trader commits to taking a permanent market stall for a minimum 12-month period

1.2 Delegation to be given to the Corporate Director of Place & Community, in consultation with the Portfolio Holder, to amend the Market Regulations to give effect to this motion.

1.3 The new market trader incentive scheme to be promoted through all Council promotional channels once the scheme is launched.

c) **Further Reduction of Fuel Duty - Motion From Councillor Adrian Owens On Behalf Of The Our West Lancashire Group**

Council notes that the Chancellor of the Exchequer reduced fuel duty by 5 pence per litre to 52.95 pence per litre in March 2022 to help address in a small way concerns about the cost of living.

Council further notes that since that reduction in March 2022 from figures provided by the RAC Foundation the average forecourt price of unleaded petrol has risen from 163.59 pence per litre in the week to 28 March 2022 to 191.05 pence per litre in the week to 27 June 2022 – a further rise of more than 16%. Council notes that the cost of diesel has risen by a similar amount.

Given that this most recent increase in forecourt petrol and diesel prices since March 2022 has resulted in the Chancellor of the Exchequer receiving in additional VAT receipts almost an additional 5 pence per litre and given that almost wipes out the previous reduction in fuel duty, this council instructs the Chief Operating Officer to write to the Chancellor of the Exchequer calling on him to introduce a further reduction in fuel duty of at least 5 pence per litre to give some small relief to motorists and businesses including haulage companies.

d) **Right To Food - Motion from Councillor Gareth Dowling On Behalf Of The Labour Group**

This council notes:

That we are seeing a crisis of food poverty born out of the political choices and systemic failings created over the past four decades, which have now reached a tipping point for so many in our communities. The figures are devastating for one of the richest nations in the world and highlight the inequality of the UK in 2022.

Need for food banks is already at a record high. Food banks in the Trussell Trust network gave out 2.1 million emergency food parcels between April 2021 and March 2022, a 14% rise on the year 2019/20. This comes on top of year-on-year increases in need.

This council's own commissioned study into Food Insecurity in West Lancashire (paid for by WLBC and carried out by Iconic Consultancy) found that 4,580 households in West Lancashire experience food insecurity, with over 2,000 children (under 16) living in food insecure households.

We also note the Government's National Food Strategy; which reported in July 2021 and was the first independent review of England's entire food system for 75 years, and its subsequent response. The 'Right to Food' campaign believes that the 11 million people currently living in food poverty must be central to the response from Government.

This council further notes the cross-party commitment in supporting action on food insecurity, appointing a Food Security Champion, setting up of a Food Insecurity Forum, councillors' and officers'

continued work in this area and engagement with our partners across the borough including Trussell Trust Foodbanks, LCC, ICS, WLBC Financial Inclusion and Money Advice, The Larder Lancashire, The Birchwood, and many other statutory and VCFS organisations.

This council believes:

Enshrining the 'Right to Food' into law would clarify Government obligations on food poverty and would introduce legal avenues to hold Government bodies accountable for violations.

This council resolves:

To call for the Right to Food to be incorporated in the Government's White Paper in response to the National Food Strategy. We ask the Chief Operating Officer to write to the Prime Minister to further this request.

To formally declare as a Right to Food Council and join with other councils across the country to continue to push for a Right to Food enshrined in law.

e) **Skelmersdale Railway Motion - Motion from Councillor Gareth Dowling On Behalf Of The Labour Group**

This council notes the recent decision of the Department for Transport to reject the latest bid for infrastructure funding for Skelmersdale railway station.

This council further notes the long-term cross-party support for this project alongside Lancashire County Council and the West Lancashire MP Rosie Cooper.

This council believes that a new railway station in the heart of Skelmersdale linking with both Liverpool and Manchester would open up a world of opportunities for Skelmersdale residents to access wider education, training, employment and social opportunities, and that inward investment and custom would be drawn to the new town centre.

This council also believes that government support for the Skelmersdale Railway project would be a significant indicator of the government's 'levelling up' agenda, that the campaign for a station must continue, and rejects the Department for Transport's statement that this project is "poor value for money," - a direct contradiction to the principle of levelling up.

This council resolves for the Chief Operating Officer to write on behalf of the council to the Secretary of State for Transport, Secretary of State for Levelling Up, Housing and Communities and the Prime Minister to honour their 2019 commitment to funding Skelmersdale Railway Station.

This council further resolves that land at the former

Glenburn/Westbank site earmarked as location for the proposed station continue to be ringfenced by LCC and partners for the station and not be released for any other potential development.

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

FIRE EVACUATION PROCEDURE: Please see attached sheet.

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

For further information, please contact:-

Jacky Denning on 01695 585384

Or email jacky.denning@westlancs.gov.uk

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

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

IF YOU DISCOVER A FIRE

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

ON HEARING THE FIRE ALARM

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

NOTES:

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

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

CHECKLIST FOR PERSON IN CHARGE

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

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

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

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

NOTE:

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

CHECKLIST FOR ZONE WARDEN

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

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

INSTRUCTIONS FOR DOOR WARDENS

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

Agenda Item 3

MEMBERS INTERESTS 2012

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

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

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

Please tick relevant boxes

Notes

	General		
1.	I have a disclosable pecuniary interest.	<input type="checkbox"/>	<i>You cannot speak or vote and must withdraw unless you have also ticked 5 below</i>
2.	I have a non-pecuniary interest.	<input type="checkbox"/>	<i>You may speak and vote</i>
3.	I have a pecuniary interest because it affects my financial position or the financial position of a connected person or, a body described in 10.1(1)(i) and (ii) and the interest is one which a member of the public with knowledge of the relevant facts, would reasonably regard as so significant that it is likely to prejudice my judgement of the public interest or it relates to the determining of any approval consent, licence, permission or registration in relation to me or a connected person or, a body described in 10.1(1)(i) and (ii) and the interest is one which a member of the public with knowledge of the relevant facts, would reasonably regard as so significant that it is likely to prejudice my judgement of the public interest	<input type="checkbox"/> <input type="checkbox"/>	<i>You cannot speak or vote and must withdraw unless you have also ticked 5 or 6 below</i> <i>You cannot speak or vote and must withdraw unless you have also ticked 5 or 6 below</i>
4.	I have a disclosable pecuniary interest (Dispensation 20/09/16) or a pecuniary interest but it relates to the functions of my Council in respect of: (i) Housing where I am a tenant of the Council, and those functions do not relate particularly to my tenancy or lease. (ii) school meals, or school transport and travelling expenses where I am a parent or guardian of a child in full time education, or are a parent governor of a school, and it does not relate particularly to the school which the child attends. (iii) Statutory sick pay where I am in receipt or entitled to receipt of such pay. (iv) An allowance, payment or indemnity given to Members (v) Any ceremonial honour given to Members (vi) Setting Council tax or a precept under the LGFA 1992	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<i>You may speak and vote</i> <i>You may speak and vote</i> <i>You may speak and vote</i> <i>You may speak and vote</i> <i>You may speak and vote</i> <i>You may speak and vote</i>
5.	A Standards Committee dispensation applies (relevant lines in the budget – Dispensation 15/09/20 – 14/09/24)	<input type="checkbox"/>	<i>See the terms of the dispensation</i>
6.	I have a pecuniary interest in the business but I can attend to make representations, answer questions or give evidence as the public are also allowed to attend the meeting for the same purpose	<input type="checkbox"/>	<i>You may speak but must leave the room once you have finished and cannot vote</i>

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

Interest

Employment, office, trade, profession or vocation

Sponsorship

Prescribed description

Any employment, office, trade, profession or vocation carried on for profit or gain.

Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by M in carrying out duties as a member, or towards the election expenses of M.

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

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

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

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

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

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

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

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

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

'a connected person' means

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

'body exercising functions of a public nature' means

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

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

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

Agenda Item 4

COUNCIL

HELD: Wednesday, 18 May 2022

Start: 7.30 pm

Finish: 9.10 pm

PRESENT:

Councillor: G Johnson (Mayor)
Mrs M Westley (Deputy Mayor)

Councillors: T Aldridge M Anderson
R Bailey Mrs M Blake
A Blundell P Burnside
Clandon C Coughlan
V Cummins Daniels
I Davis G Dowling
I Eccles Fennell
J Fillis J Finch
A Fowler N Furey
Y Gagen J Gordon
S Gregson L Gresty
Hirrell P Hogan
Howard Jukes
Mrs J Marshall J Mee
K Mitchell R Molloy
J Monaghan M Nixon
P O`Neill D O`Toole
G Owen D Owen
A Owens E Pope
I Rigby S Patel
N Pryce-Roberts A Sutton
J Thompson Turpin
Upjohn D West
D Westley D Whittington
J Wilkie K Wilkie
J Witter A Yates

Officers: Jacqui Sinnott-Lacey, Chief Operating Officer
Chris Twomey, Corporate Director of Housing, Transformation & Resources
Lisa Windle, Head of Corporate and Customer Services
Paul Charlson, Head of Planning & Regulatory Services
Kay Lovelady, Legal & Democratic Services Manager
Jacky Denning, Democratic Services Manager
Kathryn Sephton, Clean & Green Operations Manager
Thomas Lynan, Electoral Services Manager
Jill Ryan, Senior Member Services Officer
Stephen Stephen, Mayor's Chauffeur/Civic Officer

1 PRAYERS

The Mayor welcomed all those in attendance to the meeting, particularly the new

Members, Councillors Mark Anderson, Rob Bailey, Patricia Burnside, Andy Fowler, Rob Molloy, Damian Owen, Suresh Patel, Linda Gresty, Paul Hogan and John Fillis.

The Mayor's Chaplain for the evening, Father Godric led Members and Officers in Prayer.

2 APOLOGIES

There were no apologies for absence.

The Mayor paid tribute to Doreen Stephenson who had lost her seat in the Borough elections held on 5 May 2022 and was therefore no longer a Councillor and thanked her for her service to the Council.

He advised that the election results were available on the Council's website.

3 DECLARATIONS OF INTEREST

There were no declarations of interest received.

4 MINUTES

RESOLVED: That the minutes of the previous meeting held on Wednesday 6 April 2022 be approved as a correct record and signed by the Mayor.

5 A. ELECTION OF MAYOR FOR ENSUING YEAR B. APPOINTMENT OF DEPUTY MAYOR FOR THE ENSUING YEAR

The retiring Mayor, Councillor Gordon Johnson, thanked Council Members and staff, friends and family for their part in making her year of office so enjoyable and wished the incoming Mayor a successful year of office and invited nominations for the office of Mayor for the ensuing Municipal year 2022/23.

Councillor Mrs Marilyn Westley was nominated, which was moved and seconded. Councillors Mrs Westley accepted the nomination.

A vote was taken, which was CARRIED

Councillor Mrs Westley indicated her acceptance of office.

RESOLVED: That Councillor Mrs Marilyn Westley be elected as Mayor for the ensuing Municipal Year.

(Note, during this item, the new Mayor, Councillor Mrs Westley:

1. Was dressed in the Mayor's robes and invested in the Mayor's Chain and Badge of Office and made the statutory Declaration of Acceptance of Office, following which she assumed the Chair.
2. Expressed her thanks to the proposer and seconder, and to the Council for

the honour conferred upon her, in electing her as Mayor, before presenting Councillor Johnson, the retiring Mayor, with his Past Mayor's engraved Shield.

3. The outgoing Mayor presented the outgoing Mayoress, Mrs Jacqueline Johnson, with flowers.
4. The new Mayor, Councillor Mrs Westley, presented the New Mayoress, Mrs Doreen Stephenson, with the Mayoress' Chain and Badge of Office.)

B. APPOINTMENT OF DEPUTY MAYOR FOR THE ENSUING YEAR

The Mayor invited nominations for the appointment of Deputy Mayor.

Councillor Kate Mitchell was nominated, which was moved and seconded.

Councillor Mitchell accepted the nomination.

A vote was taken, which was CARRIED

Councillor Mitchell signified her acceptance of office.

RESOLVED: That Councillor Kate Mitchell be appointed Deputy Mayor for the ensuing Municipal Year.

(Note, during this item, the new Deputy Mayor, Councillor Kate Mitchell:

1. Made the statutory Declaration of Acceptance of Office and assumed the Deputy Mayor's Chair.
2. Thanked the Council for the honour of allowing her to serve as Deputy Mayor.
3. The Mayor presented the Deputy Mayoress, Mrs Carol Davies, with the Deputy Mayoress' Chain and Badge of Office.)

6 ANNOUNCEMENTS BY THE MAYOR AND/OR THE CHIEF OPERATING OFFICER

The Mayor announced that she would provide details of her Chaplain for the year and her fund-raising activities for her year in office at the next meeting.

7 ELECTION OF THE LEADER, THE LEADER'S APPOINTMENT OF THE DEPUTY LEADER AND CABINET, AND 'PROPER OFFICER PROVISIONS AND SCHEMES OF DELEGATION'

Consideration was given to the report of the Chief Operating Officer, as contained on pages 17 to 20 and page 20 of the Book of Reports, which sought to elect the Leader of the Council until the Annual Meeting in 2022, receive notification of the

Leader's appointment of a Deputy Leader for the same term and Cabinet for the Municipal Year 2022/23 and to confirm the 'Proper Officer Provisions and Schemes of Delegation'.

The Mayor invited nominations for the appointment of Leader.

The following nominations were moved and seconded:

- Councillor Yvonne Gagen
- Councillor David Westley
- Councillor Adrian Owens

Councillors Gagen, D Westley and Owens accepted the nominations.

A vote was taken as follows:

Councillor Yvonne Gagen – 26 (TWENTY SIX)

Councillor David Westley – 20 (TWENTY)

Councillor Adrian Owens – 8 (EIGHT)

As there were more than two people nominated and there wasn't a clear majority of votes in favour of one person, the nominee with the lowest number of votes, Councillor Owens, was taken off the list and a new vote was taken as follows:

Councillor Yvonne Gagen – 27 (TWENTY SEVEN)

Councillor David Westley – 20 (TWENTY)

Abstentions – 7 (SEVEN)

Councillor Yvonne Gagen indicated her acceptance to the position as Leader.

A Motion to move recommendations 2.2 to 2.4 in the report was moved and seconded.

A copy of the Labour nominations had been circulated prior to the meeting.

RESOLVED: A. That Councillor Yvonne Gagen be elected as the Leader of the Council for a term of office expiring on the date of the Annual Meeting in 2023.

B. That the Member appointed by the Leader as Deputy Leader for the same term of office, and the Members appointed by the Leader as Members of the Cabinet for 2022/23, with the Portfolios identified by the Leader, be noted as follows:

- Councillor Gagen – Leader, Legal & Democratic Services
- Councillor Dowling – Deputy Leader, Communities & Community Safety
- Councillor Coughlan - Leisure

- Councillor Cummins – Health & Wellbeing and Economic Regeneration
- Councillor Fennell - Planning
- Councillor Pryce-Roberts – Housing and Landlord Services
- Councillor J Wilkie - Street Scene
- Councillor Yates – Resources & Transformation and Human Resources

C. That the 'Proper Officer Provisions and Scheme of Delegation to Chief Officers', insofar as they are Council functions be confirmed and insofar as they are Cabinet functions it be noted that the Leader has delegated these to the officers stated therein.

D. That the Leader's Scheme of Delegation to Cabinet members, as updated to reflect the Portfolios/Portfolio Holders now appointed, be noted.

8 TO NOTE THE APPOINTMENT OF THE LEADER AND DEPUTY LEADER OF THE OTHER GROUPS

The Council noted that Councillor David Westley had been appointed Leader of the Conservative Group and that Councillor David Whittington had been appointed as the Deputy Leader of the Group. Details of the Shadow Cabinet and Spokesmen would be circulated after the meeting.

The Council also noted that Councillor Adrian Owens had been appointed Leader of the Our West Lancs Group and that Councillor Ian Davis had been appointed as the Deputy Leader of the Group. Details of Spokesmen would be circulated after the meeting.

9 APPOINTMENT OF COMMITTEES ETC 2022/23

Consideration was given to the report of the Chief Operating Officer, as contained on pages 21 to 23 of the Book of Reports, which set out the appointment of Committees etc. and their terms of reference and allocation of seats thereon to the political groups for the Municipal Year 2022/23.

The political balance on Committees and the Labour nominations had been circulated prior to the meeting.

A Motion to approve recommendations 2.1 to 2.5 in the report were moved and seconded.

An Amendment containing proposals from the Conservative and Our West Lancashire Groups, in respect of the allocation on seats on Committees, circulated prior to the meeting, was moved and seconded.

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

Councillor Upjohn advised that he would not be able to sit on the Planning Committee.

A vote was taken on the Substantive Motion, with the removal of Councillor Upjohn from the Planning Committee, which was CARRIED.

RESOLVED: A. That, for the period ending with the next Annual Meeting of the Council, or such lesser period should the political balance or allocation to political groups change during the year requiring a review under the provisions of the Local Government and Housing Act 1989, the Committees, Sub-Committees etc be appointed as detailed in the revised Labour Appendix circulated prior to the meeting and that the allocation of seats to the political groups be as indicated, with the following changes:

- (i) Executive Overview & Scrutiny Committee
12 Members: 6 LAB 4 CON 2 OWL
- (ii) Corporate & Environmental Overview & Scrutiny Committee
11 Members: 5 LAB 4 CON 1 OWL 1 IND (JU)
- (iii) Planning Committee
14 Members: 6 LAB 5 CON 2 OWL 1 IND
- (iv) Licensing & Appeals Committee
11 Members: 5 LAB 4 CON 1 OWL 1 IND (PO)
- (v) Chief Officers Committee
7 Members: 3 LAB 3 CON 1 OWL
- (vi) Audit & Governance Committee
12 Members: 6 LAB 4 CON 1 OWL 1 IND (PO)
- (vii) CCTV Committee
6 Members: 3 LAB 2 CON 1 IND (PO)
- (viii) Tawd Valley Developments Shareholders Committee
5 Members: 2 LAB 2 CON 1 OWL
- (ix) Leisure Procurement Committee
5 Members: 2 LAB 2 CON 1 OWL
- (x) Budget / Council Plan Committee
6 Members: 3 LAB 2 CON 1 OWL

- B. That the representatives of the political groups on the Committees etc now appointed shall be as indicated on the attached Labour Appendix (Constitution 4.1A) and the appointment of the Independent Persons & the 2 Parish Council Representatives on the Standards Committee, be as detailed in the Labour proposals appendix and any changes or vacancies be notified to the Legal & Democratic Services Manager in accordance with the wishes of the group.
- C. That the representatives of the political groups on Outside Bodies (Council appointments) be as indicated on the Appendix 2 circulated prior to the meeting, subject to the following changes:

Police & Crime Panel	Councillor G Johnson
Victims Support	Councillors K Jukes and J Thompson
West Lancashire Ageing Well	Councillor M Blake to replace either M Nixon or J Finch

- D. That the terms of reference for the Committees etc now appointed be agreed as set out in the Constitution and the terms of reference of the Leisure Procurement Committee and the Budget / Council Plan Committee be drafted by the Legal & Member Services Manager in consultation with the Chairmen and Vice-Chairmen of the Committees, for approval at the first meeting of those bodies.
- E. That it be noted that the Leader has appointed Cabinet Working Groups as indicated on the Labour proposals Appendix to the report, circulated prior to the meeting, with the terms of reference included in the Constitution and appointed representatives to Outside Bodies (Cabinet appointments) and it be further noted that the West Lancashire Leisure Partnership Cabinet Working Group will no longer be required.

10 APPOINTMENT OF CHAIRMEN AND VICE-CHAIRMEN OF COMMITTEES

Nominations for the appointment of Chairmen and Vice-Chairmen of Committees for the ensuing year were submitted by the Labour Group as contained in the Labour Appendix 1 to the report, considered at agenda item 9, which were moved and seconded.

Nominations for the appointment of a number of Chairmen and Vice-Chairmen, from the Conservative Group, circulated prior to the meeting, were moved and seconded.

Nominations for the appointment of a number of Chairmen and Vice-Chairmen, from the Our West Lancashire Group, circulated prior to the meeting, were moved and seconded.

An individual vote was taken on each appointment that had received more than one nomination.

A vote was taken on the remaining appointments, which had only received one nomination, which was CARRIED.

RESOLVED: That Chairmen and Vice-Chairmen of Committees for 2022/23 be appointed as follows:

- A. Executive Overview & Scrutiny Committee
Chairman: Councillor Adrian Owens
Vice Chairman: Councillor Julian Finch
- B. Corporate & Environment Overview & Scrutiny Committee
Chairman: Councillor Donna West
Vice Chairman: Councillor Damian Owen
- C. Planning Committee
Chairman: Councillor David O'Toole
Vice Chairman: Councillor Julian Finch
- D. Licensing & Appeals Committee
Chairman: Councillor Gordon Johnson
Vice-Chairman: Councillor John Mee
- E. Licensing & Gambling Committee
Chairman: Councillor Neil Furey
Vice-Chairman: Councillor John Mee
- F. Standards Committee
Chairman: Councillor Yvonne Gagen
Vice Chairman: Councillor David Westley
- G. Investigating Committee
Chairman: Councillor Jenny Wilkie
Vice-Chairman: Councillor Vicki Cummins
- H. Chief Officers Committee
Chairman: Councillor Yvonne Gagen
Vice-Chairman: Councillor Ian Davis
- I. Audit & Governance Committee

Chairman: Councillor Eddie Pope
Vice Chairman: Councillor Paul O'Neill

- J. CCTV Committee
Chairman: Councillor Kevin Wilkie
Vice-Chairman: Councillor Donna West

- K. Polling Districts & Polling Places Review Committee
Chairman: Councillor Gaynar Owen
Vice-Chairman: Councillor Gareth Dowling

- L. Strategic Asset Purchasing Committee
Chairman: Councillor David Whittington
Vice Chairman: Councillor Adam Yates

- M. Tawd Valley Developments Shareholders Committee
Chairman: Councillor David Westley
Vice Chairman: Councillor Ian Davis

- N. Leisure Procurement Committee
Chairman: Councillor David Westley
Vice Chairman: Councillor Carl Coughlan

- O. Budget / Council Plan Committee
Chairman: Councillor Adam Yates
Vice Chairman: Councillor Rob Molloy

.....
THE MAYOR

Agenda Item 7a

TAWD VALLEY DEVELOPMENTS SHAREHOLDERS COMMITTEE

HELD: Monday, 28 March 2022

Start: 7.00 pm

Finish: 9.05 pm

PRESENT:

Councillors: D Westley (Chair)
I Davis (Vice-Chairman) D Whittington
J Wilkie A Yates

In attendance: Councillors Finch, Thompson, Rigby, Owens, Johnson
and Councillors Moran & Upjohn (virtually)

Officers: Chris Twomey, Corporate Director of Transformation & Resources
Heidi McDougall, Corporate Director of Place & Community
Kay Lovelady, Legal & Democratic Services Manager
Jacky Denning, Democratic Services Manager
James Pierce, Head of Finance, Procurement and Commercial
Services
Simon Peet, Corporate Finance Manager (Deputy S151)
Marc Taylor, Investments Project Advisor
Tom Dickinson, Principal Solicitor

1 APOLOGIES

There were no apologies received.

2 MEMBERSHIP OF THE COMMITTEE

There were no changes to the Membership of the Committee.

3 URGENT BUSINESS

There were no urgent items of business.

4 DECLARATIONS OF INTEREST

There were no Declarations of Interest.

5 TERMS OF REFERENCE OF THE COMMITTEE

RESOLVED: That the Terms of Reference approved at Council on 23 February
2022, be noted as follows:

"Functions

- (i) To approve any necessary changes to the Business Plan, if required
- (ii) To monitor and make any necessary decisions (other than to

cease development/progression) in respect of the sites in progress.

- (iii) To communicate the shareholders' views to TVDL
- (iv) To evaluate the effectiveness of the TVDL board and the delivery of performance against strategic objectives and the business plan
- (v) To assess any risks to the council offered by TVDL activities
- (vi) To consider and make any recommendations to Council to implement a phased and controlled wind down of TVDL

Delegations

This Committee shall exercise the full powers, duties and functions of the Council in relation to points (i) to (vi) above, except in the case of the following:

1. The final decision to wind down TVDL;
2. The decision not to continue with the development/progression of a site that is already in progress;
3. Any decision which would result in the Council incurring a cumulative financial loss on any site which is already in progress,

all of which will be a decision of full Council."

6 WORK PROGRAMME / DATES OF FUTURE MEETINGS

RESOLVED: That the next meeting be held on Monday 11 April 2022, subject to the financial information being available for circulation with the agenda.

(Note: this item was dealt with after item 13 on the agenda.)

7 EXCLUSION OF PRESS AND PUBLIC

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

8 TVD BUSINESS PLAN - CURRENT FORECAST

Consideration was given to the report of the Chief Operating Officer, as contained on pages 3 to 14 of the Book of Reports, which provide an update on the TVDL

Business Plan and the Council's financial position in relation to the Development Company.

Comments and questions were raised in respect of the following:

- TVDL Forecast Financial Performance for 2021/22 (paragraph 5.1, bullet point 2)
- Equity funding / loan funding
- Debarture / Preference Shares
- Financial information required, including profit and loss accounts, cash flow forecast, assets & liabilities and balance sheet
- Working capital requirements
- Auditing of accounts

- RESOLVED: A. That the current TVDL Business Plan position and the Council's interests in the Company, be noted.
- B. That the next meeting to consider the following financial information:
- (i) Actual Profit & Loss Account
 - (ii) Debtors, creditors and Work in Progress listings
 - (iii) Shareholder funds position for the existing approved schemes and those 5 schemes in progress
 - (iv) Balance Sheet
 - (v) 12 month projected cashflow forecast
 - (vi) Actual cashflow of previous 12 months
 - (vii) Accounting policy for stock/WIP
- C. That the issue of debarture / preference shares be considered at a future meeting.

9 **DEVELOPMENT SCHEMES IN PROGRESS - APPRAISAL**

Consideration was given to the report of the Chief Operating Officer, as contained on pages 21 to 25 of the Book of Reports, which provided details on TVDL development schemes that are in progress but where construction has not yet started, and sought comments and feedback on what should be included in the next version of the TVDL Business Plan.

Comments and questions were raised in respect of:

- Risk assessment
- Tendering of work
- Out of borough sites
- Funding of schemes

RESOLVED: That the report be noted and it be recommended that the following sites detailed in Appendix B to the report be removed from the list of pipeline properties, subject to consideration of a full breakdown of

work in progress costs etc:

- A. Much Hoole
- B. Heswall
- C. Cheshire East
- D. South Ribble
- E. St Helens
- F. Wigan
- G. Warrington
- H. Preston
- I. Liverpool

And consideration of the remaining pipeline schemes, other than those previously approved by Council, be considered when the Committee has been provided with the relevant detailed financial information.

10 PWLB GUIDANCE & CIPFA PRUDENTIAL CODE NOTE

Consideration was given to the report of the Chief Operating Officer, as contained on pages 45 to 56, which provided an overview of the PWLB Borrowing Guidance (Aug 2021) and CIPFA Prudential Code (Dec 2021) and Guidance Notes (Jan 2022) in response to the queries raised at Full Council from the Local Partnerships Independent Review of the TAWD Valley Development Company.

Reference was made particularly to paragraph 6.6 of the report.

RESOLVED: That the review, interpretation and the requirement for further clarifications, of the PWLB Borrowing Guidance (Aug 2021) and CIPFA Prudential Code (Dec 2021) and Guidance Notes (Jan 2022) be noted.

(Note: This item was considered prior to item 8 on the agenda.)

**11 INDEPENDENT REVIEW - RESPONSES TO LOCAL PARTNERSHIPS REPORT
RECOMMENDATIONS**

Consideration was given to the revised Appendix 2 document approved by Council on 23 February 2022, as contained on pages 15 to 20 of the Book of Reports.

RESOLVED: That in respect of the following paragraphs listed in Appendix 2 'Proposed responses to Local Partnerships Report Recommendations:

- 1. That a report be brought back to Committee
- 5. Needs to be addressed as quickly as possible.
- 6. Consideration be given to repayment of excess funds.
- 7. To be considered as soon as possible
- 11. That a report be submitted to a future meeting.

12. It be noted that the Head of Finance, Procurement and Commercial Services, has resigned from the TVD Board.
13. Not required.

12 **LEGAL ADVICE**

The Legal & Democratic Services Manager advised that independent external legal advice would be sought once the future of the company and the overarching principles are known.

RESOLVED: That the update be noted.

13 **HUMAN RESOURCES**

The Committee received a presentation from the Corporate Director of Transformation and Resources, as contained on pages 57 to 62 of the Book of Reports, which advised on the TVD management structure, contractual considerations, programme delivery options and resource retention options and recommendation.

Comments and questions were also raised in respect of the following:

- That the Head of Finance at TVD has sought alternative employment
- Issues around TUPE
- Recruitment issues for specialist work
- More detailed analysis would be required to understand what resource is required, which would be made clearer when the purpose and what schemes TVD will be progressing is identified.

RESOLVED: That the update be noted.

.....
Chairman

PLANNING COMMITTEE

HELD: Thursday, 21 April 2022

Start: 7.00 pm

Finish: 8.14 pm

PRESENT:

Councillor: D O'Toole (Chairman)
J Finch (Vice-Chairman)

Councillors: A Blundell I Moran
N Delaney G Owen
S Evans E Pope
A Fennell J Thompson
G Johnson D Westley
K Juckes

In attendance: Councillor J Mee (Tarleton Ward)
Councillor C Dereli (Burscough West Ward)

Officers: Mark Loughran, Principal Planning Officer
Therese Maguire, Principal Planning Officer
Judith Williams, Assistant Solicitor
Jill Ryan, Senior Democratic Services Officer

127 APOLOGIES

Apologies for absence were received from Councillor James Upjohn.

128 MEMBERSHIP OF THE COMMITTEE

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

129 URGENT BUSINESS, IF ANY INTRODUCED BY THE CHAIRMAN

There were no items of urgent business received.

130 DECLARATIONS OF INTEREST

Councillor A Blundell declared a pecuniary interest in relation to Planning Application 2022/0112/FUL relating to 80 Jacksmere Lane, Scarisbrick as he was the owner of the property and therefore indicated that he would leave the Chamber during consideration of this application and take no part in the decision making process.

131 DECLARATIONS OF PARTY WHIP

There were no Declarations of Party Whip.

132 **MINUTES**

RESOLVED: That the minutes of the meeting held on the 17 March 2022 be approved as a correct record and signed by the Chairman.

133 **PLANNING APPLICATIONS**

The Corporate Director of Place and Community submitted a report on planning (all prefixed 2021 unless otherwise stated) as contained on pages 925 to 996 of the Book of Reports and on pages 997 to 998 of the Late Information Report and on pages 999 to 1001 of the Additional Late Information Report.

(Notes:

1. In accordance with Regulatory Procedure Rule 7(a) Councillor C Dereli spoke as a Ward Councillor in connection with planning application 0518/ARM relating to Site of Former Yew Tree Farm, Burscough.
2. 1 Objector and the Applicant spoke in connection with Planning Application 1146/FUL relating to 11 and 21 The Gravel, Mere Brow, Tarleton.
3. Councillor A Blundell had declared a pecuniary interest in respect of Planning Application 2022/0112/FUL relating to 80 Jacksmere Lane, Scarisbrick and therefore left the Chamber during consideration of this item).
4. In accordance with Regulatory Procedure Rule 7(a) Councillor J Mee spoke as a Ward Councillor in connection with planning application 1464/FUL relating to Land between 11 and 21 The Gravel, Mere Brow Tarleton and left the Chamber at the conclusion of this item and was not present for the remainder of the meeting).

134 **2021/1464/FUL - LAND BETWEEN 11 AND 21 THE GRAVEL, MERE BROW, TARLETON**

RESOLVED: That planning application 1464/FUL relating to Land Between 11 and 21 The Gravel, Mere Brow, Tarleton be approved subject to the conditions and reasons as set out on pages 930 to 936 of the Book of Reports.

135 **2022/0112/FUL - 80 JACKSMERE LANE, SCARISBRICK**

RESOLVED: That planning application 2022/0112/FUL relating to 80 Jacksmere Lane, Scarisbrick be approved subject to the conditions and reasons as set out on pages 940 to 942 of the Book of Reports

136 **2021/1046/FUL - UNIVERSAL BULK HANDLING, ORRELL LANE, BURSCOUGH**

RESOLVED: That in respect of planning application 1046/FUL relating to Universal Bulk Handling, Orrell Lane, Burscough:-

1. That the decision to grant planning permission be delegated to the Corporate Director of Place and Community subject

to confirmation that there are no objections on ecology grounds and subject to any additional mitigating conditions recommended by MEAS or Natural England.

2. That any planning permission granted by the Corporate Director of Place and Community be subject to the conditions and reasons as set out on pages 959 to 971 of the Book of Reports and with the additional conditions as set out on pages 997 to 998 of the Late Information Report, and pages 999 to 1001 of the Additional Late Information Report.

137 **2021/0518/ARM - SITE OF FORMER YEW TREE FARM, HIGGINS LANE, BURSCOUGH**

RESOLVED: That planning application 0518/ARM relating to the Site of the Former Yew Tree Farm, Higgins Lane, Burscough, be approved subject to the conditions and reasons as set out on pages 989 to 996 of the Book of Reports

.....
Chairman

PRESENT:

Councillors: D Westley (Chairman)
A Yates (Vice Chairman)
I Davis E Pope
J Wilkie

In attendance: Councillor Jane Thompson (Scott Ward)

Officers: Chris Twomey, Corporate Director of Housing, Transformation & Resources
James Pierce, Head of Finance, Procurement and Commercial Services
Kay Lovelady, Legal & Democratic Services Manager
Simon Peet, Corporate Finance Manager (Deputy S151)
Jill Ryan, Senior Member Services Officer

1 APOLOGIES

There were no apologies received.

2 MEMBERSHIP OF THE COMMITTEE

In accordance with Regulatory Procedure Rule 4, the Committee noted the termination of Councillor D Whittington and the appointment of Councillor E Pope for this meeting only, thereby giving effect to the wishes of the Political Groups.

3 URGENT BUSINESS

There were no urgent items of business.

4 DECLARATIONS OF INTEREST

There were no Declarations of Interest received.

5 MINUTES OF THE PREVIOUS MEETING

It was noted that the minutes of the previous meeting held on the 28 March 2002 would be considered at the Council Meeting on the 20 July 2022 and not at this meeting as technically this was the first meeting of the TVD Shareholders Committee due to the change in the Terms of Reference.

6 TERMS OF REFERENCE

RESOLVED: That the new terms of reference for the TVD Shareholders Committee be noted as set out below.

Functions

1. To facilitate a cross party Committee to allow meaningful and productive discussions to take place in relation to the future direction of TVDL.
2. To evaluate the effectiveness of the TVDL board and the delivery of performance against strategic objectives and the business plan.
3. To assess any risks to the council offered by TVDL activities.

Delegations

1. Agreed comments to be referred to full Council and TVDL for consideration.

7 WORK PROGRAMME / DATES OF FUTURE MEETINGS

Consideration was given to the Committee's Work Programme as set out on page 105 of the Book of Reports.

The Committee discussed a possible briefing/training on "procurement", including the time length of the session.

RESOLVED: That the work programme be approved.

8 EXCLUSION OF PRESS AND PUBLIC

RESOLVED: That under Section 100A(4) of the Local Government Act 1972, the public be excluded from the meeting during consideration of the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 5 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.

9 TVD FINANCIAL INFORMATION

The Committee considered the report of the Chief Operating Officer contained on pages 49 to 72 of the Book of Reports, which provided responses to the comments and questions raised at the previous Shareholders Committee meeting held on Monday 28th March 2022.

The Corporate Finance Manager (Deputy S151) discussed with Members of the Committee the documents that were contained within the agenda relating to financial information.

A Motion was circulated, which was moved and seconded as follows:

- "1. The Committee greatly appreciates the guidance received from our Officers in the Note on PWLB Guidance and CIPFA Prudential Code and acknowledges that this Council cannot borrow to fund open market property developments outside of the Borough.
2. In consequence, the Committee makes the following recommendation to Full Council:

The following sites detailed in Appendix B Development Schedule in Progress – Appraisal be removed from the list of pipeline properties:

- A. Much Hoole
- B. Heswall
- C. Cheshire East
- D. South Ribble
- E. St. Helens
- F. Wigan
- G. Warrington
- H. Preston
- I. Liverpool "

A vote was taken the Motion was CARRIED.

The Committee continued the discussions and comments and questions were raised in the respect of the following:

- That in relation to the Much Hoole site, subject to Planning permission, a registered provider was interested in partnering with TVDL and purchase the complete scheme.
- That the Committee needed to see details of the options for the Much Hoole site before it is removed from the list of pipeline schemes.
- That Authorities or Housing Associations may be interested in using TVDL as a development partner, which would be within PWLB Rules and could return a profit to TVD.
- Local Partnerships 13 recommendations – progress, particularly Recommendations 1, 2 and 7
- The Bonus System
- Human Resources
- Risk Appetite
- The Independent Review undertaken by Local Partnerships
- Open market building outside of the Borough.
- Regeneration of Estates – Potential Works
- A figure on the number of houses to be built in one year
- Overheads
- The possibility of improving existing housing stock

- Meeting demand for Council Housing

The Head of Finance, Procurement and Commercial services advised that some interim financial support into the Company will be needed due to the Finance Manager leaving.

- RESOLVED:
- A. That the financial information provided be noted.
 - B. That the Committee greatly appreciates the guidance received from our Officers in the Note on PWLB Guidance and CIPFA Prudential Code and acknowledges that this Council cannot borrow to fund open market property developments outside of the Borough.
 - C. That Council be recommended to remove the following list of pipeline sites detailed in the 'Development Schedule in Progress – Appraisal', attached at Appendix B to the report:
 - 1. Much Hoole (subject to D below)
 - 2. Heswall
 - 3. Cheshire East
 - 4. South Ribble
 - 5. St. Helens
 - 6. Wigan
 - 7. Warrington
 - 8. Preston
 - 9. Liverpool
 - D. That a full appraisal of Much Hoole be brought back to the Committee for consideration.
 - E. That an appraisal of the future delivery options available to TVD within the PWLB (Public Work Loans Board) rules be brought back to the Committee.
 - F. That progress on the Local Partnerships recommendations be submitted to the next meeting, with a more detailed update being provided in respect of Recommendations 1, 2 and 7.
 - G. That some interim financial support into the Company, needed due to the Finance Manager leaving, be agreed.

.....
Chairman

PLANNING COMMITTEE

HELD: Wednesday, 25 May 2022

Start: 7.00 pm

Finish: 7.11 pm

PRESENT:

Councillor: D O'Toole (Chairman)
J Finch (Vice Chairman)

Councillors: M Anderson G Owen
A Blundell E Pope
A Fennell J Thompson
A Fowler Mrs J Witter
G Johnson

Officers: Steve Faulkner – Planning Services Manager
Judith Williams – Assistant Solicitor
Jill Ryan – Senior Democratic Services Officer

1 **APOLOGIES**

There were no apologies for absence received.

2 **MEMBERSHIP OF THE COMMITTEE**

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

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

There were no items of urgent business received.

4 **DECLARATIONS OF INTEREST**

There were no Declarations of Interest received.

5 **DECLARATIONS OF PARTY WHIP**

There were no Declarations of Party Whip.

6 **MINUTES**

RESOLVED: That the minutes of the meeting held on the 21 April 2022 be approved as a correct record and signed by the Chairman.

7 **PLANNING APPLICATIONS**

The Corporate Director of Place and Community submitted a report on planning

application 2022/0103/FUL, relating to 3 Hattersley Way, The Hattersley Centre, Ormskirk as contained on pages 11 to 15 of the Book of Reports and also on pages 17 to 20 of the Late Information Report.

8 2022/0103/FUL - 3 HATTERSLEY WAY, THE HATTERSLEY CENTRE, ORMSKIRK, LANCASHIRE

RESOLVED: That planning application 2022/0103/FUL relating to 3 Hattersley Way, The Hattersley Centre, Ormskirk be approved subject to the conditions as set out on pages 17 to 20 of the Late Information Report.

.....
Chairman

AUDIT & GOVERNANCE COMMITTEE

HELD: Tuesday, 31 May 2022

Start: 7.00 pm

Finish: 8.00 pm

PRESENT:

Councillor: P O'Neill (Chairman)

Councillors: D Owen D Daniels
I Davis N Furey
J Mee J Finch
R Molloy D Westley
S Patel

In attendance: Councillor A Owens
Heidi McDougall, Corporate Director Place and Community (Via MS Teams)

Officers: Jacqui Sinnott – Lacey, Chief Operating Officer
Simon Peet, Corporate Finance Manager (Deputy S151)
Jacqueline Pendleton, Internal Audit Manager
Tom Murrell, Property Services Manager
Claire Kelly, Principal Solicitor and Deputy Monitoring Officer
Julia Brown, Democratic Services Officer

1 APOLOGIES

Apologies were received on behalf of Councillors E Pope, J Gordon and Georgia Jones, Audit Manager – Grant Thornton.

The Chairman welcomed all to the first meeting of the Municipal Year.

2 MEMBERSHIP OF THE COMMITTEE

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

3 URGENT BUSINESS

There were no urgent items of business.

4 DECLARATIONS OF INTEREST

There were no declarations of interest.

5 MINUTES OF PREVIOUS MEETING

RESOLVED: That the Minutes of the Meeting held on 26 January 2022 be received as a correct record and signed by the Chairman.

6 PUBLIC SPEAKING

There were no items under this heading.

7 GRANT THORNTON - PROGRESS UPDATE

Consideration was given to the Grant Thornton Progress Update Report as contained on pages 13 -28 of the Book of Reports.

Georgia Jones, Audit Manager Grant Thornton, submitted apologies and had requested that Members send any questions direct for response.

The following questions were raised:

1. 2019/20 Audit Fees – explanation as to why the increase in fees from £33k to £103k
2. Outstanding requests delays – explanation why the delays in returning working papers
3. 2021/22 draft accounts published before 2020/21 accounts audit completed

RESOLVED: That the Grant Thornton Progress Update Report be noted, and that questions be sent to Georgia Jones, Audit Manager Grant Thornton for response to Members of the Committee.

8 INTERNAL AUDIT CHARTER 2022-2023

Consideration was given to the Internal Audit Charter 2022/23 Report as contained on pages 29 to 70 of the Book of Reports, which was presented to Members for approval.

The Chairman invited the Internal Audit Manager to present the report.

RESOLVED: That the Internal Audit Charter 2022/23, attached at Appendix 1, be approved to take effect from 31 May 2022.

9 INTERNAL AUDIT STRATEGY AND ANNUAL PLAN 2022/23

Consideration was given to the Internal Audit Strategy and Annual Plan 2022/23 as contained on pages 71 to 82 of the Book of Reports, which provided Members with a background to the preparation of the 2022/23 Internal Audit Plan and present for approval.

The Internal Audit Manager presented the report and responded to questions in respect of:

- Audit of Risks – Matrix Scoring, Pentana and 'Horizon Scanning'

RESOLVED: That the Internal Audit Plan 2022/23 attached at Appendix 1 be approved with immediate effect.

10 INTERNAL AUDIT ACTIVITIES - PROGRESS REPORT

Consideration was given to the Internal Audit Activities – Progress Report as contained on pages 83 to 96 of the Book of Reports, which advised of progress against the 2021/22 Internal Audit Plan.

The Internal Audit Manager outlined the report and responded to comments and questions raised by Members:

- Update on Bulky Waste audit recommendations – Good progress
- Fraud – Taking part in the National Fraud Initiative (NFI)/ data matching/savings made
- Fraud/ sharing intelligence in respect of Government £150 rebate scheme
- Performance Indicators – Good progress made
- Comment from Councillor I Davis in relation to a Grant Thornton representative should be present at all A&G Committee meetings

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

Note: Councillor N Furey left the meeting at the conclusion of this item.

11 ANNUAL GOVERNANCE STATEMENT 2020/21

Consideration was given to the Annual Governance Statement 2020/21 as contained on pages 97 to 112 of the Book of Reports.

The Internal Audit Manager outlined details of the report.

In discussion, a comment was raised in respect of the Derby Street Refurbishment report not being incorporated in this report as it was completed following this, and therefore should not be approved and commended to the Leader and Chief Operating Officer for signature, pending any possible amendments.

RESOLVED: That the report be deferred to a future meeting of the Committee.

12 REGULATION OF INVESTIGATORY POWERS ACT - ANNUAL SETTING OF THE POLICY

Consideration was given to the report of the Legal and Democratic Services Manager as contained on pages 113 to 142 of the Book of Reports, the purpose of which was 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 for approval.

The Principal Solicitor and Deputy Monitoring Officer outlined the report to Members and informed that the Council has not had cause to use its powers under the Regulation of Investigatory Powers Act 2000 (RIPA) in the last 12 Months.

RESOLVED: That the Council's RIPA activity and the RIPA Policy at Appendix 1 be noted.

13 WORK PROGRAMME

Consideration was given to the Committee's 2022/23 Work Programme as set out on pages 143 to 144 of the Book of Reports.

The Chairman asked for any suggestions to be put forward for the January 2023 and May 2023 meetings.

RESOLVED: That the Committee Work Programme 2022/23 be agreed.

14 EXCLUSION OF PRESS AND PUBLIC

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

15 DERBY STREET REFURBISHMENT

Consideration was given to the report of the Head of Finance, Procurement and Commercial Services as contained on pages 145 to 172 of the Book of Reports.

The Internal Audit Manager outlined the report and responded to comments and questions raised by Members. The Chief Operating Officer, Corporate Director of Place and Community and Property Services Manager, were available to respond to any questions raised.

In discussion, Members requested advice from external auditor Grant Thornton for their guidance.

RESOLVED: That the actions agreed by Management to strengthen controls in relation to Internal Audit findings and recommendations be noted.

The Chairman thanked the Internal Audit Manager and Team for all their work.

.....
Chairman

LICENSING & APPEALS COMMITTEE

HELD: Wednesday, 8 June 2022

Start: 7.09 pm

Finish: 7.23 pm

PRESENT:

Councillor: G Johnson (Chairman)

Councillors: T Aldridge I Eccles
N Furey L Gresty
J Howard J Monaghan
M Nixon P O`Neill
S Patel

Officers In attendance:

Paul Charlson, Head of Planning & Regulatory Services
Lyndsey Key, Environmental Health Manager
Michaela Murray, Senior Licensing Officer
Kay Lovelady, Legal & Democratic Services Manager
Kirsty Breakell, Democratic Services Officer
Andrew Smith, Legal Assistant
Claire Kelly, Principal Solicitor

1 APOLOGIES

There were no apologies for absence received.

2 MEMBERSHIP OF THE COMMITTEE

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

3 URGENT BUSINESS

There were no urgent items of business.

Note: The Chairman advised the Committee Members that the Licensing Training scheduled for Wednesday 22nd June 2022, was going to be held in person in the Council Chamber and would no longer be held by Teams.

4 DECLARATION OF PARTY WHIP

There were no declarations of Party Whip.

5 DECLARATION OF INTEREST

There were no declarations of interest.

6 MINUTES OF SUB - COMMITTEES OR WORKING GROUPS

There were no minutes to receive.

7 MINUTES

RESOLVED: That the minutes of the meeting held on 8 February 2022, be received as a correct record and signed by the Chairman.

8 EXCLUSION OF PRESS AND PUBLIC

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

9 APPLICATION FOR PRIVATE HIRE DRIVER LICENCE - WK/000271806

Members were asked to consider an application for a Private Hire Driver Licence, reference number WK/000271806, having regard to offences recorded against the Driver.

RESOLVED: That the Application for a Private Hire Driver Licence, reference number WK/000271806 be GRANTED.

(Note: The Officers from Place & Community Services left the meeting whilst Members considered their decision)

.....
Chairman

POLLING DISTRICTS AND POLLING PLACES REVIEW COMMITTEE

HELD: Wednesday, 15 June 2022

Start: 7.03 pm

Finish: 7.20 pm

PRESENT:

Councillor: G Owen (Chairman)
G Dowling (Vice Chairman)

Councillors: G Dowling A Owens
D Westley A Yates
E Pope

In attendance: Thomas Lynan, Electoral Services Manager
Kirsty Breakell, Democratic Services Officer

1 APOLOGIES

There were no apologies received.

1 APOLOGIES

There were no apologies received.

2 MEMBERSHIP OF THE COMMITTEE

In accordance with Council Procedure Rule 4, the Committee noted the termination of Councillor D Whittington the appointment of Councillor E Pope for this meeting only, thereby giving effect to the wishes of the Political Groups.

3 DECLARATIONS OF INTEREST

There were no declarations of interests.

4 INTERIM POLLING REVIEW 2022

Consideration was given to the report of the Corporate Director of Housing, Transformation & Resources as contained on pages 3 to 10 of the Book of Reports.

The Chairman invited the Admin and Electoral Services Manager to present the report to the Committee. The report was outlined including Appendix of the report and the new mapping proposals were also presented, showing the forced changes to the polling districts as a result of the boundary changes.

Comments and Questions were raised as follows:

- Schools not wishing to be used as polling stations and finding alternatives
- Possible use of local Community Rooms

- Change of polling stations for some residents within the borough, due to boundary changes
- Distance to some polling stations for residents to access.

RESOLVED:

- A. That the timetable for the Interim Review of Polling Districts, Places and Stations, as set out in Appendix 1 to the report, be agreed, subject to the removal of the 21 July 2022 meeting, and the Admin and Electoral Services Manager be given delegated authority to prepare and publish the consultation document, in consultation with the Members of the Committee via email.
- B. At the conclusion of the Review, the Corporate Director of Transformation, Housing & Resources report to the Polling Districts and Polling Places Review Committee with final interim review proposals for determination.

N.B. Cllr Pope arrived during this item

5 DATES OF FUTURE MEETINGS

RESOLVED: Future dates were noted, with the exception of July's meeting which was no longer required.

.....
Chairman

TAWD VALLEY DEVELOPMENTS SHAREHOLDERS COMMITTEE

HELD: Tuesday, 28 June 2022

Start: 7.00 p.m.

Finish: 8.53 p.m.

PRESENT:

Councillor: D Westley (Chairman)
I Davis (Vice-Chairman)

Councillors: N Pryce-Roberts A Yates
D Whittington

In attendance: Councillor Katie Juckes (Wrightington Ward)
Councillor Adrian Owens (Derby Ward)

Officers: Chris Twomey, Corporate Director Housing, Transformation and Resources
James Pierce, Head of Finance, Procurement and Commercial Services
Kay Lovelady, Legal and Democratic Services Manager
Marc Taylor, Investment Project Advisor
Jill Ryan, Senior Democratic Services Officer

10 **APOLOGIES**

There were no apologies received.

11 **MEMBERSHIP OF THE COMMITTEE**

There were no changes to the Membership of the Committee.

12 **URGENT BUSINESS**

There were no urgent items of business.

13 **DECLARATIONS OF INTEREST**

There were no Declarations of Interest received.

14 **MINUTES OF THE PREVIOUS MEETING**

AGREED: That the Minutes of the meeting held on the 27 April 2022 be received as a correct record with it being noted that Councillor Jenny Wilkie was in fact the Chairman at this meeting.

15 **WORK PROGRAMME / DATES OF FUTURE MEETINGS**

Consideration was given to the Committee's Work Programme as set out on page 3 of the Book of Reports.

The Committee received an update from the Corporate Director of Housing, Transformation and Resources on the Fairlie Affordable Housing Development Scheme and explained that it had recently become a Homes England Funding Requirement that sites larger than 30 units had mixed affordable tenure. Accordingly, the Scheme was now being recommended for revision with no change to the financial model previously approved by Council.

The Committee was advised that the housing service was supportive of the revision and the scheme is highly likely to secure £2m Homes England funding as TVDL have a 100% record of securing Homes England funding for sites to date. This additional £2m will mean TVDL will have secured £4.1m of HE funding into the Borough to support new homes over the past 2 years.

- RESOLVED:**
- A.** That the full business plan be submitted to Council on the 12 October 2022.
 - B.** That the date of the next meeting to be confirmed.
 - C.** That the update on Fairlie Affordable Housing Development Scheme was welcomed by Members.

16 **EXCLUSION OF PRESS AND PUBLIC**

Note: A request was made that the Committee should consider Agenda Items 8,9,10,11,12 in the public domain. The Committee considered the request and considered that the reports should be discussed in Part 2.

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

17 **RESET AND REFOCUS OF TVDL**

Consideration was given to the report of the Corporate Director of Housing, Transformation and Resources as contained on pages 5 to 20 of the Book of Reports which set out a series of recommendations to both reset and refocus the aims and objectives of TVDL in line with Shareholder aspirations.

Comments and questions were raised in respect of the following:

- The awarding of work directly to TVDL
- Ownership and development of the business plan, which would have to come through Council.
- Specification for any work undertaken by TVDL on behalf of the Council.
- Current vacancies in Housing, what capacity currently there is and the opportunities for training up of junior members of staff.
- Discussion re the Digmaor Revival Scheme.
- Regeneration issues in the Borough and investment in current stock.
- The need to build houses that are going to last and to a high specification
- Whether a development company would be the preferred route to achieve Council objectives and whether this would be the best option moving forward.
- Continuing to develop our relationship with Homes England.
- Amount of external funding brought in.
- Amount of people on the Council's current housing waiting list.
- The need to see an updated projected profit and loss account.
- Local plan – struggling for sites in the Borough to meet our housing needs.
- It was felt that paragraph 8.3 be slightly re worded as it was felt that it was inappropriate to build outside the Borough. This was moved and seconded and that a recommendation be taken to full Council not to build outside of the Borough.
- The Business Plan and whether it would come back to this Committee prior to being taken to full Council.
- Method of tendering.
- Option of TVDL developing or other local authorities or Housing Association and the payment methods for this type of work.

RESOLVED: A. That the Officer be thanked for a very comprehensive report.

B. That the revised aim for TVDL set out in paragraph 8.3 of the report should be amended so that the Company will only undertake work within West Lancashire.

C. That the Committee supported TVDL undertaking work for other Local Authorities and Registered Providers outside the Borough.

18 TVDL - DEVELOPERS FEE

Consideration was given to the report of the Corporate Director Housing, Transformation and Resources as contained on pages 21 to 28 of the Book of Reports the purpose of which was to set out a proposal to amend the fee being charged to the Council for development services, and to ensure it accurately corresponds to the costs TVDL incurs in delivering those services.

A comment was raised in respect of the following:

- The awarding of work directly to TVDL

- RESOLVED:
- A.** That the option set out at paragraph 5.8 C be approved in terms of a cost recovery approach, as the developer fee to be paid by the Council to TVDL for providing its development services.
 - B.** That the model of time recording as outlined at paragraph 5.10 be endorsed.

19 TVDL - NEW APPROACH TO CASH AND BORROWING

Consideration was given to the report of the Corporate Director of Housing, Transformation and Resources as contained on pages 29 to 34 of the Book of Reports the purpose of which was to consider a new approach to the management of cash and borrowing by TVDL.

Comments and questions were raised in respect of:

- Fixed term loans and variable rates of interest
- Connected parties
- Future borrowing

RESOLVED: That the proposed new approach to cash holdings and borrowing be endorsed.

20 TVDL - PROGRESS UPDATE ON LP REPORT RECOMMENDATIONS

Consideration was given to the report of the Corporate Director of Housing, Transformation and Resources as contained on pages 35 to 44 of the Book of Reports which set out an update on the progress that had been made on the recommendations set out in the independent review of TVDL.

RESOLVED: That the progress update be noted.

21 REPORT ON MUCH HOOLE

Consideration was given to the report of the Corporate Director of Housing, Transformation and Resources as contained on pages 65 to 72 of the Book of Reports which set out two options for consideration for the disposal/development of land at Much Hoole,

The Committee discussed the report and comments, and questions were raised in the respect of the following:

**TAWD VALLEY DEVELOPMENTS
SHAREHOLDERS COMMITTEE**

HELD: Tuesday, 28 June 2022

- Risks involved
- A Member had no concerns on either Option 1 or Option 2 as set out in the report
- Investment time of our staff

RESOLVED: That Option 1 of the report be endorsed.

.....
Chairman



COUNCIL:

20 JULY 2022

Report of: Corporate Director of Place & Community

Relevant Portfolio Holder: Councillor Gareth Dowling

Contact for further information: Paul Charlson (Extn. 5246)

(E-mail: paul.charlson@westlancs.gov.uk)

Cliff Owens (Extn. 5394)

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**SUBJECT: ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014:
PUBLIC SPACE PROTECTION ORDER IN RESPECT OF PIMBO INDUSTRIAL
ESTATE**

Wards affected: Up Holland

1.0 PURPOSE OF THE REPORT

1.1 Following public consultation, to approve a Public Space Protection Order (PSPO) to deter organised car meets / car cruising on Pimbo Industrial Estate, Up Holland, West Lancashire.

2.0 RECOMMENDATIONS TO COUNCIL

2.1 That Council make the Public Space Protection Order as shown at Appendix 1 for a period of three years.

2.2 If the recommendation at 2.1 is approved, that Council approve a fixed penalty level of £100.00 for failing to comply with a PSPO, which is payable to the Council within a stipulated period of the fixed penalty notice being served, with no reduction for early payment of the penalty.

3.0 BACKGROUND

3.1 Members will recall the report of 15 December 2021, which is attached as Appendix 2 to this report. Following the easing of Covid restrictions, West Lancashire has seen a significant increase in pre-arranged car meets. One such popular location is Pimbo Industrial Estate. These car meets are arranged in

secret, online and happen without prior warning, making them difficult to pre-empt and police.

- 3.2 This has resulted in a request from Lancashire Constabulary to introduce a Public Space Protection Order (PSPO) to address the problem. The use of PSPOs is considered to be the best way of preventing future problems locally and has been adopted as best practice in other local authorities where similar problems exist.
- 3.3 The local Chief Inspector, on behalf of Lancashire Constabulary, has previously provided the Council with a detailed overview of incidents highlighting significant anti-social behaviour, the impact of the quality of life of local residents from noise and cars speeding on the routes to Pimbo and obvious concerns regarding the safety of those who attend, and to members of the local community who may be in the area at the time, including risk to life.
- 3.4 The Police support the application for a PSPO. Its implementation would provide the Police, and (should it be necessary) authorised Council Officers, the power to act quickly and stop these anti-social gatherings of car cruisers and racers who are causing, or likely to cause, nuisance, alarm or distress to local residents. This Order will therefore help to prevent excessive noise, danger to road users and pedestrians, risk of damage to private property, litter and any nuisance caused to any other person.

4.0 CONSULTATION RESPONSES

- 4.1 Council approved the recommendations in the report of 15 December 2021. A period of public consultation followed on the draft Order, which was carried out from 6 January 2022 13 February 2022 and sought views on unauthorised car meets and the proposed Order.
- 4.2 The consultation exercise was supported by a Council media release and promoted on the Council's social media platforms. A dedicated consultation page was also developed to provide full details of the draft PSPO and to capture responses.
- 4.3 The Police also hand delivered consultation letters [provided by the Council] to all businesses operating on Pimbo Industrial Estate, outlining the details of the proposed PSPO and where comments could be made.
- 4.4 A total of 68 responses were received. 56 responses supported the introduction of the PSPO, 8 were not supportive and 4 respondents indicating they were unsure. The introduction of a PSPO for Pimbo Industrial Estate was also endorsed by the Lancashire Constabulary Chief Constable and Up Holland Parish Council.
- 4.5 A redacted summary of responses to the survey questions are also shown in Survey Response Report which is provided at Appendix 3.

5.0 ISSUES

- 5.1 PSPOs are governed by the Anti-social Behaviour, Crime and Policing Act 2014 with consideration also be given to the Home Office's Statutory Guidance Document 'Anti-social behaviour powers: Statutory guidance for frontline professionals'.
- 5.2 A PSPO can be made by a local authority if it is satisfied on reasonable grounds that the anti-social behaviour is having or is likely to have a detrimental effect on the quality of life of those in the locality and the effects of the behaviour are, or are likely to be, of a persistent or continuing nature, such as to make them unreasonable and thereby justifying the restrictions/requirements of the PSPO.
- 5.3 Accordingly, a PSPO imposes conditions on the use of an area which can apply to everyone or can be targeted against certain behaviours by certain groups at certain times. They are designed to ensure the law-abiding majority can use and enjoy public spaces safe from anti-social behaviour.
- 5.4 A PSPO can be applied on any land which members of the public have access to including car parks, shopping centres and parks, and can last for a maximum of 3 years but can be shorter. The Council can extend the order by a further 3 years if necessary, but consultation will have to take place.
- 5.5 The conditions on a PSPO must be justified to address the anti-social behaviour concerned. Given the majority of respondents to the consultation supported the introduction of the PSPO, Members are recommended to approve recommendations contained in this report so that the Order can be determined and published. In accordance with available information, it is also proposed that Members make the Order for a period of 3 years.
- 5.6 Once the PSPO is approved it will come into effect on a date to be agreed and must be advertised on the Council's website and in prominent places within the area shown within the Order, including signage at appropriate locations within the mapped area. A specific date for the commencement of the Order is difficult to establish at this time, as the Order and other preparations outlined in this report will take some time to complete. However, the Order will be completed during the summer period and implemented thereafter.
- 5.7 Once the PSPO is in place, it is an offence to breach the terms of the Order without reasonable excuse. Failure to comply can be dealt with by either issuing a Fixed Penalty Notice (FPN) or by prosecution in the Magistrates Court. Depending on the behaviour, an enforcement officer (police officer, police community support officer, or a designated person) can decide if a FPN is suitable. Given the subject matter, it may also be necessary to consider existing Council policies in respect of issuing fines/prosecution of anyone under 18 years old.
- 5.8 The Police are keen to make use of the powers once in place, but stress that it will be used only in exceptional circumstances. It is expected that the Police

would undertake the enforcement in relation to breaches of the Order and issue the FPNs. A written agreement will therefore be established between the Police and the Council on the use and enforcement of the Order and any procedural requirements. There would be a financial and resource burden on the Council's Environment and Community Protection and Legal teams for those cases dealt with internally in terms of preparation Court files and prosecution. It is difficult to estimate the number of likely number of cases. However, desktop research for Local Authorities that have already implemented PSPOs for car cruising has revealed that prosecution cases following the issue of Fixed Penalty Notices are at a very low level.

6.0 SUSTAINABILITY IMPLICATIONS

- 6.1 A PSPO of this nature has the potential to impact upon the Community in the stated areas. It serves as a means to address crime or the fear of crime through the focus on any potential offences under the PSPO.

7.0 FINANCIAL AND RESOURCE IMPLICATIONS

- 7.1 There are some financial / resource implications arising from this report in respect of implementation of the Order and public signage, however this will be met using existing resources. A new PSPO for car cruising would potentially give an additional burden for the Council's Environment and Community Protection and Legal teams as outlined above. However, it is agreed that Lancashire Constabulary will be the primary enforcing agency for the proposed PSPO. At present, costs can be met by existing resources, but this may have to be reviewed if demand exceeds current expected levels. A further report will be presented to Members should this arrangement present any future risks to Council services.

8.0 RISK ASSESSMENT

- 8.1 The Council is not under a duty to introduce a PSPO in this case. However, due to the level of evidence and views provided by Lancashire Constabulary and responses obtained through the public consultation exercise, this matter is presented to Members as a means to address the concerns outlined in this report. The disruptive activities outlined in this report also present a risk of serious injury to persons and/or damage to property. There is also a corresponding risk that residents/businesses will continue to be affected. A reasonably enforced PSPO would help to reduce this risk.
- 8.2 A further risk is presented in that a PSPO could simply move problem elsewhere in the Borough. It is believed that there is a risk that Burscough Industrial Estate could be a potential target by organisers. However, no evidence currently exists of this issue and so a further report will be presented to Members should any displacement of the problem occur that needs to be addressed.

9.0 HEALTH AND WELLBEING IMPLICATIONS

- 9.1 The disruptive activities outlined in this report are believed to affect residents and businesses. A reasonably enforced PSPO would also help to reduce any associated stress, lack of sleep and/or potential injury by those affected by this problem and thereby help to protect peoples' health and wellbeing.
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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

- Appendix 1: Final Public Space Protection Order
- Appendix 2: Report to Council dated 15 December 2021
- Appendix 3: Public consultation response report
- Appendix 4: Equality Impact Assessment

**Appendix 1:
Public Space Protection Order**



WEST LANCASHIRE BOROUGH COUNCIL

SECTION 59, ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014

PIMBO INDUSTRIAL ESTATE PUBLIC SPACES PROTECTION ORDER 2022
("the Order")

West Lancashire Borough Council ("the Council") in exercise of its powers under the Anti-Social Behaviour, Crime and Policing Act 2014 ("the Act") hereby makes the following Public Spaces Protection Order.

This Order may be cited as the Public Spaces Protection (Pimbo Industrial Estate) Order 2022.

The Council makes this Order, being satisfied on reasonable grounds that the activities set out at paragraph 1 in the location described in paragraph 2 of this Order have had or are likely to have a detrimental effect on the quality of life of those in the locality, or it is likely that activities will be carried out within that area and have such an effect. The Council is also satisfied that the effect, or likely effect, of the activities is, or is likely to be, of a persistent or continuing nature, and these activities are unreasonable and justify the restrictions imposed by the Order and that it is in all the circumstances expedient to make this Order for the purpose of reducing crime and / or anti-social behaviour in a public place.

This Order comes into force at midnight on **DATE** for a period of three years thereafter, unless extended by further orders under the Council's statutory powers.

The Council hereby requires by way of this Order that:

1. General Provisions

1.1. The activities described below are hereby prohibited as from the date of this Order.

1.2. Twenty-four hours a day, in the location described in paragraph 2 of this Order, anyone being the driver (or registered keeper) of a vehicle (motorised or otherwise) performs any of the following activities:

1.2.1. Revving of engine(s) (as to cause public nuisance);

1.2.2. Sudden and / or rapid acceleration (as to cause public nuisance);

- 1.2.3. Racing two or more vehicles;
- 1.2.4. Performing stunts, for example, but not limited to, "donuts" i.e. vehicles being made to spin in circles, vehicles skidding or being driven not in accordance with expected driving standards (as to cause public nuisance);
- 1.2.5. Sounding horns (as to cause public nuisance);
- 1.2.6. Playing music from a vehicle (as to cause public nuisance);
- 1.2.7. Using threatening and / or intimidating behaviour towards another person;
- 1.2.8. Causing obstruction on a public highway, whether moving or stationary, including driving in a convoy;
- 1.2.9. A vehicle being driven, not in accordance with expected driving standards, with the intention of setting a time over a "course" i.e. a section of highway or highways (as to cause public nuisance) (with the exception of vehicles responding to / dealing with an emergency).
- 1.2.10. Any activities similar to the above which cause harm, alarm or distress or have had or are likely to have a detrimental effect on the quality of life of those in the locality, or it is likely that activities will be carried out within that area and have such an effect;
- 1.2.11. Persons gathering for social, charitable or other events where the landowner has no objections are permitted at all times subject to compliance with the above conditions.

2. Location

- 2.1. The land in relation to which the Order applies is that land within the boundary of the Council as set out and described in Schedule 1 and shown on the map edged red and marked "Plan A" in Schedule 2.

3. Penalty

- 3.1. It is an offence for a person without reasonable excuse to engage in an activity that is prohibited by this Order. A person found to be in breach of this Order is liable on summary conviction to a maximum penalty of a Level 3 fine or to a Fixed Penalty Notice up to £100.
- 3.2. The Fixed Penalty Notice is a Notice offering the person to whom it is issued the opportunity of discharging any liability to conviction for the offence by payment of a fixed penalty to the Council.
- 3.3. When a Fixed Penalty Notice is issued, no proceedings will be taken in respect of the offence before the end of the period of 14 days following the date of the Notice. If the person issued with the Fixed Penalty Notice pays the amount due within the 14 day period he may not be convicted of the offence.

3.4. Enforcement of the offence can be undertaken by either a Police Officer or an Authorised Officer of the Council.

4. Appeal

4.1. An Interested person may apply to the High Court to question the validity of:

4.1.1. This Order, or

4.1.2. A future variation of this Order.

4.2. "Interested Person" means an individual who lives in the restricted area or who regularly works in or visits that area. An Interested person may apply to the High Court within six weeks from the date in which the Order is made, on the grounds that:

4.2.1. The Council did not have the power to make the Order or variation, or to include particular prohibitions or requirements imposed by the Order (or by the Order as varied).

4.2.2. A requirement under Chapter 2 of the Act was not complied with in relation to the Order or variation.

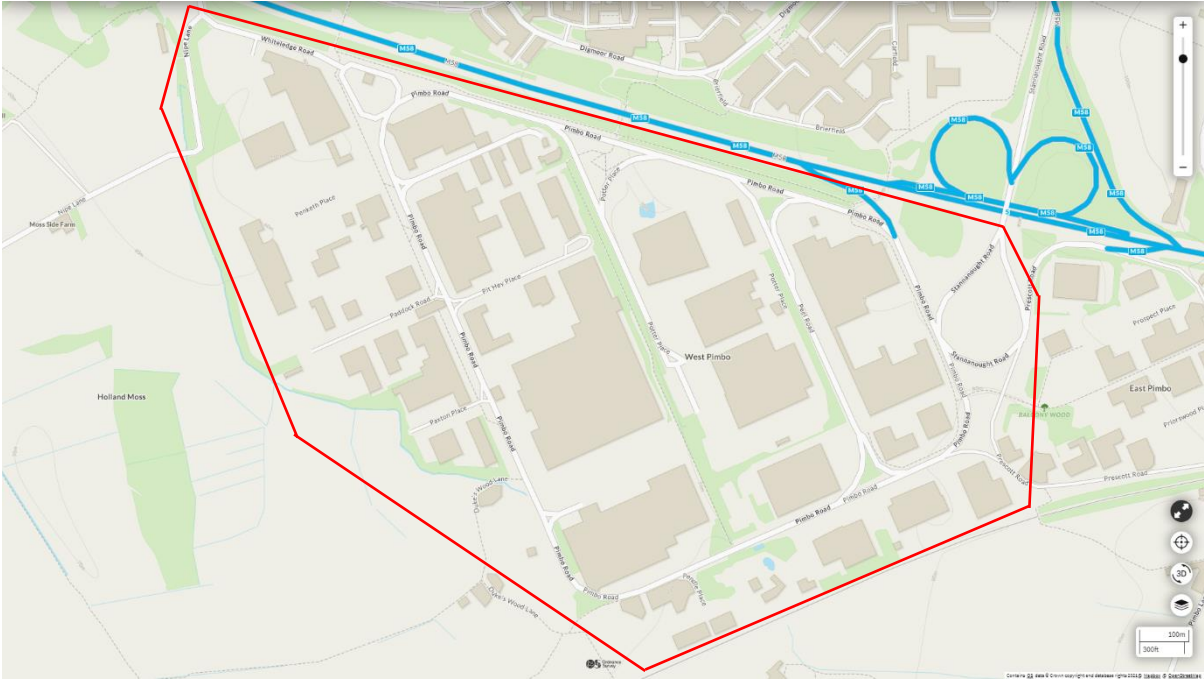
DATED: **DATE**

SCHEDULE 1

The Order applies to all land and roads within the red boundary, indicated within the map, as detailed within Schedule 2.

SCHEDULE 2

This Order applies to the land shown edged red on the attached plan to this Schedule marked "Plan A".





COUNCIL:

15 DECEMBER 2021

Report of: Corporate Director of Place & Community

Relevant Portfolio Holder: Councillor Gareth Dowling

Contact for further information: Paul Charlson (Extn. 5246)

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**SUBJECT: ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014:
PUBLIC SPACE PROTECTION ORDER IN RESPECT OF PIMBO INDUSTRIAL
ESTATE**

Wards affected: Up Holland

1.0 PURPOSE OF THE REPORT

1.1 Following a request from Lancashire Constabulary, to seek support for the introduction of a Public Space Protection Order to deter organised car meets / car cruising on Pimbo Industrial Estate, Up Holland, West Lancashire.

2.0 RECOMMENDATIONS TO COUNCIL

2.1 That Council support the introduction of a Public Space Protection Order to deter organised car meets / car cruising on Pimbo Industrial Estate, Up Holland, West Lancashire.

2.2 If the recommendation at 2.1 is approved, that Council grant delegated authority to the Corporate Director of Place and Community, in consultation with the Portfolio Holder for Communities and Community Safety, to prepare a draft Public Space Protection Order and to consult on its content in accordance with the relevant legislation and guidance, prior to bringing the matter before Council for final ratification and approval.

3.0 BACKGROUND

3.1 Following the easing of Covid restrictions, West Lancashire has seen a significant increase in pre-arranged car meets. One such popular location is

Pimbo Industrial Estate. These car meets are arranged in secret, online and happen without prior warning, making them difficult to pre-empt and police.

- 3.2 This has resulted in a request from Lancashire Constabulary to introduce a Public Space Protection Order (PSPO) to address the problem. The use of PSPOs is considered to be the best way of preventing future problems locally and has been adopted as best practice in other local authorities where similar problems exist.
- 3.3 The local Chief Inspector, on behalf of Lancashire Constabulary, has provided the Council with the following details to support the decision making process. A map of the location is provided at Appendix 1 which includes the proposed boundary within which the PSPO would have affect. This is for indicative purposes only and Members should note that the draft PSPO will prescribe the exact boundary to the Order.
- (i) People attend the event at Pimbo from across the North West, often with over 300 vehicles in attendance at once. Many of the vehicles are high performance or modified cars with loud exhausts. Weekend evenings have been popular for this event, with high number of vehicles arriving at once. The noise this causes and impact on the local community is significant – not only for residents of the Pimbo area, but also other locations across West Lancashire as the convoy of vehicles make their way to Pimbo.
 - (ii) Following each car meet, numerous complaints are received by the Police and local MP due to the noise and behaviour of those attending. Complaints are not just limited to those residing in Pimbo, but also in residential areas in Burscough due to vehicles driving in convoy and racing on roads en-route to Pimbo. This Pimbo Car Meet has now gained a reputation amongst like car enthusiasts as one of the biggest and favoured North West ‘Max Power’ events, and recently has even started to gain the attention of mobile burger vans and caterers who also attend the area for business.
 - (iii) The scale of these unauthorised and dangerous events is significant. The hostility and disregard shown to the Police is concerning and has escalated. The impact on the community cannot be ignored and is having a damaging effect on people's quality of life. As people leave the area or are dispersed following Police resources being diverted from across the County into the area, the disregard for the area is again apparent by the amount of litter left behind.
 - (iv) Importantly there are also serious and obvious concerns regarding the safety of those who attend, and to members of the local community who may be in the area at the time. At each car meet there have been races involving high performance vehicles, drag racing whilst the road is lined with pedestrian spectators. People have been seen to stand in the middle of the road starting these races and standing at the finishing line.
 - (v) In August 2021 in Lincoln, vehicles racing at a very similar car meet crashed into spectators who had lined the road to watch, causing one

person to be fatally injured and 3 seriously injured. The videos posted online from this event had frightening similarities to the car meets at Pimbo. It is only a matter of time before the same tragedy occurs here.

(vi) Once the vehicles arrive, the behaviour of the majority is unacceptable and there is significant anti-social behaviour and nuisance caused by the manner of driving, races, 'burn outs' and associated noise. Below is a summary of incidents the Police have been made aware of:

- 19/06/21 – 100 vehicles, drivers/passengers described as anti police prior to dispersal
- 03/07/21 – 60 vehicles in attendance with 200+ passengers/spectators
- 10/07/21 – 120+ vehicles 40 of which had been involved in anti social driving on Chancel Lane in Burscough. Vehicles attended from as far away as Wrexham. Section 59 notices issued.
- 18/07/21 – 200+ vehicles in attendance
- 23/07/21 – 60+ vehicles present with an additional 70 passengers/spectators present
- 25/07/21 – 200+ vehicles present. Prior to dispersal officers had to contend with bottles and stones being thrown at them.
- 01/08/21 – reported car meet on car park at the Skelmersdale Asda. 100+ vehicles in attendance. Those present would not engage with police. This was following interventions at Pimbo and the vehicles relocated.
- 15/08/21 – gathering at Gillibrands. 20+ vehicles in attendance
- 15/08/21 – above meet then moved onto Pimbo and vehicle in attendance went up to 200+. Large number described as hostile towards police.
- 30/08/21 – report of a large car meet at Pimbo.
- 13/09/21 – 100+ vehicles in attendance. Significant anti social driving. As well as being verbally abused officers had stones, golf balls and beer bottles thrown at them. Damage to a police vehicle. Vehicles racing with spectators lining the road.
- 27/09/21 – car meet. Not clear re numbers present.
- 03/10/21 – 300+ vehicles in attendance. Significant ant social driving and verbal abuse. 2 tickets for speeding issued. 88 warning letters sent to registered keepers. Two vehicles involved in an accident whilst

racing. Spectators watching as vehicles race in the vicinity of the accident.

- (vii) The Police support the application for a PSPO in order to provide the Police and (should it be necessary) authorised Council officers the power to act quickly and stop these anti-social gatherings of car cruisers and racers who are causing, or likely to cause, nuisance, alarm or distress to local residents. This Order will prevent excessive noise, danger to road users and pedestrians, risk of damage to private property, litter and any nuisance caused to any other person.

4.0 ISSUES

- 4.1 PSPOs are governed by the Anti-social Behaviour, Crime and Policing Act 2014 with consideration also be given to the Home Office's Statutory Guidance Document 'Anti-social behaviour powers: Statutory guidance for frontline professionals'.
- 4.2 A PSPO can be made by a local authority if they are satisfied on reasonable grounds that the anti-social behaviour is having or is likely to have a detrimental effect on the quality of life of those in the locality and the effects of the behaviour are, or are likely to be, of a persistent or continuing nature, such as to make them unreasonable and thereby justifying the restrictions/requirements of the PSPO.
- 4.3 Accordingly, a PSPO imposes conditions on the use of an area which can apply to everyone or can be targeted against certain behaviours by certain groups at certain times. They are designed to ensure the law-abiding majority can use and enjoy public spaces safe from anti-social behaviour.
- 4.4 A PSPO can be applied on any land which members of the public have access to including car parks, shopping centres and parks, and can last for a maximum of 3 years but can be shorter. The Council can extend the order by a further 3 years if necessary, but consultation will have to take place.
- 4.5 The conditions on a PSPO must be justified to address the anti-social behaviour concerned. Therefore, if Members are minded to approve the recommendations contained in this report, a draft PSPO, including any proposed conditions necessary to prevent anti-social behaviour caused by car-cruising and associated activities, will be prepared.
- 4.6 Before the PSPO can be approved, a process of consultation must be carried out. There are no statutory requirements about the length of the consultation process, however it should be ensured that its duration allows sufficient time to meaningfully engage with all those who may be impacted by the Order. For example, the last PSPO issued by the Council (conversion of Dog Control Orders already in place and addition of new locations) involved a 5 week consultation process. Accordingly, a consultation period of 4 to 6 weeks is supported in this case to ensure that the imposition of a PSPO is properly considered by those who it might affect. The duration will be confirmed when

drafting the Order itself in accordance with the recommendations contained in this report.

- 4.7 Available guidance supports using a range of means to reach potential respondents during any consultation. Accordingly, the consultation process will include use of the dedicated consultation processes through the Council's website, supported by social media. Specifically, the consultation will be directed at representatives of the local community (including Up Holland Parish Council), residents and affected businesses, local Councillors, the Chief Constable and Office of the Police and Crime Commissioner and the owners of any affected land, including Lancashire County Council. But beyond these broad requirements, local authorities can determine for themselves what an appropriate consultation process might entail.
- 4.8 Following consultation, Council would be in a position to determine if a PSPO is necessary. The responses to the consultation will be presented to a future meeting of Council accordingly.
- 4.9 Once the PSPO is approved, it will come into effect on a date to be agreed and must be advertised on the Council's website and in prominent places within the area shown at Appendix 1 to this report.
- 4.10 Once the PSPO is in place, it is an offence to breach the terms of the Order without reasonable excuse. Failure to comply can be dealt with by either issuing a Fixed Penalty Notice (FPN) or by prosecution in the Magistrates Court. Depending on the behaviour, an enforcement officer (police officer, police community support officer, or a designated person) can decide if a FPN is suitable.

5.0 SUSTAINABILITY IMPLICATIONS

- 5.1 A PSPO of this nature has the potential to impact upon the Community in the stated areas. It serves as a means to address crime or the fear of crime through the focus on any potential offences under the PSPO.

6.0 FINANCIAL AND RESOURCE IMPLICATIONS

- 6.1 There are some financial/ resource implications arising from this report in respect of publication / consultation, signage etc., however these will be met using existing resources.

7.0 RISK ASSESSMENT

- 7.1 The Council is not under a duty to introduce a PSPO in this case. However, due to the level of evidence and views provided by Lancashire Constabulary, this matter is presented to Members as a means to address the concerns outlined in this report. The disruptive activities outlined in this report present a risk of serious injury to persons and/or damage to property. There is also a corresponding risk that residents/businesses will continue to be affected. A reasonably enforced PSPO would serve to reduce this risk.

7.2 A further risk is presented in that a PSPO could simply move problem elsewhere in the Borough. However, no evidence currently exists of this issue and so a further report will be presented to Members should any displacement of the problem occur that needs to be addressed.

8.0 HEALTH AND WELLBEING IMPLICATIONS

8.1 The disruptive activities outlined in this report are believed to affect residents and businesses. A reasonably enforced PSPO would also help to reduce any associated stress, disturbance, lack of sleep and/or potential injury by those affected by this problem and thereby help to protect peoples' health and wellbeing.

Background Documents

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

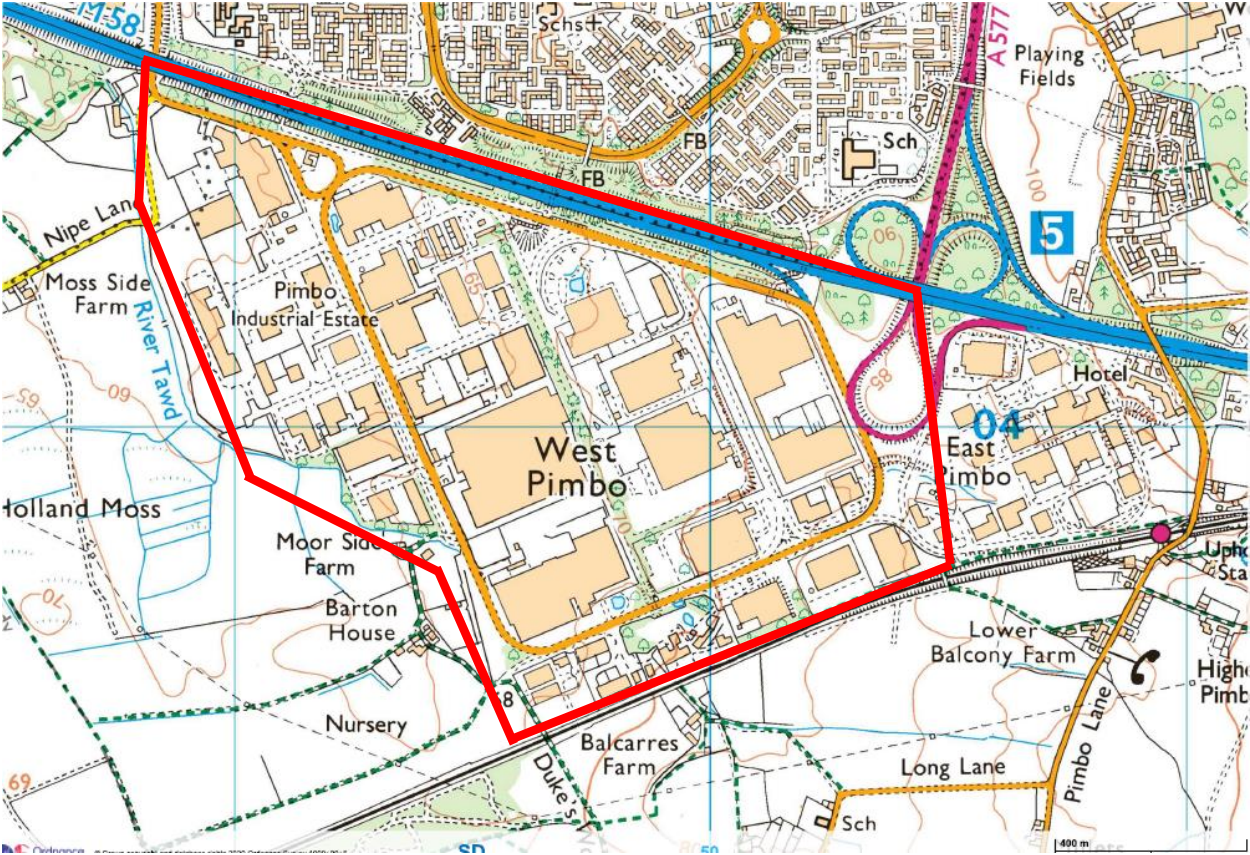
Equality Impact Assessment

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. Map of the Pimbo area and the remit of the proposed PSPO
2. Equality Impact Assessment

Appendix 1
Map of the Pimbo area and the remit of the proposed PSPO



Appendix 2

Equality Impact Assessment Form



Directorate: Housing and Regulatory Services	Service: Community Safety
Completed by: Paul Charlson	Date: 25/11/21
Subject Title: ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014: PUBLIC SPACE PROTECTION ORDER IN RESPECT OF PIMBO INDUSTRIAL ESTATE	
1. DESCRIPTION	
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:	No
Is a programme or project being planned:	No
Are recommendations being presented to senior managers and/or Councillors:	Yes
Does the activity contribute to meeting our duties under the Equality Act 2010 and Public Sector Equality Duty (Eliminating unlawful discrimination/harassment, advancing equality of opportunity, fostering good relations):	No
Details of the matter under consideration:	Proposed PSPO for Piibmo area of Up Holland and surrounding area
<i>If you answered Yes to any of the above go straight to Section 3</i>	
<i>If you answered No to all the above please complete Section 2</i>	
2. RELEVANCE	
Does the work being carried out impact on service users, staff or Councillors (stakeholders):	<i>*delete as appropriate</i>
If Yes , provide details of how this impacts on service users, staff or Councillors (stakeholders): <i>If you answered Yes go to Section 3</i>	
If you answered No to both Sections 1 and 2 provide details of why there is no impact on these three groups: <i>You do not need to complete the rest of this form.</i>	
3. EVIDENCE COLLECTION	
Who does the work being carried out impact on, i.e. who is/are the stakeholder(s)?	Local community representatives, residents and affected businesses, local Councillors, the Chief Constable and Office of the Police

	and Crime Commissioner, owners of any affected land, including Lancashire County Council.
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)?	N/A
Which of the protected characteristics are most relevant to the work being carried out?	<i>*delete as appropriate</i>
Age	No
Gender	No
Disability	No
Race and Culture	No
Sexual Orientation	No
Religion or Belief	No
Gender Reassignment	No
Marriage and Civil Partnership	No
Pregnancy and Maternity	No
4. DATA ANALYSIS	
In relation to the work being carried out, and the service/function in question, who is actually or currently using the service and why?	Local Police: to use the proposed PSPO as a potential enforcement tool to deter the car meets,
What will the impact of the work being carried out be on usage/the stakeholders?	If approved, the draft PSPO will be subject to consultation and the responses will be considered by Council in determining the matter.
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?	If approved, the draft PSPO will be subject to consultation and the responses will be considered by Council in determining the matter.
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?	If approved, the draft PSPO will be subject to consultation and the responses will be considered by Council in determining the matter.
If any further data/consultation is needed and is to be gathered, please specify:	N/A
5. IMPACT OF DECISIONS	
In what way will the changes impact on people with particular protected characteristics (either positively or negatively or in terms of disproportionate impact)?	None.

6. CONSIDERING THE IMPACT	
If there is a negative impact what action can be taken to mitigate it? (If it is not possible or desirable to take actions to reduce the impact, explain why this is the case (e.g. legislative or financial drivers etc.).	N/A
What actions do you plan to take to address any other issues above?	No actions. <i>If no actions are planned state no actions</i>
7. MONITORING AND REVIEWING	
When will this assessment be reviewed and who will review it?	A review every 3 years is required.

Proposed Public Spaces Protection Order (PSPO) - Pimbo Industrial Estate


SURVEY RESPONSE REPORT

06 January 2022 - 13 February 2022

PROJECT NAME:

Proposed Public Spaces Protection Order (PSPO) - Pimbo Industrial Estate





SURVEY QUESTIONS

Q1 Do you consent for the Council to collate and process your feedback?

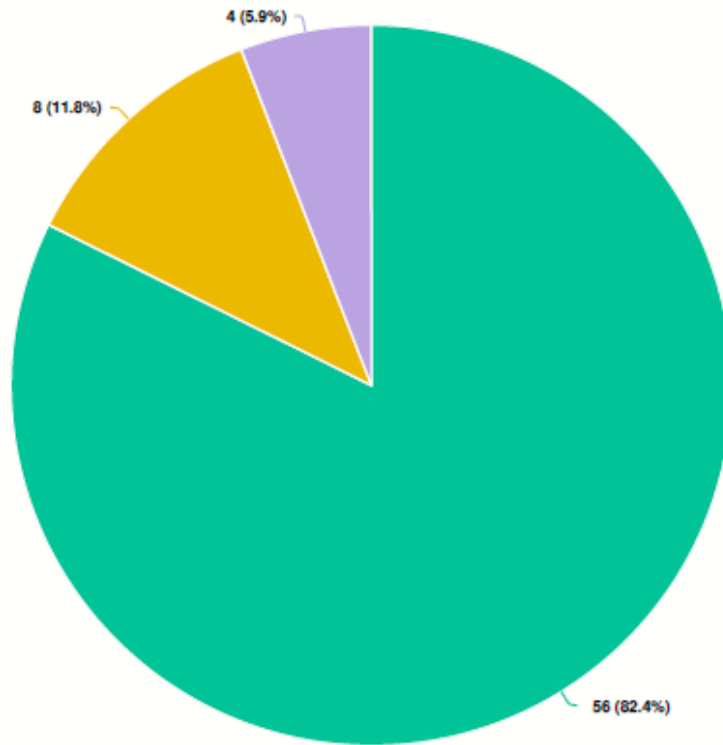


Question options

- Yes
- No

Mandatory Question (68 response(s))
Question type: Radio Button Question

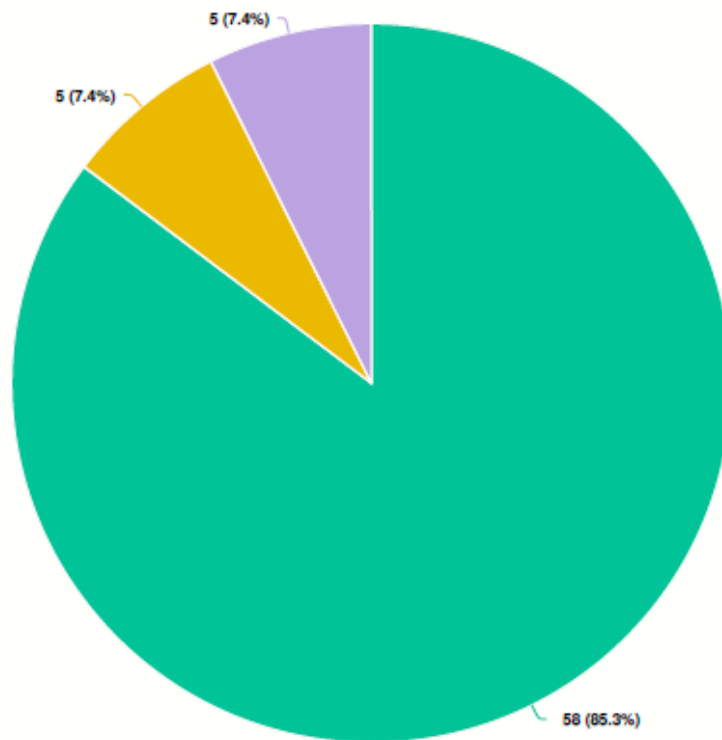
Q3 | Do you agree with this PSPO?



Question options

● Yes ● No ● Unsure

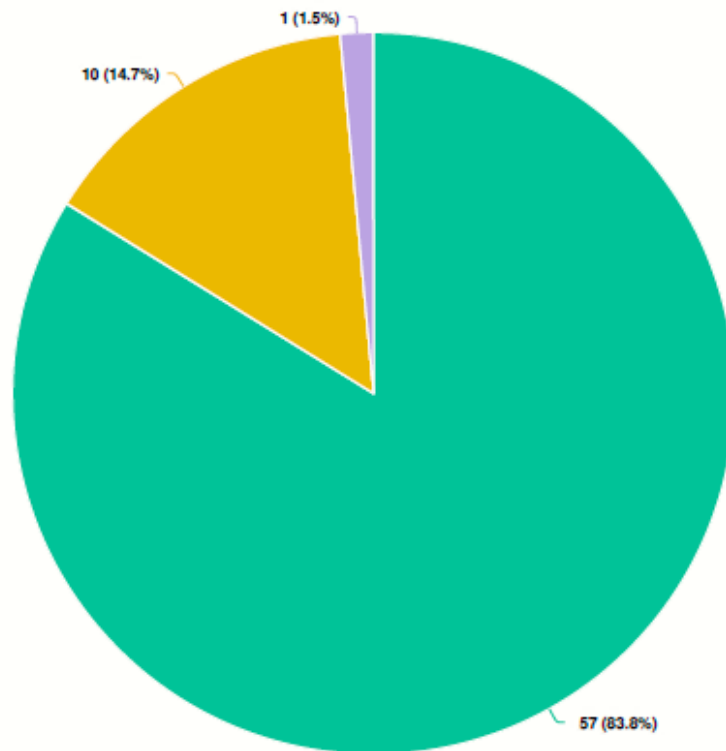
Q4 | Do you agree with the area affected (highlighted in red) by the PSPO in Pimbo Industrial Estate as shown in the map above?



Question options

● Yes ● No ● Unsure

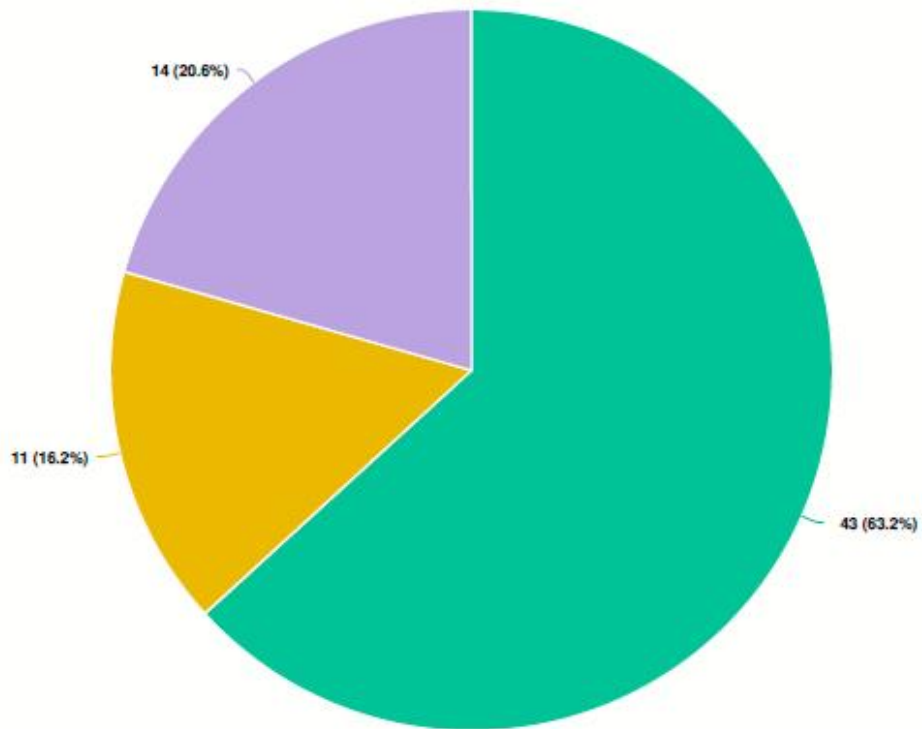
Q5 | The proposed PSPO will operate 24 hours a day, 365 days a year. Do you think this is suitable?



Question options


● Yes ● No ● Unsure

Q6 | The proposed controls that would be implemented within the PSPO area are contained in the draft Order on our website. Do you think these controls are sufficient?



Question options
● Yes ● No ● Unsure

Appendix 4:

<h1 style="color: red;">Equality Impact Assessment Form</h1> 	
Directorate: Planning and Regulatory Services	Service: Community Safety
Completed by: Paul Charlson	Date: 20/06/22
Subject Title: ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014: PUBLIC SPACE PROTECTION ORDER IN RESPECT OF PIMBO INDUSTRIAL ESTATE	
1. DESCRIPTION	
Is a policy or strategy being produced or revised:	<i>*delete as appropriate</i>
	No
Is a service being designed, redesigned or cutback:	No
Is a commissioning plan or contract specification being developed:	No
Is a budget being set or funding allocated:	No
Is a programme or project being planned:	No
Are recommendations being presented to senior managers and/or Councillors:	Yes
Does the activity contribute to meeting our duties under the Equality Act 2010 and Public Sector Equality Duty (Eliminating unlawful discrimination/harassment, advancing equality of opportunity, fostering good relations):	No
Details of the matter under consideration:	Proposed PSPO for Piibmo area of Up Holland and surrounding area
<p><i>If you answered Yes to any of the above go straight to Section 3</i> <i>If you answered No to all the above please complete Section 2</i></p>	
2. RELEVANCE	
Does the work being carried out impact on service users, staff or Councillors (stakeholders):	<i>*delete as appropriate</i>
If Yes , provide details of how this impacts on service users, staff or Councillors (stakeholders): <i>If you answered Yes go to Section 3</i>	
If you answered No to both Sections 1 and 2 provide details of why there is no impact on these three groups: <i>You do not need to complete the rest of this form.</i>	
3. EVIDENCE COLLECTION	
Who does the work being carried out impact on, i.e. who is/are the stakeholder(s)?	Local community representatives, residents and affected businesses, local Councillors, the Chief Constable and Office of the Police

	and Crime Commissioner, owners of any affected land, including Lancashire County Council.
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)?	N/A
Which of the protected characteristics are most relevant to the work being carried out?	<i>*delete as appropriate</i>
Age	No
Gender	No
Disability	No
Race and Culture	No
Sexual Orientation	No
Religion or Belief	No
Gender Reassignment	No
Marriage and Civil Partnership	No
Pregnancy and Maternity	No
4. DATA ANALYSIS	
In relation to the work being carried out, and the service/function in question, who is actually or currently using the service and why?	Local Police: to use the proposed PSPO as a potential enforcement tool to deter the car meets,
What will the impact of the work being carried out be on usage/the stakeholders?	The proposed PSPO has been subject to consultation and the responses considered by Council in determining the matter.
What are people's views about the services? Are some customers more satisfied than others, and if so what are the reasons? Can these be affected by the proposals?	The proposed PSPO has been subject to consultation and the responses considered by Council in determining the matter.
What sources of data including consultation results have you used to analyse the impact of the work being carried out on users/stakeholders with protected characteristics?	The proposed PSPO has been subject to consultation and the responses considered by Council in determining the matter.
If any further data/consultation is needed and is to be gathered, please specify:	N/A
5. IMPACT OF DECISIONS	
In what way will the changes impact on people with particular protected characteristics (either positively or negatively or in terms of disproportionate impact)?	None.
6. CONSIDERING THE IMPACT	
If there is a negative impact what action can be taken to mitigate it? (If it is not possible or	N/A

desirable to take actions to reduce the impact, explain why this is the case (e.g. legislative or financial drivers etc.).	
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>
7. MONITORING AND REVIEWING	
When will this assessment be reviewed and who will review it?	A review every 3 years is required.



COUNCIL: 20 July 2022

Report of: Head of Finance, Procurement and Commercial Services

Relevant Portfolio Holder: Councillor Adam Yates

Contact for further information: Peter Quick (Ext 5203)
(E-mail: peter.quick@westlancs.gov.uk)

SUBJECT: GRA Revenue Outturn Position 2021-22

Wards affected: Borough wide

1.0 PURPOSE OF REPORT

1.1 To provide a summary of the revenue outturn position on the General Revenue Account (GRA) for the 2021/22 financial year, noting movements in the Council's reserves and balances and to agree the transfer of the underspend.

2.0 RECOMMENDATIONS

2.1 That the balanced revenue outturn position be noted.

3.0 BACKGROUND

3.1 The GRA budget set in February 2021 for the 2021-22 was £13.897m.

4.0 GRA 2021/22 OUTTURN

4.1 A summary of the draft GRA revenue outturn is set out in table 4.4 below. This shows that the draft GRA budget has been balanced in 2021/22. This is a strong outcome and supports the MTFS which is likely to come under additional pressure from 2022/23 due to exceptionally high inflation driving up costs.

4.2 As closedown continues, if there are adjustments required in 2021/22 the amount taken to/from reserves will be flexed to ensure that the GRA remains balanced.

4.3 The table below shows that all seven services operated within their overall budget allocation. Key variances include:

- Savings on the leisure contract, reported mid-year, have materialised;
- Agency management fee income in regard to work of Disabled Facilities grants is better than budget;
- Staff vacancies within Corporate and Customer Services and Housing and Regulatory Services;
- Accounting for pension fund contributions has had a favourable effect on outturn;
- However, low interest rates continue to have a detrimental effect on investment income receivable. The Treasury Management report, on this agenda, will provide further information.

4.4 Draft GRA outturn 2021-22

Service	Revised Budget £000's	Mid Year var	Draft outturn var	Comments
Environmental Services	7,279	-50	-46	
Growth & Development	1,264	0	-39	
Wellbeing & Leisure	3,092	-385	-481	Leisure contract and repairs
Housing & Regulatory	1,864	-100	-141	Disabled Facilities Mngt fees, staff cost savings.
Corporate & Customer Services	2,094	0	-300	Mainly staff vacancies
Legal & Democratic	1,073	0	-127	Accumulation of several smaller variances
Finance, Procurement & Commercial Services	59	0	-617	Primarily corporate pension fund contributions
Central Service items	-13	0	317	Mainly employee vacancy target to offset service savings
Total Service Budgets (net)	16,712	-535	-1,434	
Treasury Mngt	-379	108	250	
Capital Charges	-1,198	0	-5	
To/(from) reserves	-1,239	0	1,189	Reserve funding not required.
Total Budget (net)	13,897	-427	0	
<u>Funded by:</u>				
Council Tax (net)	7,773		0	
NNDR (net)	4,582		0	
Government Grants	1,542		0	
Total Funding	13,897		0	

5.0 SUSTAINABILITY IMPLICATIONS

5.1 It is a legal requirement for the Council to set and operate within a balanced budget. The sustainability of the Council in the long run allows it to provide services that the public require.

6.0 RISK ASSESSMENT

6.1 The formal reporting of performance on the General Revenue Account is part of the overall budgetary management and control framework that is designed to minimise the financial risks facing the Council. This process is resource intensive for both Members and Officers but ensures that a robust and achievable budget is set.

Background Documents

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

Equality Impact Assessment

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



Council: 20 July 2022

Report of: Head of Finance, Procurement and Commercial Property

Relevant Portfolio Holder: Councillor A. Yates

**Contact for further information: Cathy Murphy
(E-mail: Cathy.Murphy@westlancs.gov.uk)**

SUBJECT: CAPITAL PROGRAMME OUTTURN

Wards Affected: Borough wide

1.0 PURPOSE OF THE REPORT

1.1 To provide a summary of the capital outturn position on the General Revenue Account (GRA) for the 2021/2022 financial year.

2.0 RECOMMENDATIONS

2.1 That the Capital outturn position be noted and the proposed Capital allocation set out in Appendix 1 be approved.

2.2 That the Capital programme and Re-profiling in Appendix 1 be noted and approved.

3.0 BACKGROUND

3.1 The Capital Programme is set on a three-year rolling basis and the Programmes for 2021/2022, 2022/2023 and 2023/24 were approved by Council in February 2021. Most of the unused funding from the previous year has been transferred into the current year.

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

3.3 It should be noted that the final accounts for the 2021/2022 year are subject to audit and the figures contained in this report are, potentially, subject to change.

Members will be informed in due course of any significant matters arising from the Audit.

4.0 CAPITAL PROGRAMME OUTTURN

4.1 Expenditure on the GRA Capital Programme in the year was £9.348m against a budget of £18.435), and a breakdown is provided in Appendix 1

Table 1

Budget Area	Expenditure £000	Budget £000	Variance £000	Expenditure %
Finance Procurement & Commercial Property	6,461	12,057	-5,596	54%
Wellbeing & Leisure	169	1,782	-1,613	10%
Environmental Services	90	110	-20	82%
Growth and Development	392	888	-496	44%
Housing and Regulatory Services	2,050	2,476	-426	83%
Corporate and Customer Services	186	1,122	-936	17%
TOTAL	9,348	18,435	-9,087	51%

4.2 The expenditure level was 51% of the total budget. The largest capital scheme was the Skelmersdale Town Centre Development, which had a budget of £11.45m and actual expenditure of £6.4m, which is funded by £5m of Land Sales Receipts and £1.4m of internal borrowing. The variance of £5.05m is to be re-profiled into 2022/23, but had the budget been profiled between the two years originally, the expenditure level would be 70% rather than 51% of the total budget.

Phase 1 was in progress at year end and a bid is due to be submitted by 8th July 2022 for level up funding for development of a new leisure and wellbeing hub in Skelmersdale to replace the current facilities

5.0 RE-PROFILING OF EXPENDITURE APPROVALS

5.1 100% spend against the Budget is never anticipated due mainly to reasons beyond the Council's control. For example, some schemes are reliant on a significant amount of match funding and external contributions, and others are demand led or dependent upon decisions made by partners.

5.2 Schemes that are not completed within the financial year for which they are scheduled are carried forward into the following financial year along with their unused expenditure and resource approvals.

In line with our normal practice it is expected that the majority of the budget variance will be transferred into the 2022-2023 financial year to enable capital schemes to be completed. This is analysed in Appendix 1 – Capital programme.

6.0 SIGNIFICANT VARIANCES

6.1 Variances between the original estimated cost of a capital scheme and its final position are normal and the Council has established budgetary management and control procedures in place to minimise such variances. In total expenditure was £9.087m below budget, which is a variance of 49%. An analysis of significant variances by scheme is provided below with a full detailed analysis of all schemes provided in Appendix 1.

SCHEME	2021/2022 Variance	Notes
Skelmersdale Town Centre	£5,045	This is an ongoing project
WL Play Strategy Improvements	£629	delays due to resource capacity, procurement and delivery delays
Burscough Sports Centre	£386	This project has been placed on hold pending finalisation of the new Leisure Hubs procurement project.
Digital Transformation - Implementation of IT Strategy	£384	Delayed as dependant on Lancashire County Council Negotiations
Capitalise revenue transformation costs.	£300	These costs are Ad-hoc
Cycle Trail at Cheshire Lines	£257	cost increases and specification changes by partners mean delay as additional resources are sought
ICT Development Programme	£223	Delayed as dependant on Lancashire County Council Negotiations
CCTV	£219	This was delayed to being procured as one project and is currently now out to tender
Canal Improvement	£199	Part of Eastern Gateway scheme which has been delayed due to LCC awaiting planning approvals
Restructuring Costs	£187	These costs are Ad-hoc
Moor Street Phase 2	£177	Part of Eastern Gateway scheme which has been delayed due to LCC awaiting planning approvals
Resurfacing of Blaguegate Lane	£160	viability and appropriate partners for delivery and management are being re-evaluated
Right Kit Right Role Right Refresh - support agile working	£128	Delayed as dependant on Lancashire County Council Negotiations

	£8,294	

6.2 For those elements of the capital programme that have incurred additional expenditure they have been partly financed through matched funding and internal borrowing (applying surplus cash balances in the Council to avoid external borrowing), within the context of the managed three year capital programme process. The agreed Capital Programme in future years which is analysed in Appendix 1.

7.0 CAPITAL RESOURCES

7.1 The main area of the capital resources budget that is subject to variation is in relation to capital receipts. These are the useable proceeds from the sale of Council assets (mainly houses under Right to Buy sales) that are available to fund capital expenditure. These receipts can vary significantly depending on the number and value of assets sold.

7.2 47 Right to Buy Council House sales were generated against the forecast of 50 for the financial year.

Description	Estimate £000	Actual £000	% Received Against Budget
Right To buy Sales	349	339	97%
Total	349	339	97%

7.3 In addition to the Usable Capital Receipt figures shown above, the Council is also able to retain a proportion of the proceeds generated by Council House sales for specific purposes. In this respect, by the end of the financial year £0.299m had been generated for “One for One Replacement Funding”

8.0 SUSTAINABILITY IMPLICATIONS

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

9.0 RISK ASSESSMENT

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

receipts position is scrutinised on a regular basis and managed over the medium term to mitigate the risk of unfunded capital expenditure.

10.0 HEALTH AND WELLBEING IMPLICATIONS

10.1 Some of the Capital Schemes will enhance the Health and Wellbeing of residents and the management of the delivery is ensured via the reporting mechanism.

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 budget proposals contained in this report have either been the subject of previous reports to Committee, are currently at a high level where more detailed work is required, or would not have an adverse impact on the public, employees, elected members and / or stakeholders. Consequently, no equality impact assessments have been produced for these proposals at this time.

Appendices

Appendix 1 – Capital Programme

APPENDIX 1 - CAPITAL PROGRAMME

	2021/2022 Outturn	2021/2022 Budget	2021/2022 Variance	2022/23 Re-profiling from 2021/22	Notes	2022/23 Approved at Council February 2022	2022/23 New Items approved at Council February 2022	2022/23 Revised Capital Programme	2023/24 Capital Programme	3 Year Total
	£'000	£'000	£'000	£'000		£'000	£'000	£'000	£'000	£'000
SERVICE and SCHEME:										
Finance Procurement & Commercial Services										
Parish Capital Schemes	£23	£48	£25	£12		£30	£0	£42	£30	£72
Restructuring Costs	£3	£190	£187	£187	These costs are Ad-hoc	£0	£0	£187	£0	£187
Capitalise revenue transformation costs.	£0	£300	£300	£300	These costs are Ad-hoc	£0	£0	£300	£0	£300
Building Compliance on Commercial Property	£0	£20	£20	£20		£20	£0	£40	£20	£60
Culvert Debris Screens	£0	£2	£2	£2		£0	£0	£2	£0	£2
Skelmersdale Town Centre	£6,405	£11,450	£5,045	£5,045	This is an ongoing project	£0	£0	£5,045	£0	£5,045
Etarmis System	£0	£17	£17	£17		£0	£0	£17	£0	£17
Gorsey Place Rebuild	£30	£30	£0	£0	This is funded by GRA Contribution					
Wellbeing & Leisure										
WL Play Strategy Improvements	£10	£639	£629	£629	delays due to resource capacity, procurement and delivery delays	£108	£0	£737	£30	£767
Purscough Sports Centre	£0	£386	£386	£386	This project has been placed on hold pending finalisation of the new Leisure Hubs procurement project.	£0	£0	£386	£0	£386
Allotment Improvements	£2	£6	£4	£4		£0	£0	£4	£0	£4
Tawd Valley	£91	£149	£58	£58	developments on site are an ongoing process. For some of the schemes (mountain bike track, community room) we have received additional match funding beyond original estimated budgets	£0	£0	£58	£0	£58
Chapel Gallery phase 3	£4	£5	£1	£1		£0	£0	£1	£0	£1
Hesketh Avenue	£0	£40	£40	£40		£0	£0	£40	£0	£40
Nye Bevan Pool Building Works	£0	£9	£9	£9		£0	£0	£9	£0	£9
Park Pool Building works	£0	£10	£10	£10		£0	£0	£10	£0	£10
Banks Leisure Centre	£42	£42	£0	£0		£0	£0	£0	£0	£0
Hunters Hill	£19	£19	£0	£0		£0	£0	£0	£0	£0
Bowling Greens	£0	£11	£11	£11		£0	£0	£11	£0	£11
Whittle Drive	£0	£37	£37	£37		£0	£0	£37	£0	£37
Abbey Lakes	£0	£11	£11	£11		£0	£0	£11	£0	£11
Cycle Trail at Cheshire Lines	£1	£258	£257	£257	cost increases and specification changes by partners mean delay as additional resources are sought	£0	£0	£257	£0	£257

APPENDIX 1 - CAPITAL PROGRAMME

	2021/2022 Outturn	2021/2022 Budget	2021/2022 Variance	2022/23 Re-profiling from 2021/22	Notes	2022/23 Approved at Council February 2022	2022/23 New Items approved at Council February 2022	2022/23 Revised Capital Programme	2023/24 Capital Programme	3 Year Total
	£'000	£'000	£'000	£'000		£'000	£'000	£'000	£'000	£'000
Resurfacing of Blaguegate Lane	£0	£160	£160	£160	viability and appropriate partners for delivery and management are being re-evaluated	£0	£0	£160	£0	£160
Leisure Facilities Project	£0	£0	£0	£0		£4,000	£0	£4,000	£0	£4,000
Community environmental improvements	£0	£0	£0	£0		£0	£6	£6	£0	£6
Christmas trees & decorations for Skelmersdale	£0	£0	£0	£0		£0	£25	£25	£0	£25
Environmental Services										
Purchase of Vehicles	£38	£40	£2	£2		£0	£0	£2	£0	£2
Purchase of Wheelie Bins	£25	£25	£0	£0		£0	£0	£0	£0	£0
Expand In Cab System	£3	£4	£1	£1		£0	£0	£1	£0	£1
Waste Collection Projects	£0	£0	£0	£0		£2	£0	£2	£0	£2
Litter Bin Policy Review (Cabinet November 2019)	£6	£6	£0	£0		£5	£68	£73	£60	£133
Street Cleansing Tools	£10	£10	£0	£0		£0	£0	£0	£0	£0
Liverpool Road Cemetery	£8	£9	£1	£1		£0	£0	£1	£0	£1
Waste Management Service	£0	£0	£0	£0		£35	£0	£35	£0	£35
Robert Hodge Centre - external site improvements relating to Health and Safety Traffic Flow	£0	£16	£16	£16		£0	£0	£16	£0	£16
Glutton Vacuum Cleaner	£0	£0	£0	£0		£0	£20	£20	£0	£20
Secconsall Closed Church Yard	£0	£0	£0	£0		£0	£30	£30	£0	£30
Tree Management	£0	£0	£0	£0		£0	£50	£50	£50	£100
Culvert Management	£0	£0	£0	£0		£0	£50	£50	£50	£100
Replace faulty domestic bins	£0	£0	£0	£0		£0	£10	£10	£10	£20
5 additional mobile CCTV bundles to address flytipping	£0	£0	£0	£0		£0	£6	£6	£0	£6
Growth and Development										
Moor Street Phase 2	£0	£177	£177	£177	Part of Eastern Gateway scheme which has been delayed due to LCC awaiting planning approvals	£0	£0	£177	£0	£177
Free Trees	£0	£0	£0	£0		£20	£0	£20	£6	£26
Conservation Area Enhancement	£1	£15	£14	£14		£0	£0	£14	£0	£14
Skelmersdale Vision	£0	£11	£11	£11		£0	£0	£11	£0	£11
Wheatsheaf Walks	£175	£176	£1	£1		£0	£0	£1	£0	£1
Affordable Housing	£0	£0	£0	£0		£247	£0	£247	£0	£247
Preservation of Buildings at Risk	£0	£1	£1	£1		£0	£0	£1	£0	£1
Abbey Lake Quarry	£0	£20	£20	£20		£0	£0	£20	£0	£20
Mill Dam Lane	£0	£3	£3	£3		£0	£0	£3	£0	£3
Alder Lane	£0	£5	£5	£5		£0	£0	£5	£0	£5
Economic Regeneration	£0	£5	£5	£5		£0	£0	£5	£0	£5
Skelmersdale Gateway Improvements	£0	£50	£50	£50	Part of Eastern Gateway scheme which has been delayed due to LCC awaiting planning approvals	£0	£0	£50	£0	£50

APPENDIX 1 - CAPITAL PROGRAMME

	2021/2022 Outturn	2021/2022 Budget	2021/2022 Variance	2022/23 Re-profiling from 2021/22	Notes	2022/23 Approved at Council February 2022	2022/23 New Items approved at Council February 2022	2022/23 Revised Capital Programme	2023/24 Capital Programme	3 Year Total
	£'000	£'000	£'000	£'000		£'000	£'000	£'000	£'000	£'000
Cycle Path (S106)	£5	£15	£10	£10		£0	£0	£10	£0	£10
Canal Improvement	£186	£385	£199	£199	Part of Eastern Gateway scheme which has been delayed due to LCC awaiting planning approvals	£0	£0	£199	£0	£199
Ormskirk Town Centre (CIL)	£25	£25	£0	£0		£0	£0	£0	£0	£0
Changing Places Facility	£0	£0	£0	£0		£0	£60	£60	£0	£60
Housing and Regulatory Services										
Corporate Property Investment Programme	£171	£246	£75	£75	Plans are now being put in place in regards to this	£164	£0	£239	£164	£403
M3PP System Replacement	£0	£40	£40	£40		£50	£0	£90	£0	£90
Housing Renewal Grants	£29	£100	£71	£0		£0	£0	£0	£50	£50
Disabled Facilities Grants	£1,565	£1,565	£0	£0	This is funded in full by grant from Central Government	£0	£0	£0	£0	£0
CCTV	£35	£254	£219	£212	This was delayed to being procured as one project and is currently now out to tender	£0	£0	£212	£0	£212
Electric Vehicle Charging point	£125	£125	£0	£0		£0	£0	£0	£0	£0
Burscough Sports Centre - roofing upgrades	£0	£20	£20	£20		£0	£0	£20	£0	£20
Safer Streets	£126	£126	£0	£0		£0	£0	£0	£0	£0
Corporate and Customer Services										
ICT Infrastructure	£0	£50	£50	£50	Delayed as dependant on Lancashire County Council Negotiations	£50	£0	£100	£50	£150
ICT Development Programme	£141	£364	£223	£223	Delayed as dependant on Lancashire County Council Negotiations	£200	£0	£423	£200	£623
Website	£0	£20	£20	£20		£0	£0	£20	£0	£20
CRM System	£0	£67	£67	£67	Delayed as dependant on Lancashire County Council Negotiations	£0	£0	£67	£0	£67
Right Kit Right Role Right Refresh - support agile working	£14	£142	£128	£128	Delayed as dependant on Lancashire County Council Negotiations	£0	£0	£128	£0	£128
Microsoft Enterprise Site Licence	£0	£35	£35	£35		£35	£0	£70	£0	£70
Corporate wifi upgrade	£0	£85	£85	£85	Delayed as dependant on Lancashire County Council Negotiations	£0	£0	£85	£0	£85

APPENDIX 1 - CAPITAL PROGRAMME

	2021/2022 Outturn	2021/2022 Budget	2021/2022 Variance	2022/23 Re-profiling from 2021/22	Notes	2022/23 Approved at Council February 2022	2022/23 New Items approved at Council February 2022	2022/23 Revised Capital Programme	2023/24 Capital Programme	3 Year Total
	£'000	£'000	£'000	£'000		£'000	£'000	£'000	£'000	£'000
Website development	£0	£0	£0	£0		£170	£0	£170	£30	£200
Communication devices	£0	£40	£40	£40		£0	£0	£40	£0	£40
Invest to Save Digital Services	£0	£59	£59	£59		£0	£0	£59	£0	£59
Egress Secure Email & File Transfer	£11	£11	£0	£0		£0	£0	£0	£0	£0
Digital Transformation - Implementation of IT Strategy	£16	£400	£384	£384	Delayed as dependant on Lancashire County Council Negotiations	£0	£0	£384	£0	£384
Less HRA funding for Strategy	£0	(£200)	(£200)	(£200)		£0	£0	(£200)	£0	(£200)
IDOX ERDM System	£0	£23	£23	£23		£20	£0	£43	£20	£63
Civica Financials	£3	£26	£23	£23		£0	£140	£163	£0	£163
Hybrid, Remote and Streaming Council Meetings	£0	£0	£0	£0		£0	£92	£92	£0	£92
Mastercard Gateway Upgrade	£0	£0	£0	£0		£0	£40	£40	£0	£40
Microsoft M365 Phase 3	£0	£0	£0	£0		£0	£150	£150	£100	£250
Digital innovation and the continued development of ServiceNow	£0	£0	£0	£0		£0	£80	£80	£0	£80
Shop Front Improvement Fund	£0	£0	£0	£0		£0	£50	£50	£0	£50
Total Programme	£9,348	£18,435	£9,086	£8,996		£5,156	£877	£15,029	£870	£15,899
FUNDING:										
Capital Receipts	£626	£5,106	£2,810	£2,719		£1,156	£877	£4,752	£870	£5,622
HRA Contributions	£30	£30	£0	£0		£0	£0	£0	£0	£0
Internal Borrowing	£1,405	£6,450	£5,045	£5,045		£0	£0	£5,045	£0	£5,045
IL/S106	£327	£1,068	£749	£749		£4,000	£0	£4,749	£0	£4,749
Other Grant Funding	£1,960	£781	£483	£483		£0	£0	£483	£0	£483
Specific Land (Whalley's)	£5,000	£5,000	£0	£0		£0	£0	£0	£0	£0
Total	£9,348	£18,435	£9,086	£8,996		£5,156	£877	£15,029	£870	£15,899



COUNCIL: 20 July 2022

Report of: Head of Finance, Procurement and Commercial Services

Relevant Portfolio Holder: Councillor N. Pryce-Roberts

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

SUBJECT: HOUSING ACCOUNT – REVENUE AND CAPITAL OUTTURN

Wards affected: Borough wide

1.0 PURPOSE OF THE REPORT

1.1 To provide a summary of the Housing Revenue Account (HRA) revenue and capital outturn positions for the 2021/22 financial year and highlight budget pressure identified in 2022/23.

2.0 RECOMMENDATIONS

2.1 That the draft financial outturn position of the 2021/22 HRA and Capital Investment Programme be noted and that the allocation of 2021/22 HRA outturn to reserves, as noted in paragraphs 4.4 and 4.5, be endorsed.

2.2 That the switching of funding from HRA borrowing to HRA revenue contributions in paragraphs 5.3 and 5.5, be noted.

2.3 That the amendments to the Housing capital budget identified in appendix 1 be approved.

3.0 BACKGROUND

3.1 2021/22 continued the WLBC response to the covid pandemic which continued to affect some service delivery.

3.2 Inflation and raw material shortages have had an adverse impact on expenditure within the HRA and housing capital. This is expected to continue in 2022/23 as the cost of living crisis deepens. This is likely to add additional budget pressures to the HRA.

4.0 HOUSING REVENUE ACCOUNT – REVENUE OUTTURN

4.1 A summary of the draft HRA revenue outturn is set out in the table below and shows that a favourable budget variance of £0.621m was achieved, which represents 2.4% of the total budget. This demonstrates that the HRA currently maintains a healthy financial position. Once all closedown work has been completed the draft HRA position can be finalised.

Budget Area	Revised Budget £000	Outturn Var. £000	Comment
Employee Expenses	3,617	-255	Staffing vacancies, pension fund
Void repairs and response repairs	3,504	955	Works outside the standard ppp and vpp prices were significantly more than expected.
Other premises costs	3,314	38	Planned revenue works budget not used in 2021/22. £270k electrical testing costs moved from supplies & services at year end.
Transport costs	149	-26	Car allowances
Budget contingency	482	-482	Not utilised
Supplies and Services	1,194	-546	£270k electrical testing moved to other premises costs The remainder is cumulative from a number of budgets, each modestly below budget.
Support Services and internal income (net)	2,927	-134	Primarily caretaking services delivered to other parts of the Council.
Loan interest & Contribution towards Repayment	3,407	0	
Contributions to capital	7,600	0	
Dwelling rents	-23,260	-137	TVD stock increases of 44 Right to buy sales greater toward the end of year
Other external income	-2,934	-31	
Rounding		-3	
Total	0	-621	Represents 2.4% of overall turnover

4.2 The main reasons for this positive position are:

- Staff vacancies during the year
- Savings in total pension fund contribution costs into Lancashire LGPS
- Dwelling rents exceeded budget due primarily to the 44 additional properties built by TVDL, being added to the HRA housing stock.

- Growth in the tenant furnishing service leading to additional income. This is partially offset by additional expenditure on growing the service
- Planned maintenance revenue budgets were largely unused pending development of the new programme.
- Budget contingency was not utilised as costs were contained within overall HRA budgets.

4.3 The positive position outlined above more than offsets additional cost pressure on responsive repairs and void revenue works, reported through 2021/22. The table below shows how outturn compares to in year estimates of outturn.

Budget Area	Revised Budget £000	Mid Year variance £000	Q3 variance £000	Outturn Variance £000
Employee Expenses	3,617	-100	-200	-255
Void repairs and response repairs	3,504	1,000	1,000	955
Other premises costs	3,314	-200	-150	38
Transport costs	149	0	0	-26
Budget contingency	482	-482	-482	-482
Supplies and Services	1,194	-50	-150	-546
Support Services and internal income (net)	2,927	0	0	-134
Loan interest & Contribution towards Repayment	3,407	0	0	0
Contributions to capital	7,600	0	0	0
Dwelling rents	-23,260	-25	-100	-137
Other external income	-2,934	-25	-50	-31
Total	0	118	-132	-621

4.4 Within the draft surplus of £621k a transfer of £411.25 precisely, has already been accounted for. This is to top up the existing reserve funds for tenant hardship payments to exactly £30,000.

4.5 The remaining draft balance of around £621k will be moved to the budget and efficiency savings reserve. If final outturn varies from this draft outturn position then the amount moved to the budget and efficiency savings reserve will be amended accordingly to ensure that the HRA balances back to zero.

4.6 The existing budget and efficiency savings reserve is around £598k. If £621k is the amount added that will take the reserve total to around £1,219k. Some or all of this reserve may be needed in 2022/23.

5.0 CAPITAL INVESTMENT PROGRAMME

5.1 A summary of the draft Housing Capital Investment Programme outturn is shown in Appendix One. Total expenditure, excluding costs for the building of new Council homes through TVDL, was £7.613m. This represents around 76% of the revised budget of £10.03m.

5.2 It is standard practice at year-end that capital budgets that have not been fully utilised are reviewed before being transferred into the following year to allow for completion of the existing programme. If the review identifies elements of the capital budget that will not be required in the following year they may be removed.

5.3 It is proposed that the variance of £2.417m (£10.03m budget less £7.613m expenditure) is used as follows:

- £2.410m is transferred into 2022/23 to allow completion of programmes
- That budgets will be moved between schemes, and released, as detailed in Appendix One
- That £0.356m of revenue contributions not required for the 2021/22 capital programme, are used instead to part fund HRA purchases of new housing stock from TVDL

5.4 In addition to the capital programme, £8.998m has been invested by the HRA in building brand new Council Homes through TVDL. The updated TVDL business plan was approved by Council in February 2022 and HRA expenditure in 2021/22 is part of that budget envelope.

5.5 HRA purchases of TVDL housing stock in 2021/22 have therefore been funded by:

- £0.356m revenue contributions
- £1.050m grants from Homes England, with more expected in 2022/23
- £0.540m 141 capital receipts from previous right to buy sales
- £7.052m HRA borrowing

6.0 SUSTAINABILITY IMPLICATIONS

6.1 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

7.0 RISK ASSESSMENT

7.1 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.

8.0 HEALTH AND WELLBEING IMPLICATIONS

- 8.1 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.

Background Documents

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

Equality Impact Assessment

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

Appendices

Appendix One – Capital Investment Programme Outturn

Appendix One – Capital Investment Programme Outturn

Scheme Description	Revised Budget £000's	Outturn 21-22 £000's	Var. £000's	Transfers £000's	Slippage £000's	Release Funding £000's	Comments
Re-Roofing Works	1,398	1,425	27			-27	Project complete
External Works	1,270	707	-563		563		Stub blocks project in 22/23
Windows and Doors	895	470	-425		425		21/22 programme delivery 22/23
Heating System Upgrades	851	1,090	239			-239	Response Maintenance heating replacement - demand led
Kitchen Replacements	733	674	-59		7	52	
Electrical Upgrades	522	140	-382			382	No programme for 21/22 as rewires completed by Wates
Bathroom Replacements	463	404	-59		15	44	
Communal Fire Safety Works	338	262	-76		76		Awaiting results of FRA's to produce 22/23 programme
Communal Areas Improvements	133	27	-106	-192	192	106	21/22 Communal Area Refurb project currently ongoing
Walls	87	28	-59			59	Pilot project curtailed
Capital Investment Programme	6,690	5,227	-1,463	-192	1,278	377	
Carbon Neutral Dwellings	698	4	-694		694		Exploring options incl. the new regeneration project from 22/23
Salary costs & Professional Fees	600	532	-68			68	
Change in Standard for Smoke Detection	550	836	286			-286	
Environmental Programme	366	107	-259		129	130	Tender currently out
Adaptations for Disabled People	300	290	-10			10	

Contingency/Voids	300	583	283			-283	Voids capital works from Wates
Improvements to Binstores	192	0	-192	192			Delivery via Stub block project - transfer to communal upgrades
Sheltered Housing Upgrades	140	0	-140		140		Awaiting results of FRA's to produce 22/23 programme
Lifts	105	0	-105		105		Lift upgrades in 22/23
Energy Efficiency	25	0	-25		25		
Asset Management Assessment	17	26	9			-9	
Beechtrees		14	14			-14	
Firbeck		-9	-9			9	
Other Housing Schemes	3,293	2,383	-910	192	1,093	-375	
Purchase Service Charge Software	40	1	-39		39		
Digital Initiatives	7		-7			7	
Market Purchases		2	2			-2	
Total Capital Programme	10,030	7,613	-2,417	0	2,410	7	
Properties from TVDL	18,649	8,998	-9,651		9,651		
Total Funding Requirement	28,679	16,611	-12,068	0	12,061	7	
<u>Capital Programme Funding:</u>							
Revenue contribs./MRR	7,969	7,613	-356	356			£356k transferred to TVDL purchases
Borrowing	2,061	0	-2,061	-356	2,410	7	
Capital Programme Funding	10,030	7,613	-2,417	0	2,410	7	
<u>TVDL Purchases funded by:</u>							
Revenue contributions	0	356	356	-356			£356k transferred from cap. prog.
Borrowing	13,949	7,052	-6,897	356	6,541		
HE Grants	4,160	1,050	-3,110		3,110		

Capital receipts - 141	540	540	0				
TVDL Purchases Funding	18,649	8,998	-9,651	0	9,651	0	
Total Funding 21/22	28,679	16,611	-12,068	0	12,061	7	



COUNCIL: 20 July 2022

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

Contact for further information: Mr J Smith (Extn.5093)

SUBJECT: TREASURY MANAGEMENT AND PRUDENTIAL INDICATOR PERFORMANCE 2021-22

Borough wide interest

1.0 PURPOSE OF THE REPORT

1.1 To inform Members of the Treasury Management performance and Prudential Indicators for the year ended 31 March 2022.

2.0 RECOMMENDATION

2.1 That the performance for the 2021-22 financial year be noted.

3.0 BACKGROUND

3.1 Treasury Management covers the management of the Council's cash flows, banking, investments and borrowing. Given the large sums of money involved it is an important area of the Council's finances and is subject to a specific set of rules and regulations.

3.2 The Chartered Institute of Public Finance and Accountancy (CIPFA) Code of Practice on Treasury Management, which has been adopted by the Council, requires a number of reports to be made to Council on Treasury Management activities. This includes details of performance during the year and the exercise of powers delegated to the Head of Finance, Procurement and Commercial Property.

3.3 The introduction of the Prudential Code for Capital Finance has allowed Councils to determine their own level of borrowing, taking account of a set of prudential indicators. The general principle is that borrowing is to be affordable, prudent and by conclusion sustainable.

4.0 INVESTMENT PERFORMANCE

- 4.1 Investment returns remained close to zero for much of 2021/22. Most local authority lending managed to avoid negative rates and one feature of the year was the continued growth of inter local authority lending. The expectation for interest rates within the treasury management strategy for 2021/22 was that Bank Rate would remain at 0.1% until it was clear to the Bank of England that the emergency level of rates introduced at the start of the Covid-19 pandemic were no longer necessitated. It left Bank Rate unchanged at its subsequent meetings until raising it to 0.25% in December, 0.50% in February and then to 0.75% in March 2022.
- 4.2 The UK economy has endured several false dawns through 2021/22, but with most of the economy now opened up and nearly back to business-as-usual, the GDP numbers have been robust (9% y/y Q1 2022) and sufficient for the Monetary Policy Committee (MPC) to focus on tackling the second-round effects of inflation, now that the CPI measure has already risen to 7% and could peak at 11% during 2022. This means the Bank Rate is expected to rise to 2% by March 2023.
- 4.3 The following tables provide details on investment activity over the last 2 years.

INVESTMENT PORTFOLIO	31.3.21	31.3.21	31.3.22	31.3.22
	Actual £000	Actual %	Actual £000	Actual %
Treasury investments				
Banks	18,500	100%	11,500	41%
Building Societies - rated		0%	11,500	41%
Building Societies – unrated		0%		0%
Local authorities		0%	<u>5,000</u>	18%
DMADF (H M Treasury)		0%		0%
etc				
Total managed in house	18,500	100%	28,000	100%
Bond funds				
Property funds				
Cash fund managers				
Total managed externally	0	0%	0	0%
TOTAL TREASURY INVESTMENTS	18,500	100%	28,000	100%

Non Treasury investments				
Third party loans				
Subsidiaries	1,575	100%	1,575	100%
Companies				
Property				
etc				
TOTAL NON TREASURY INVESTMENTS	1,575	100%	1,575	100%

Treasury investments	18,500	92%	28,000	95%
Non Treasury investments	1,575	8%	1,575	5%
TOTAL OF ALL INVESTMENTS	20,075	100%	29,575	100%

The maturity structure of the investment portfolio was as follows:

	31.3.21 Actual £000	31.3.22 Actual £000
Investments		
Longer than 1 year		
Up to 1 year	20,075	29,575
Total	20,075	29,575

The gross interest earned was as follows:

	31.3.21 Actual £0	31.3.22 Actual £0
Gross interest earned	129,916	133,472

- 4.4 As part of the ongoing exercise to achieve best value in treasury management we continue to monitor performance of the Council's investment activities against a benchmark, 3-month LIBID. In December 2021 this rate was withdrawn from publication. In its place performance will be measured using 3-month average SONIA (Sterling Overnight Index Average). The average interest rate earned by the Council on its investments was 0.505%, which was less than the new benchmark rate of 0.6696%.
- 4.5 At its meeting in February 2020 the Council approved the use of Property Funds, Corporate Bonds, Infrastructure investments and longer term borrowing with local authorities and UK based banks and building societies with high credit ratings. However, investments of this type have not yet been pursued due to the disruption caused by the coronavirus.
- 4.6 The criteria for providing a pool of high-quality investment counterparties, (both specified and non-specified investments) is:

Type of Counterparty	Maximum loan by Council	Maximum Period
Major British Based Banks and Subsidiaries with at least A- credit rating.	£5m	Up to £5m 364 days Up to £3m 3 years
British Based Building Societies. – Only those with at least A- credit rating as advised by Link.	£5m	Up to £5m 364 days Up to £3m 3 years
Other Local Authorities, where agreed.	£5m	Up to 5 years
Property Funds, Corporate Bonds, Infrastructure Investments	£3m	Up to 3 years for Corporate, and 5 years for Property and Infrastructure
Money Market Funds AAA rated	£3m	N/A Callable deposits

5.0 COUNCIL BORROWING

- 5.1 At the start of the financial year the Council had outstanding long-term borrowing of £88.212m, from the Public Works Loan Board which was related to HRA self-financing.

- 5.2 By the end of the financial year the position had remained unchanged. Total interest payments of £3.06m were made in 2021-22 to service the HRA self-financing debt.
- 5.3 The funding resources for the Council's capital works for 2021-22 did not include any element of external borrowing to achieve the programme. Instead, a combination of mainly internally generated resources and capital grants were utilised to fund the different schemes detailed in the plan. However, several large capital projects such as the Skelmersdale Town Centre redevelopment, the proposed construction of new leisure centres and the HRA business plan will require external borrowing to be taken out and this position has been reflected in the budgets previously agreed by Council.

6.0 EXERCISE OF DELEGATED POWERS

- 6.1 The current counterparties list is set out in 4.6. This shows the types of organisations that have been approved for investment purposes, and the maximum amount and loan period for investing with a single organisation. This is in accord with the previously agreed treasury management protocol which has been reported to Members.
- 6.2 The Head of Finance, Procurement and Commercial Property Services has delegated powers to take out new debt and repay existing debt. These powers ensure that the Council can obtain the best possible deals in a market where conditions can change rapidly. However, this facility was not utilised during the year.

7.0 PRUDENTIAL CODE PERFORMANCE

- 7.1 The actual Prudential Indicators for the financial year 2021-22. The overall information conveys a healthy financial position and this confirms that the Council has a good financial standing.

1. PRUDENTIAL INDICATORS	2020/21	2021/22	2021/22
Extract from budget and rent setting report	actual	original	actual
	£'000	£'000	£'000
Capital Expenditure (note 1 & 5)			
Non - HRA	8,352	12,206	9,348
HRA (applies only to housing authorities)	8,776	11,829	16,611
TOTAL	17,128	24,035	25,959
Ratio of financing costs to net revenue stream (note 2)			
Non - HRA	-0.10%	-0.07%	1.15%
HRA (applies only to housing authorities)	12.31%	11.54%	12.91%
Gross borrowing requirement General Fund			
in year borrowing requirement	2,076	8,000	1,405
Gross borrowing requirement HRA (where relevant)			
in year borrowing requirement	0	0	7,052
Gross debt	88,212	88,212	88,212
CFR (note 3 & 5)			
Non – HRA	22,427	26,955	23,525
HRA (applies only to housing authorities)	81,717	83,115	88,419
TOTAL	104,144	110,070	111,944
Annual change in Cap. Financing Requirement			
Non – HRA	1,797	7,720	1,098
HRA (applies only to housing authorities)	-338	-350	6,702
TOTAL	1,459	7,370	7,800
2. TREASURY MANAGEMENT INDICATORS	2020/21	2021/22	2021/22
	actual	original	actual
	£'000	£'000	£'000
Authorised Limit for external debt (note 4)-			
borrowing	88,212	120,500	88,212
other long term liabilities	0	500	0
TOTAL	88,212	121,000	88,212
Operational Boundary for external debt -			
borrowing	88,212	107,500	88,212
other long term liabilities	0	0	0
TOTAL	88,212	107,500	88,212
Actual external debt	88,212	88,212	88,212

Maturity analysis of loans	Average Rate	Interest Payable	2021/2022	2020/2021
	%	£'000	£'000	£'000
Between 5 and 10 years	3.01	132.76	4,411	4,411
Between 10 and 15 years	3.30	145.55	4,411	4,411
Between 15 and 20 years	3.44	303.45	8,821	8,821
Between 20 and 25 years	3.50	308.74	8,821	8,821
Between 25 and 30 years	3.53	621.89	17,642	17,642
Between 30 and 35 years	3.52	620.13	17,642	17,642
Between 35 and 40 years	3.50	617.48	17,642	17,642
Between 40 and 45 years	3.48	306.98	8,822	8,822
Total	3.47	3,056.99	88,212	88,212

Notes
<p>1. This Indicator demonstrates that there is effective control of the capital programme and that expenditure is incurred in line with resources approved.</p>
<p>2. This is a measure of the interest paid on borrowing / debt taking account of the interest earned on investments as a percentage of the overall Council tax or HRA expenditure requirement.</p>
<p>3. The capital financing requirement measures the Authority's underlying need to borrow in order to fund its capital programme.</p>
<p>4. The Head of Finance, Procurement and Commercial Property has delegated authority to borrow up to the limits detailed above and to affect movement to these figures for borrowing and other long term liabilities. Such changes will be reported to Council at the meeting following the change. The Council undertook borrowing of £88.212m on 28th March 2012 and had no other long term liabilities at the end of financial year 2021-22. Hence, the Authority is comfortably within the parameters detailed.</p>
<p>5. The capital outturn and capital financing figures may be subject to small variations as the year end accounts have not been completed at the time of writing.</p>

- 7.2 The purpose of the indicators is to ensure that financing costs associated with capital activities are managed in a prudent, affordable and by definition, sustainable manner.
- 7.3 The Council aims to achieve this objective by undertaking a robust annual budget setting cycle. During this process, Budget Holders detail the revenue implications of any capital decisions, while the capital process identifies the resources available to fund the capital programme. This ensures that strategic resource planning and option appraisal of bids are fully reviewed prior to setting the programme.
- 7.5 The HRA net revenue position is at the level detailed primarily due to the interest payments of £3.057m on the self-financing debt. However, it must be borne in mind that the Council does not now have to pay housing subsidy to the Government, which was some £6m p.a. and consequently is in a much better financial position.
- 7.6 As a result of the self-financing payment, there is another relevant indicator that requires reporting the maturity structure of borrowing. This details the differing amounts of debt, the dates of maturity and the associated interest costs relating to the payment of £88.212m. By structuring the debt on a long-term basis that the

Council benefitted from the low interest charges that were available at the time. This enables the HRA to develop a business plan with the backdrop of a clear financial picture relating to its debt.

8.0 SUSTAINABILITY IMPLICATIONS

8.1 There are no significant sustainability implications associated with this report and in particular no significant impact on Crime and Disorder.

9.0 RISK ASSESSMENT

9.1 The formal reporting to Council of Treasury Management performance and Prudential Indicators for Capital Finance is part of the overall framework set out in the Code of Practice to ensure that the risks associated with this activity are effectively controlled.

Background Documents

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

<u>Date</u>	<u>Document</u>	<u>File Ref</u>
2017	CIPFA Updated Prudential Code for Capital Finance in Local Authorities	Accountancy Office
2017	CIPFA Updated Treasury Management Code of Practice	Accountancy Office

Equality Impact assessment

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

Appendices

None



COUNCIL: 20 JULY 2022

Report of: Corporate Director of Transformation, Housing & Resources

Relevant Portfolio Holder: Councillor Adam Yates

Contact for further information: Ms A Grimes
(E-mail: alison.grimes@westlancs.gov.uk)

SUBJECT: COUNCIL PLAN ANNUAL REPORT 2021/22

Wards affected: Borough wide

1.0 PURPOSE OF THE REPORT

1.1 To present the Council Plan Annual Report 2021/22

2.0 RECOMMENDATIONS TO COUNCIL

2.1 That the Council Plan Annual Report 2021/22 (Appendix 1) be approved.

2.2 That authority is given to the Corporate Director of Transformation, Housing and Resources in consultation with the relevant Portfolio Holder to make any minor final amendments to the document prior to publication.

3.0 BACKGROUND AND CURRENT POSITION

3.1 In October 2020 the Council formally adopted a Council Plan 2020/21-2022/23 with a vision and priorities. The purpose of the Plan is to deliver the Council's priorities, communicate its direction with the public and stakeholders including staff and to support transparency and accountability.

3.2 The Council Plan Annual Report attached as Appendix 1 provides a summary of actions implementing the Plan during 2021/22. Many of the actions will be familiar to Members having been the subject of detailed individual reports to committees.

3.3 The Annual Report will be published on the Council website.

4.0 SUSTAINABILITY IMPLICATIONS

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

5.0 FINANCIAL AND RESOURCE IMPLICATIONS

5.1 There are no significant financial or resource implications arising from this report. The Annual Report demonstrates the Council's pursuit of its priorities within resources available.

6.0 RISK ASSESSMENT

6.1 This item is for information only and makes no recommendations. It therefore does not require a formal risk assessment and no changes have been made to risk registers. The report refers to progress on a strategic plan which mitigates the risk that the Council will not deliver its priorities within a balanced budget.

7.0 HEALTH AND WELLBEING IMPLICATIONS

7.1 There are no health and wellbeing implications arising from this report. The report refers to activity that has been undertaken which includes positive impact on health and wellbeing.

Background Documents

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

Equality Impact Assessment

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

Appendices

1. Council Plan Annual Report 2021/22



WEST LANCASHIRE
BOROUGH COUNCIL

Council Plan
Annual Report
2021 - 2022

APPENDIX 1



CONTENTS

WELCOME	5
INTRODUCTIONS	6
• Create empowered, engaged and inclusive communities	8
• Support businesses to adapt and prosper	10
• Become a Greener West Lancashire	12
• A clean, safe environment with affordable homes to buy or rent for everyone in West Lancashire	14
• Everyone to be healthy, happy, safe and resilient	16
• Be a financially sustainable Council by 2023	18
FINANCE AT A GLANCE	20
PERFORMANCE OUTTURN	22

WELCOME

Welcome to the West Lancashire Borough Council Annual Report 2021/2022.

Our Annual Report aims to showcase our achievements in our priority areas and how this work has made a difference to West Lancashire as a place of choice to live, work, visit and invest. We have much to celebrate, following another challenging year, as we continue to respond and recover from Covid.

During this time, whilst we have dealt with a period of organisational change and post-pandemic work, one thing remains clear, that we are a council that is focused on its ambitions for our people and communities rooted in a clear vision and purpose. This vision is underpinned by strong values, a strong ethos of partnership working and smart priorities that have led to tangible outcomes being delivered.



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

OUR PRIORITIES

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

INTRODUCTION

I'm incredibly proud to introduce this report to you, as we have much to celebrate.

Several of our long-term projects are now seeing real change emerge across our borough. We have delivered 44 affordable homes through Tawd Valley Development Company and are excited to be seeing the plans come to life for the opening of the new Tawd Valley Centre in Skelmersdale.

We are also well underway with the on-site development work on the Ormskirk Eastern Gateway and the implementation plans for our Wellbeing and Leisure Hub facilities in each of the Borough's three 'neighbourhoods'. With the involvement of partners, these hubs will provide a new model to deliver a range of key services to tackle inequalities in the borough and replace our current ageing leisure facilities.

This year saw the successful introduction of our Kickstart scheme whereby through effective partnership working with over 50 local businesses we have helped 210 young people secure roles that aim to provide them with a great start for their future working lives.

It must be recognised that whilst we have delivered lots of great work, this has been achieved by working in partnership across the organisation and with our partner organisations. This was evident with our response and recovery work to Covid, which has led to us now having even stronger working relationships with partner organisations and community groups, which will benefit the residents and businesses of West Lancashire in the long term.

This report takes a look back at what we have successfully achieved together during the year, and how what we have learnt through Covid will be strengthened over the next few years, so that we continue to deliver services that meets our residents, communities and business needs.

I would like to say thank you to all our staff and partners who have again shown that together we achieve more for the people, communities and businesses across West Lancashire.

I hope when reviewing these highlights you share my pride in what we have achieved together and the certainty that we will continue to deliver on our promises and plans for the borough.

We believe that we have achieved a lot in the last twelve months but we are determined to do more.



Cllr Yvonne Gagen
Leader of West Lancashire
Borough Council



Jacqui Sinnott-Lacey
Chief Operating Officer

In March 2022 we welcomed colleagues from the Local Government Association to review our organisation and examine how well we were doing. I am pleased to say that the LGA peer team identified that we were an 'ambitious Council' and 'a trusted partner' which was great to see.

We received really positive feedback about what we do well alongside opportunities for us to improve further, focussing upon our priorities to deliver better outcomes for the residents, communities and businesses across our borough.

Within the review, a key strength highlighted was that of our staff, who recently received a shortlisted nomination within the Local Government Chronicle awards, for the Partnership Award and Outstanding Individual Contribution Award. A key element within this process was that we could evidence the effective outcomes delivered from the Council, community and key partners within our response to the pandemic.

As with most organisations the pandemic solidified our partnership working at a time when we needed to find alternative ways to ensure communities continued to receive the services they needed. We are now able to take advantage of those stronger relationships as we move forward from those emergency solutions into sustainable pathways through co-designed projects and support networks that will impact positively on key community issues such as financial inclusion, food insecurity, health equality, employment and training.

The pandemic allowed us to accelerate our approach to digital development and we will be utilising our digital by design principles this year as we continue to improve the quality of our services. This will include strengthening our internal processes including greater rigour to key governance arrangements such as financial control and transparency of decision-making, underpinned by effective project management methodology.

On the horizon are several key developments that will mean big changes for our council. Next year will see the first change to our wards for 20 years following the Boundary Commission review, and along with the 14 other Lancashire councils we are also collaborating to get a deal for greater Lancashire at the national level. Although this is moving forward there is still a long way to go to ensure that we not only get a strong voice for Lancashire but that West Lancashire is heard within it.

It's a pleasure to present this report and to showcase what has and will continue to be achieved through the commitment of staff, councillors, partners, community groups, residents and businesses of West Lancashire.

CREATE EMPOWERED, ENGAGED AND INCLUSIVE COMMUNITIES

We want:

- Healthy resilient and engaged communities that work together to improve the places they live and work
- Everyone to have the same opportunities
- Thriving voluntary and community groups that support innovation and collaboration
- To work with partners for the good of local people
- Our citizens to access the benefits of being digitally engaged
- Councillors that are active and knowledgeable and support change at a local level
- To improve customer satisfaction

Page 163

DID YOU KNOW

Search for “Your Voice West Lancashire” to register on our new digital engagement hub - a great way to give feedback so we can improve our services for you.

CUSTOMER COMMENTS

“ I wouldn’t have known what to do without you today”

“How wonderful and helpful the staff are and the lady I spoke to was so polite”

- ✓ 8.4% increase in social media followers
- ✓ 85.7K calls answered in our central contact centre
- ✓ 87,759 registered voters (March 2022)
- ✓ 540K visits to our main website

Being a Councillor gives you the opportunity to make a real difference to the area you represent. There are no set qualifications or experience required. Skills gained through raising a family, volunteering or being active in faith or community groups are just as valuable to being a Councillor as skills gained in employment or training.

Jacqui Sinnott-Lacey, Chief Operating Officer

Our customer’s voice is key when shaping services. Later this year a new Customer Feedback Policy will make it even easier for you to feedback on how we can improve our services.

New digital engagement platforms were launched supporting 23 consultations and expanding how we gather customers’ views, thoughts, and feedback to improve what we do.



A new Community Connector team is identifying what matters most to residents, organisations, and partners to facilitate services that improve the quality of life and reduce health inequalities.

Promoting self-service customer accounts via social media helped raise the number of residents registered for digital self-serve by 23% to 48,433.



Our partnership with “We are Digital” or provided a programme of free and tailored 1-1 digital training helping give residents skills and confidence to get online.



Hosting and Chairing the Community Sector Open Forum to enable greater collaboration and networking with local Voluntary, Community, Faith, Social Enterprise (VCFSE) groups and the Council.

A new councillor Youth Champion role has been established facilitating greater participation of children and young people in decisions impacting on their lives.



New cross-party Scrutiny task and finish groups were established to strengthen governance and enhance the scrutiny function.

Refreshed equality objectives have been incorporated into a new Equality, Diversity & Inclusion Strategy to support our vision for an inclusive culture within West Lancs.

We’ve pledged to actively stand against hate crime, support our local LGBTQIA+ community and fly the flag for Pride Month in June of each year.



We helped 2,364 applicants with COVID Test and Trace Support Payments and provided further signposting and support as needed.

Regular Estate Walkabouts began with local Councillors, partner agencies and tenant representatives to help identify and rectify issues such as antisocial behaviour, crime-related concerns and environmental issues.

Following a successful asset transfer, Banks Community and Leisure Centre Community Interest Company will now work with a range of partners to operate the local leisure facility as a hub for the community.

A Garden of Reflection opened within Beacon Country Park to commemorate the impact of COVID-19 and remember people lost as well as recognise our NHS and key workers.

SUPPORT BUSINESSES TO ADAPT AND PROSPER

We want:

- West Lancashire to be the place of choice to locate your business
- Our 3 towns to be thriving hubs for their communities
- To support our businesses to succeed and grow
- A vibrant and modern Ormskirk market that attracts visitors to the town centre
- A strong rural business economy

DID YOU KNOW

You can find Ormskirk's independent businesses, tourist attractions and events through [DiscoverOrmskirk.com](https://www.discoverormskirk.com)

Thank you so much for your email and the payment! This will make a big difference and enable me to stay in business. The support from the government and the council has been exceptional.
COVID business grant recipient

- ✓ 100+ Ormskirk markets
- ✓ 95% occupancy rates for our commercial estate
- ✓ Attracting just over 5 million in footfall to Ormskirk town centre
- ✓ £41m COVID-related grants distributed to over 2,000 businesses

The Tawd Valley Centre, a landmark development for the whole of West Lancashire and providing the first phase of Skelmersdale town centre regeneration, opening in June 2022.



Our Ormskirk Eastern Gateway project saw St Helens Road/Ruff Lane improvements completed including cycle lanes and traffic lights. Key changes to the Moorgate area and redesigned bus station began in April.



Ormskirk's Wheatsheaf Walk public square was improved as part of the Heritage Action Zone programme making it more attractive for visitors and residents.



A review of Ormskirk market planned actions to safeguard its economic sustainability and enhance the offer. New traders have been encouraged and regular (licensed) pitches promoted to casual traders.



Artisan markets were held twice a month from April to November in Ormskirk and two Vegan Fests helped attract visitors to our market town.

16,000 residents joined us at the Ormskirk Christmas lights switch on which brought fun and free family entertainment together with food vendors, confectionary and gift stalls.



Invigorating our public spaces, the Welcome Back Fund enabled three renowned artists to create fabulous eye-catching pieces in Ormskirk and Burscough celebrating West Lancashire.

As part of the High Street Heritage Action Zone initiative, a cultural consortium of partners launched [Onceuponatownormskirk.co.uk](https://onceuponatownormskirk.co.uk), a new virtual museum and gallery which includes residents' photos, videos, audio and written stories.



The Welcome Back Fund provided a range of family friendly entertainment events across Skelmersdale, Burscough and Ormskirk during the summer holidays and a Hallowe'en Fun Day at Ormskirk market to encourage visitors back to our shopping areas after COVID.

£8.97M in business support grants via 9 statutory schemes, 4 discretionary schemes and 11,070 individual payments was paid to our businesses during the last year.

Since the start of the pandemic we have distributed £41+ million to over 2,000 businesses through a variety of grants for all business sizes and sectors during the toughest period our business community has ever faced.



BECOME A GREENER WEST LANCASHIRE

We want:

- To become a Carbon Neutral Council by 2030
- Local business and citizens to embrace the green agenda
- Council housing stock to meet high standards of efficiency - insulation, design, technology
- To minimise waste disposal and improve recycling services to meet national targets
- To embed green infrastructure into our thinking and planning for West Lancashire's future development and regeneration
- To safeguard the natural landscape and maintain our green environment

DID YOU KNOW

Around 90% of West Lancashire is designated as Green Belt.

Small changes in our habits can reduce our impact on the environment. Choosing to buy products with less packaging, wasting less food through creative recipes, or reusing items by buying second hand will all make a difference.

*Emma Lofthouse,
Waste and Recycling Promotions Officer*

- ✓ **21.8K garden waste household subscribers**
- ✓ **45K tonnes total waste and recycling collected from households**
- ✓ **86% of residents identified they are concerned about climate change**

Community action is central to the success of our climate change work. Consultation findings will be used to focus our work and enable more community action to contribute to a low carbon future for our borough.

A new Greener Working webpage promotes a range of initiatives to support local businesses save money and reduce their carbon footprint and a Greener Tourism accreditation scheme will be launched in May.

100% double glazing across our housing stock following the implementation of a successful window installation programme.

100% renewable electricity tariff supplied across all sites within the West Lancashire Borough Council portfolio.



Working in partnership with BP Pulse Ltd 32 new electric vehicle charging points were installed at three car parks across the Borough.

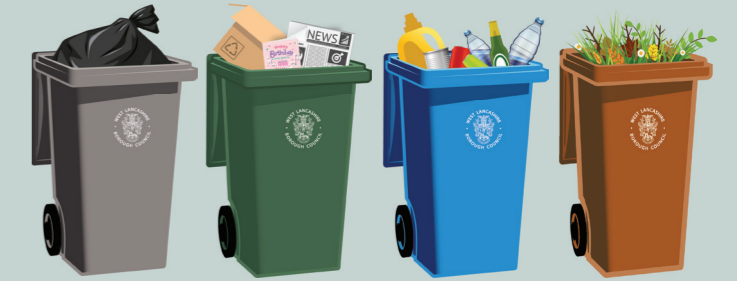
We used social media to promote composting, recycling, donating or selling rather than binning, putting the right stuff in the right bins and safety messages about what not to recycle such as batteries and gas bottles.



We made garden waste collections easier for residents to sign up to each year by introducing Direct Debit and also help reduce calls to the contact centre.

Over 86% of subscriptions for our kerbside collection of garden waste were made online

and 29% of collections were paid through Direct Debit in its first year. 8.2K tonnes of garden waste were collected.



We supported Keep Britain Tidy's Great British Spring Clean campaign with 13 litter picking sticks and bags for rubbish being loaned out to residents and 378 bags of collected materials picked up.

Trees have been planted across the borough as part of the Queen's Green Canopy initiative ahead of the Platinum Jubilee.



Adding interest through artworks in Ruff Woods, Pontville School students and countryside volunteers removed old fencing and installed some carved posts to enhance the woodland experience.

New signage, a path network and bridleway surfacing has improved access to Hunter's Hill (Appley Bridge) former quarry and woodland.

Volunteers are important to us as they help keep our green spaces in great condition through our 'Friends of...' groups for Tawd Valley and Coronation Park.

Proposals for what would be the first WLBC-owned solar farm at the J4/Whitemoss area (Skelmersdale) remain under investigation.



A CLEAN, SAFE ENVIRONMENT WITH AFFORDABLE HOMES TO BUY OR RENT FOR EVERYONE IN WEST LANCASHIRE

We want:

- To provide a cleaner physical environment to enhance the Borough
- West Lancashire to be safe for all citizens
- A Local Plan that supports quality growth and infrastructure in the Borough
- To provide quality and genuinely affordable homes

DID YOU KNOW

Our Building control team made 2,631 inspections, visited 17 dangerous buildings and processed 12 demolition notices to safeguard our buildings and the safety of our residents.

Thank you so much for our beautiful kitchen. We will never forget what you did for us. We spend so much more time as a family in the kitchen now. You truly have made life for us so much better.

Tenant of a property in the kitchen replacement programme

✓ **94.3% customer satisfaction for council home repairs**

✓ **5,855 housing stock effectively managed**

✓ **49 Right to Buy completions processed**

£5,332,065 housing investment provided 136 kitchen and 108 bathroom replacements, 167 roof coverings, new windows to 148 homes, electrical upgrades to 23 blocks of flats and 360



boiler replacements/heating upgrades and two external refurbishment projects in Tanhouse 1&2 (Skelmersdale).

£4,396,820 funded 25,406 responsive repairs, planned repairs and void repairs to council homes, communal areas and garages.

Keeping our customers safe we undertook a rigorous review and validation of housing stock survey data in the key compliance areas of fire, water hygiene and asbestos to ensure we maintain 100% compliance.



On behalf of the Council, Tawd Valley Development Company (TVD) completed 44 affordable, energy-efficient homes at three Skelmersdale sites. 81 homes ranging from 3-bedroom houses to 1-bedroom apartments are now completed or underway through TVD.



To date, TVD has secured £1.4m external funding from Homes England to support the development of new Council-owned homes in West Lancashire.

Future investment was committed for improving environmental quality including £39k to support enforcement and education projects, £68k for new litter bins, £50K for tree stock management and an urban vacuum cleaner.

24K tonnes of non-recyclable kerbside waste collected.



122 tonnes of rubbish were collected over 6 community action days from across the borough.

We increased our bulky household waste collection days from 3 to 5 reducing waiting times from 7 to 3 weeks to meet customer demand.

A series of mobile CCTV cameras for tackling fly-tipping and environmental crime were deployed at incident hot spots and additional funding secured to extend this approach for the coming year.

The Community Safety Partnership's annual Bright Sparx campaign around Hallowe'en and bonfire night continues to limit anti-social behaviour whilst providing community reassurance.

Helping support Lancashire County Council colleagues to meet the requirements of the Domestic Abuse Act, we accessed Government funding for a new part-time Domestic Abuse Coordinator to strengthen our involvement in this work.

78 staff undertook "Prevent" counter-terrorism training so that our frontline staff are better trained to identify those vulnerable to radicalisation and take appropriate action to protect them and our communities.



Our new Local Plan 2023-2040 progressed with 291 respondents to the Issues and Options consultation that will inform the next stage of the Plan. A revised Local Development Scheme was approved in March.



EVERYONE TO BE HEALTHY, HAPPY, SAFE AND RESILIENT

We want:

- To design services that help people stay healthy and independent
- An engaged and motivated Council workforce
- To invest in sports and leisure services and facilities
- To protect, invest and continue to develop our green leisure spaces
- To help businesses in West Lancashire to thrive, grow and connect

DID YOU KNOW

£260k was committed for a council tax discretionary relief scheme to support the most vulnerable in the current cost of living crisis.

My degree apprenticeship has allowed me to gain life-skills and work experience whilst studying putting me in a great place now and for my future.

*Sam Williams,
WLBC Apprentice Estates and Valuation Surveyor*

- ✓ **41 Council apprenticeships supported during the year**
- ✓ **264 new participants were supported to complete the weight management course**
- ✓ **Optimal Ageing Pilot delivered to 12 settings within the Independent Living Schemes**

Working in partnership with West Lancs College and other providers our Kickstart scheme has:

- supported 210 young people into Kickstart roles
- worked with over 50 local businesses to support young people gain experience and roles
- £248K Kickstart grants allocated to local businesses
- 71% of completed placements successfully achieved employment, apprenticeship or fulltime education.



Our successful More Positive Together service engaged with 63 new participants to improve their job prospects and confidence through mentoring programmes. Targeted support will continue until December 2023.

As part of the West Lancashire Partnership we commission, deliver or promote a variety of services for communities based on the needs of local areas such as Holiday Activity Fund and Food Programme, Business Health Matters and NHS Health Checks Programme.



A Food Insecurity Forum is now collaboratively tackling the issue with partners including local VCFSE organisations, volunteers and the new councillor Food Security Champion.

A new job has been created between WLBC and West Lancs Clinical Commissioning Group to use data and evidence to ensure that our plans lead to a reduction in health inequalities.

Get Money Fit is our new package of help for managing money.



A Budgeting Tool and Entitled To online benefits calculator has already helped 100 people quickly estimate their potential claim.

Our Financial Inclusion team helped over 2,000 tenants and secured over £800k for example through benefit support, charity support and help to reduce poverty issues.

Budgeting and advice was given to more than 499 residents through the West Lancs Together Partnership.

From December to March we distributed £270K Household Support Fund to residents struggling with essential household bills. Initially closing in March, the scheme will restart later in the year



Plans progress for contemporary leisure facilities in each of our Neighbourhoods. Wellbeing and Leisure Hubs are planned for Ormskirk and Skelmersdale and a multi-million-pound major refurbishment to our existing facility in Burscough.

Tawd Valley Mountain Bike Trails opened assisted by Friends of Tawd Valley and residents lending a hand during 'dig days'. Community Infrastructure Levy money match funded a £25k Sport England Community grant.



Beacon Country Park and Coronation Park (Ormskirk) both maintained the Green Flag award in the silver jubilee of the scheme.

Our People awards programme celebrated successes with 269 staff nominations made in 11 award categories such as 'going the extra mile', 'learner of the year' and 'volunteering award'.



BE A FINANCIALLY SUSTAINABLE COUNCIL BY 2023

We want:

- To be confident, capable and financially sustainable
- To continue to improve the efficiency and effectiveness of service provision
- To be able to invest in high priority service areas
- To maximise available government funding and generate income to reinvest in West Lancashire
- To provide value for money services

DID YOU KNOW

Our Annual Billing process issues 51,217 Council Tax and 3,438 Business Rates bills.

Despite the ongoing financial challenges faced by Local Government, West Lancashire is in a solid financial position providing a good basis for the continued delivery of our corporate ambitions and priorities.

James Pierce, Head of Finance, Procurement and Commercial Property

- ✓ **23% of housing rent collection completed by direct debit**
- ✓ **Customer self-serve accounts increased by 23% to 48,433**
- ✓ **We keep 88% of collected council tax and 12% of business rates for WLBC services**

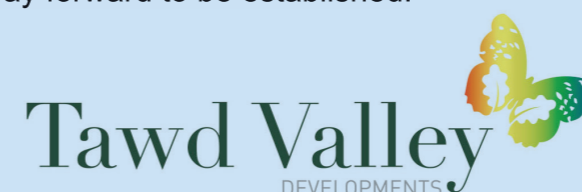
Balancing our finances is going to need difficult decisions about services in the future. We want our residents to fully understand our financial position and so we held a budget consultation in May.



A new operational structure was in place for the start of the financial year to strengthen the alignment of services and balance workload.

A cross-party working group is investigating Council governance options. A report on the merits of the cabinet, committee, or hybrid structures is expected to be reported to Council later in the year.

A committee will review the Tawd Valley Development Company and will enable a clear way forward to be established.



A refocused Commercial Property Strategy was approved with a view to investing in regenerative schemes that will provide a future income stream and encompass the changed Public Works Loans Board lending requirements.

Following an independent review a revised Fees and Charges Policy is now in place. Our Revenues and Benefits call handling service returned to the council from 1 March with recruitment and training of new staff providing a seamless and successful transition, ensuring that 6,277 calls were handled effectively in the first month.



The Council has been successful in gaining compliance within NHS Data, Security and Protection toolkit, alongside UK GDPR regulation compliance being in place.

What else is in place to help with financial sustainability?

- Set a balanced budget with cross-party agreement for 22/23
- Council tax rise kept below 2.5%
- Greater consultation at an early stage with Members across all parties around the budget setting process
- A review of our Medium-Term Financial Strategy planning processes
- Refreshed our Risk Management Framework
- Progressed Our Future programme of work



Being sustainable doesn't mean we don't invest and support. The latest budget ensured a variety of improvements for the borough including:

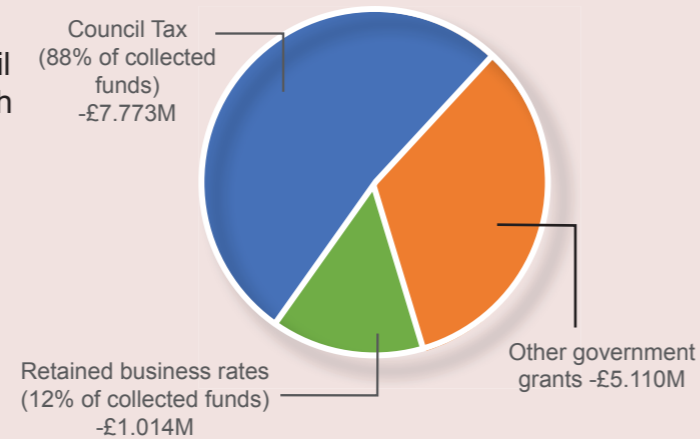
- £260,000 council tax discretionary relief scheme for cost-of-living support
- £101,000 increase in planning enforcement resources
- £88,000 to support local businesses, the visitor economy and attract inward investment
- £68,000 investment in new litter bins
- £39,000 increase to support environmental enforcement and education projects
- £25,000 to support Dial-a-Ride service
- £22,000 on improvements to key gateways into the Borough
- £6,000 to fund four community environmental improvements.

FINANCE AT A GLANCE

Our Funding

Our revenue budget represents what we spend each year to run the Council and provide day-to-day services. This Council is required to set a balanced budget each year as a legal requirement. This budget does not include capital spending.

2021/22 Corporate funding figures (£13.897M)



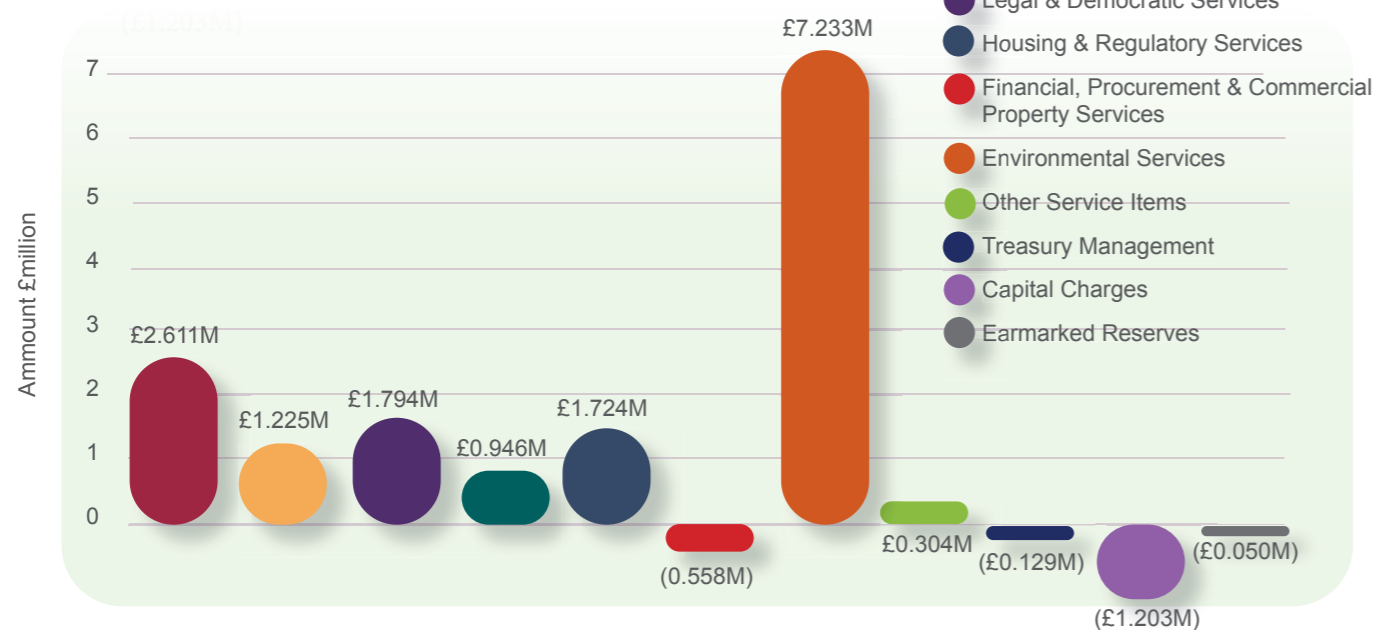
Capital Spending

Alongside our day-to-day costs, we spend money on Capital Assets such as buildings, vehicles, equipment and ICT. Capital money can only be spent once, and some of it is 'ring fenced' e.g. if we have received a grant for a certain project. During 2021/22 we spent £25.959M on capital schemes. Regeneration schemes and maintenance of Council Housing were our top areas of spend and included Skelmersdale Town Centre.

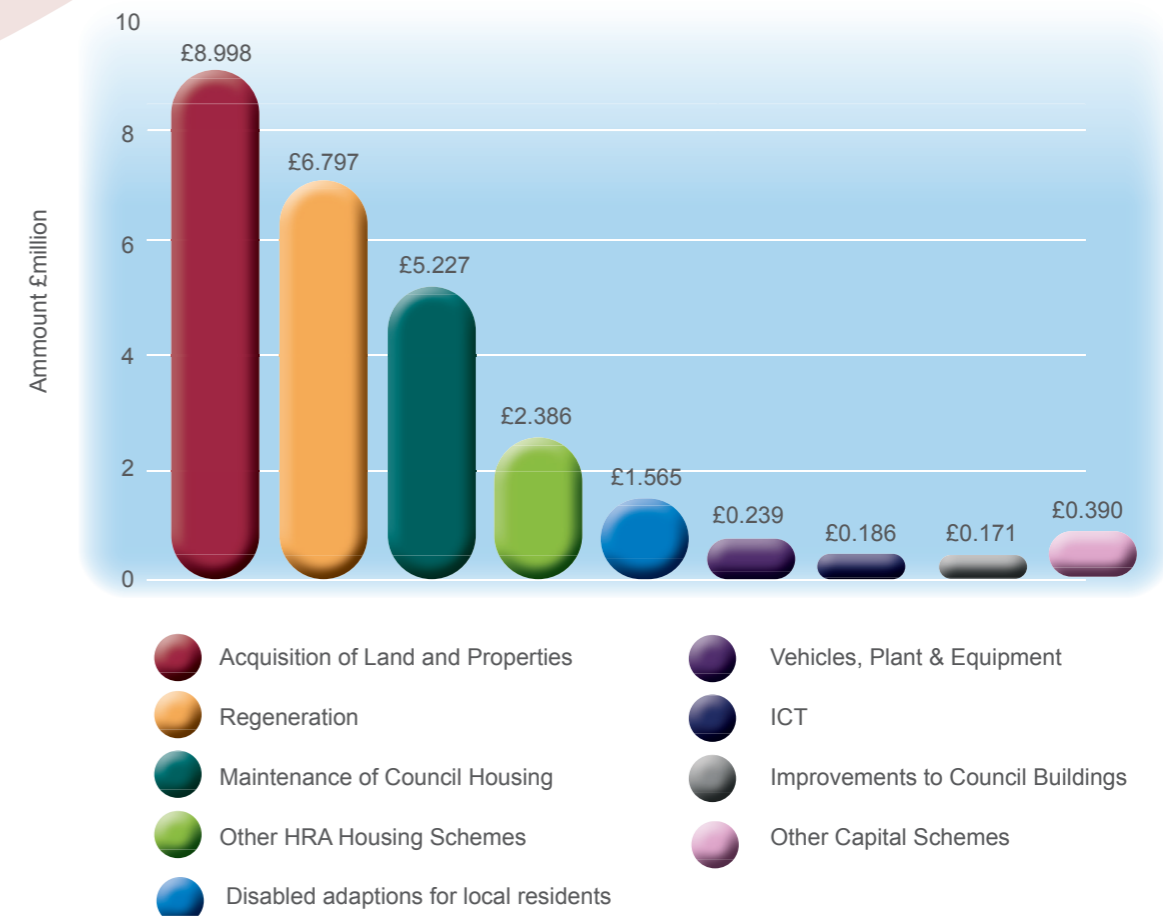
Our Spending

We spend most of our budget (52%) on Environmental Services, which includes waste disposal, recycling and garden waste. Another significant area of our spend is on the provision of Wellbeing and Leisure Services (19%). This includes our Leisure Centres and Country Park and Ranger Services.

Net expenditure by directorate 2021/22 (£13.897M)








































Major Areas of Capital Spend in 2021/22 (£m)






































PERFORMANCE OUTTURN

Icon key

	On target (within 0.01%) or exceeded		Performance improved on previous year
	Off target (within 5%)		Performance declined on previous year
	Off target (by 5% or more)		No change on previous year
	Data only (no target)		Comparison not possible
P	Data pending		Not collected and/or reported at this time or previous calculations not comparable

Performance Indicator	2019/20	2020/21	2021/22	2021/22 Target	2021/2022 vs 2020/21	2021/22 Status	Note
	Value	Value	Value				
E01 % rent loss through empty commercial properties available to rent	~	~	4.2	10	/		Measure introduced for 2021/22
ER07 Number of businesses signed up as Skelmersdale Ambassadors	N/A	N/A	0	40	/	~	Due to COVID-related priority work this has not been progressed during 2021/22
ER09 Number of businesses added value to via business support, property searches, skills and employment	9	109	925				Data includes business grant applications administered
ES01 No. grass cuts undertaken on the highway between April-October	7	8	8	8		
ES02 No. grass cuts undertaken in Sheltered Accommodation between April-October	9	9.6	10	10			
ES04 % locations inspected falling into categories A/B - Litter	99.15%	100%	100%	95.00%	/	/	Most recent available data provided but not comparable for annual outturn; inspections not carried out in final quarter
ES06 % locations inspected falling into categories A/B - Dog Fouling	100%	100%	100%	95.00%	/	/	As above
ES07 % locations inspected falling into categories C/D - Overflowing Litter Bins (cumulative)	10.53%	0.94%	0.00%	10.00%	/	/	As above
ES08 % locations inspected falling into categories A/B - grounds maintenance (includes grass and shrubbery)	92.53%	99.80%	100%	90.00%	/	/	As above
ES11 % locations inspected falling into categories C/D - Detritus	4.16%	02.35%	4.40%	7.00%	/	/	As above
ES19a % successful planned bin collections (grey)	~	~	99.2%	96.00%	/		Measure introduced for 2021/22
ES19b % successful planned bin collections (blue)	~	~	99.89%	96.00%	/		As above
ES19c % successful planned bin collections (brown)	~	~	97.94%	96.00%	/	 	As above
ES19d % successful planned bin collections (green)	~	~	99.15%	96.00%	/		As above
R1 % of Council Tax collected	93.06%	93.06%	92.73%	97.10%			
R3 % of Business Rates Collected (NNDR)	98.02%	87.46%	93.79%	97.20%			
TS52 No. tenants accessing money advice service	~	~	2043		/		Measure introduced for 2021/22
TS55 No. tenants provided with fuel poverty advice	~	~	110		/		Measure introduced for 2021/22
TS53 No. tenants supported with Food Poverty advice	~	~	304		/		Measure introduced for 2021/22
TS54 No. people provided with money advice to help prevent homelessness (tenants & residents)	~	~	36		/		Measure introduced for 2021/22
TS1a Rent collected from current and former tenants as a % of rent owed (excluding arrears b/f).	101.74	100.26	100.73	100.04			
TS11 % of rent loss through dwellings being vacant	0.87%	1.45%	1.18%	0.99%			Issues with sourcing of materials and staffing resource issues consistent with the sector have impacted outturn along with needing to find a replacement electrical provider
WL144a Vacancy levels - Vacant units in Burscough	N/A	4.4%	P	0.0%	P	P	Monitored as part of the Annual Monitoring Report. Data is not expected to be available until the end of the year

WL144b Vacancy levels - Vacant units in Ormskirk	N/A	7.0%	P	9.0%	P	P	As above
WL144c Vacancy levels - Vacant units in Skelmersdale	N/A	25.3%	P	18.0%	P	P	As above
WL148 Value of business support grants allocated and processed (million)	~	£39.70	£41.50				Cumulative total of grants paid since March 2020.
HS14 % non-decent council homes	0.03%	0.10%	P	0.10%	P	P	Data expected to be available July
HS27 % of properties with a valid Landlord Gas Safety Record (homes and buildings)	100.0%	99.9%	99.9%	100.0%		
HS28 % of properties with a valid Electrical Installation Condition Report (homes and buildings)	97.6%	98.1%	96.0%	100.0%			
HS29 % non-domestic that require an asbestos management survey/re-inspection	100.0%	100.0%	100.0%	100.0%		
HS30 % of non-domestic properties with fire risk assessment in place	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%		
NI 154 Net additional homes provided	622	458	P	335	P	P	Data not generally available until later in the year
NI 155 Number of affordable homes delivered (gross)	210	133	P		P	P	As above
NI 159 Supply of ready to develop housing sites	227.0%	224.0%	P	120.00%	P	P	Monitored through the Local Plan. Data is not generally available until later in the year
NI191 Kerbside residual household waste per household (Kg)	541.32	543.21	531.4	500			Although many people have returned to workplaces homeworking is likely to remain at higher than previous levels resulting in higher 'new normal' levels of household waste
NI192 Percentage of kerbside household waste sent for reuse, recycling and composting	41.39%	46.90%	42.40%	51.00%			
WL150 Number of new participants engaged in health & wellbeing programmes/interventions	~	~	333	250	/		
WL151a Number of new clients attending vocational training	~	~	202	38	/		Figure in excess of target due to success of More Positive Together, and also the Kickstart programme including package of vocational training
WL151b Number of new participants engaged to enhance employability, confidence, skills and qualifications	~	~	327	40	/		
WL153a No. of partners working with Wellbeing and Leisure Service	~	~	72	81	/		New partners were no longer being recruited due to the Kickstart Scheme coming to an end in March
WL157a No. visits to leisure facilities	~	~	485,196	573,800	/		Annual outturn impacted by COVID restrictions earlier in the year
WL159 No. attending parks and countryside events and activities	63,547	0	3,163	5,500			Reduced events due to COVID restrictions
WL160 No. Green Flag Awards	2	2	2	2		
WL161 Affordable Housing units via Tawd Valley Developments	~	~	44	44	/		Completions from developments in Brierfield, Eskbank and Fairstead

B1 Time taken to process Housing Benefit/Council Tax Support new claims and change events (days)	7.73	12.00	16.00	12.00	↓	●	16 days is the combined events for both CTS and HB. HB events for the same period is 3 days
BV8 % invoices paid on time (within quarter)	98.34%	95.95%	93.21%	98.75%	↓	●	Relates to just under 24K invoices
WL132-c19 FTE working days lost due to sickness absence per average FTE (COVID Inclusive)	10.46	8.64	11.20	8.08	↓	●	
WL85a Website: no. visits	648,500	546,671	540,099		↓		
WL85c Website: No. of payments processed online	64,990	78,042	72,380		↓		
WL90 % of Contact Centre calls answered	85.9%	96.5%	87.80%	88.0%	↓	▲	Relates to just over 97.6K calls into the contact centre
WL108 Average answered waiting time for callers to the contact centre (seconds)	121	43	150	145	↓	●	COVID support work has had a significant impact on customer service resource during the year
WL130 No. Service Now Customer Accounts	24,734	39,333	48,433		↑		
WL131 No. Social Media Followers (WLBC FB, Twitter)	9,567	13,715	14,870		↑		
WL140 % of staff who understand how their role contributes to the vision and priorities	~	80.00%	N/A		/		Staff survey not carried out during 21/22; scheduled for early 2022/23
WL141 % staff who feel the Council is a good organisation to work for	~	79.00%	N/A		/		As above
WL162 Effective use of resources	~	Yes	Yes	Yes	~	●	External audit findings report
WL163 Regulatory requirements met (financial statements)	~	Yes	Yes	Yes	~	●	External audit findings report
WL164 Savings within financial year	N/A	N/A	875k	875k	/	●	

Page 172










General notes on the 2021/22 suite

Reporting of PIs is dependent on collection mechanisms remaining in place. Satisfaction (CIT_) indicators are collected via the Citizen & Stakeholder Survey and some items require staff survey.

Our satisfaction survey results help us better understand how our services are perceived in the community. No Citizen Surveys carried out during 2020-22. The survey is scheduled for early 2022/23.

WLBC continues to collect certain PIs originating from the previous Best Value and National Indicator sets for our own performance management purposes although national reporting no longer exists. PIs and targets are reviewed annually and agreed by Cabinet. Not all data is available at time of publication. Data that is pending will be published when available on the council website.

Icon key

	On target (within 0.01%) or exceeded		Performance improved on previous year
	Off target (within 5%)		Performance declined on previous year
	Off target (by 5% or more)		No change on previous year
	Data only (no target)		Comparison not possible
P	Data pending		Not collected and/or reported at this time or previous calculations not comparable

The Council would like to thank all residents and stakeholders for the use of their images in this annual report.

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

Please email businessstransformationandchange@westlancs.gov.uk or telephone 01695 5853211 to request this



WEST LANCASHIRE
BOROUGH COUNCIL

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www.facebook.com/WestLancsBC/



COUNCIL: 20th July 2022

Report of: Head of Finance, Procurement and Commercial Services

Contact for further information: Marc Taylor (Ext 5092)
Marc.Taylor@westlancs.gov.uk

SUBJECT: FUTURE DIRECTION FOR TAWD VALLEY DEVELOPMENTS LTD

Wards affected: Borough wide

1.0 PURPOSE OF THE REPORT

1.1 To set out a series of proposals to reset and refocus the aims, objectives and activities of Tawd Valley Developments Ltd (TVDL), the Council's wholly owned development company.

2.0 RECOMMENDATION

2.1 That the proposals set out in section 8 be approved and that a new Business Plan be drawn up on this basis.

3.0 BACKGROUND

3.1 The proposed new approach has, as context, the aims and objectives for TVDL as per the Business Plan approved by Council in February 2021, relevant extracts from the independent review of TVDL by Local Partnerships, the Borough's housing and economic needs and the impact of changes to the Prudential Code, as detailed below.

4.0 EXISTING AIMS AND OBJECTIVES

4.1 TVDL was created in order to enter the development market in West Lancashire, to acquire sites and deliver new homes for the residents of the Borough, and to also consider commercial developments and developments outside the Borough. The Development Company was the chosen option of the Council as:

the initial financial viability assessments indicated that site development could deliver a sustainable and profitable enterprise;

the Council received the Grant Funding to facilitate the formation and ongoing operation of a Development Company to deliver the Development Objectives;

the Development Company would create a separate legal entity which can attract further grant funding into the borough;

the Development Company would be controlled by the Council and will allow the Council to prioritise its Development Objectives.

4.2 The TVDL 2021 Business Plan described the overall aims and objectives of Tawd Valley Developments to develop sites within West Lancashire and the surrounding area, whilst making financial returns for its shareholder, the Council. The Plan also described the Aims and Objectives for the Council. The Council is the sole shareholder and funder of the Company and identified the following aims and objectives:

- i. Generate a financial return for the Council through development of profitable services/activities, recognising that this will take time to be realised.
- ii. Capture any financial benefits and tax efficiencies of dedicated delivery vehicles which are Council controlled but can benefit from agile operating arrangements.
- iii. Provide an income from the new vehicle and the new ways of working so transformational that the cost of planning, due diligence advice and setting up and operating the vehicle outweigh the status quo.
- iv. Create profitable, complementary and transparent relationships with landowners, developers and investors which deliver financial and regeneration benefits.
- v. Secure additional private and Government investment into the Borough, creating a focus on delivery and providing a mechanism to build new homes for sale and rent, regeneration and commercial and industrial schemes to the Council.

- vi. Maximise appropriate development, accelerate growth and take appropriate risks for the Council by providing dedicated delivery arrangements and property and commercial expertise.

4.3 Page 3, Para 1.3 of the Business Plan states that TVDL will, to build on the current net profit margin, focus on identifying suitable sites in West Lancashire and the wider region. Market sale homes, generating a healthy return, will be a specific focus as new sites are identified based on the experiences and lessons of progressing the Phase One sites through viability, into contract, and the review and rationalisation of the sites in Phase Two.

5.0 LOCAL PARTNERSHIPS REVIEW OF TVDL

5.1 The Council commissioned Local Partnerships LLP to conduct an independent review of the company to provide members with an independent understanding of the viability of TVDL, the opportunities and risks TVDL presents to the Council, other options to address Members' concerns and, ultimately, to allow Members to make an informed decision as to the future of TVDL.

5.2 The results of the Local Partnerships Review contained 13 recommendations for the consideration of Members, which have previously been reported to Council. An update on progress against each of these points is contained in Appendix 1. Steady progress is being made against these recommendations, and this report addresses a range of these issues.

5.3 Given the actual and forecast success of the TVDL Phase 1 Business Plan in delivering 81 high quality, new affordable homes for Council tenants, an alignment with the Borough's housing needs should be a priority but not to overlook that TVDL is a commercial development company which provides the opportunity to also address non housing priorities.

6.0 THE BOROUGH'S HOUSING AND ECONOMIC NEEDS

6.1 In general West Lancashire has a good functioning housing market with fairly robust values, but Skelmersdale values have historically been lower than the rest of the Borough. Old Skelmersdale values are likely to be slightly higher than the former new town parts of Skelmersdale.

6.2 The housing market areas could be described as: Skelmersdale, Market towns of Ormskirk, Burscough and Aughton and then the rural areas. Values in the rural areas are generally higher, followed by the Market Towns with Skelmersdale generally at the lower end.

6.3 The dwelling stock in the Borough is predominantly of larger homes, with a greater average number of bedrooms and a high proportion of detached homes (30% of all housing in 2011, compared with 22% nationally). Rural

areas see a particularly large proportion of detached homes with the stock of Skelmersdale being dominated by terraced housing.

- 6.4 There is a high level of home ownership with and without a mortgage in the borough but Skelmersdale shows a different tenure profile more in favour of rented as the dominant tenure. It should be borne in mind though that most of the Council housing rented stock is based in Skelmersdale.
- 6.5 The Council's new housing strategy is being developed, however the delivery objectives 2014-2019 and 2020-2021 which remain relevant are:
- Achieve the right supply of new homes including maximising affordable housing
 - Regenerate and remodel areas of Skelmersdale
 - Make the best use of all existing homes
 - Encourage well managed and maintained homes across all tenures
 - Encourage investment to meet specialist housing requirements
 - Deliver the Council's Sustainable Energy Strategy Residential and Domestic Sector objectives.
- 6.6 Further, in terms of the Affordable Housing Need in the Borough:
- The 2018 housing need survey suggests an annual net shortfall of affordable housing units of 120 per annum. This compares to the Local Plan residential delivery targets of approximately 300 units per annum.
 - In affordable tenure terms the survey recognises a need for affordable rent and shared ownership with delivery in favour of affordable rent.
- 6.7 The housing need survey also demonstrates a need for Older Persons housing. West Lancashire has an ageing population and so we need to be mindful of the impact of the ageing population not only in housing need terms but also economic terms. Going forward there is a need to try and develop appropriate housing solutions for our older population. This may include downsizing solutions, possibly provision of extra care in Skelmersdale, ensuring new housing meets building regulation standards where appropriate in line with existing local planning policy.
- 6.8 There is a need to develop supported housing solutions for a range of vulnerable groups such as adults and / or children with autism, learning disability, and physical disability. There is a need to improve the quality of refuge provision and work is underway to improve supported accommodation for young people.
- 6.9 The concept of placemaking has to date been an aspiration for both the Council and TVDL when planning the development of new schemes where environmental improvements 'outside of the red line' have sought to spread the benefit of the new scheme to a wider community. The most recent scheme at Fairlie has provided the best opportunity to date to plan in the wider benefits at the earliest of stages, seeking opportunity to improve the

health and wellbeing of local residents, not just residents of the new properties.

- 6.10 From an economic perspective TVDL could support the Council's strategic economic ambitions in terms of business space provision and the requirement to generate income from commercial activity.
- 6.11 West Lancashire plays a vital role in the region's economy contributing in the region of £1.2Bn annually towards the wider Lancashire economy. In the current Local Plan 2012 to 2027 employment development in West Lancashire should continue to provide for advanced manufacturing and distribution and provide for higher quality business premises and offices for professional services. Green construction and green technologies are also encouraged.
- 6.12 Further, given West Lancashire's strategic location on the edge of three city regions, it is recognised that these major conurbations will be the location for new technologies related to zero carbon developments, the construction of renewable energy schemes, the retrofitting of new and existing homes and business premises to be more energy efficient. West Lancashire is well placed to be a location of choice for such business.
- 6.13 Aligned to the Local Plan, the Council Plan explaining the Council Vision and Priorities for 2020-2023 announces West Lancashire together; as a the place of choice to live, work, visit and invest.
- 6.14 The identified priorities include: The Support of businesses to adapt and prosper where 'We want' West Lancashire to be the place of choice to locate your business and 'We want' to help businesses in West Lancashire to thrive, grow and connect supported by a Local Plan that supports quality growth and infrastructure in the Borough.
- 6.15 Delivering new, modern, sustainable and income generating business units will provide a tangible outcome for this identified priority.
- 6.16 In addition the Plan aspires to become a Greener West Lancashire and wants to optimise the development of solar/wind farm investment. Such development will support West Lancashire to be a financially sustainable Council underpinned by pursuing commercial investment opportunities where appropriate and maximising the value from existing assets and maintaining a focus on value for money.

7.0 THE PRUDENTIAL CODE AND ITS IMPACT ON TVDL

- 7.1 Members of the TVDL Shareholder Committee – March 2022 - were provided with an overview of the PWLB Borrowing Guidance (Aug 2021) and CIPFA Prudential Code (Dec 2021) and Guidance Notes (Jan 2022) in response to the queries raised at Council from the Local Partnerships Independent Review of TVDL.

- 7.2 The report was a broad and balanced report explaining the guidance in detail and what could and could not be done. In the case of out of borough activity, the report states - new borrowing from PWLB and on-lending to TVDL, for sites outside the borough that do not meet the housing needs of Council, is not allowed. Further, the report also states - new borrowing from PWLB and on-lending to TVDL, for sites outside the borough, in neighbouring districts that meet the housing needs of the Council, for all tenures, is allowed.
- 7.3 It is important to note that the Prudential Code will not impact on TVDL's ability to develop within the West Lancashire Borough where the Council's Housing Revenue Account funds homes for Council ownership or indeed the use of Council resources/ borrowing for in borough Open Market Sale or other home ownership tenures.
- 7.4 In addition, commercial development company activity could, by choice and with agreement of the shareholder, be funded out of borough by third parties, such as neighbouring local authorities or registered providers of social housing. An example of this is the acquisition and potential development of a site at Much Hoole for a Housing Association. Here, the purchase and pre-development costs have been borne through TVDL working capital, however subject to the approval of formal agreements, the Housing Association could fund the scheme from their own resources, including any Homes England funds they attract, on a monthly cashflow basis. TVDL could either develop out the site or sell the site with planning permission. Each route would see TVDL make a level of profit from this venture outside of the Borough.
- 7.5 A key point to also emphasise is the balance between the provision of affordable housing and other home ownership tenures both in terms of business planning but also the practicality of delivering a successful scheme. Delivering for third parties or developing for open market sale provides the opportunity for TVDL and therefore the Council to benefit from a greater fee and therefore income (to firstly ensure TVDL is self sustaining) and profitability. Appendix 2 provides a framework for consideration about the risk and reward associated with the delivery of houses for open market sale.
- 7.6 Mixed tenure housing schemes are commonplace particularly where sites are developed for the public sector. It has recently become a Homes England funding requirement that sites larger than 30 units have mixed affordable tenure. For example the Council's Fairlie development will be providing 37 affordable rent and 13 affordable rent to buy homes in line with Homes England requirements. Furthermore, adding a sales market to a scheme provides the opportunity for greater income into an appraisal and therefore improves the chances of its viability. TVDL are currently assessing such an opportunity where talks between TVDL as developer, Homes England as part funder and a Registered Provider could deliver a viable shared ownership scheme in West Lancashire to meet local housing need. The Council would act as conduit in acquiring the land and attracting the full allowance of Homes England funds to the scheme but on completion would sell the remaining

equity to the Registered Provider and transfer the Homes England funding responsibility.

7.7 The opportunity to generate a greater profit return from Open Market Sale activity alongside the capability of TVDL to engage with the Council in the delivery of its economic and business space provision activities as outlined in section 6 above would support the need to ensure TVDL is self sustaining.

8.0 A RESET AND REFOCUSSED TVDL DEVELOPMENT STRATEGY AND BUSINESS PLAN

8.1 To date and in accordance with the Business Plan approved in February 2021 and the aspirations of the shareholder, TVDL has progressed a pipeline of new opportunities both in and out of borough. This provided a focus for a mixture of Affordable homes and Open Market Sale homes both in and out of borough, with out of borough unrestricted across the North West.

8.2 It is now proposed that a revised Development Strategy incorporating the headlines in table 1 below will be progressed. This follows the logic of addressing directly local housing and economic needs as per Section 6 above and the regulated use of public sector funding as described in Section 7. Under this new approach development will generally be limited to in Borough schemes only, which reflects the resolutions of the TVDL Shareholder Committee in June 2022.

8.3 It is proposed that this activity will be based upon the refocused aim of TVDL which will:

Seek to develop sites within West Lancashire with the fundamental aim of supporting the housing and economic needs of the residents of the borough whilst making financial returns for its shareholder, the Council, and only undertaking work in adjacent boroughs for other Local Authorities or Registered Providers.

8.4 It is proposed that this new aim will incorporate a set of revised development objectives formed around the development activity proposed in table 1 below and aligned, where proven viable, with other strategies and plans of the Council. As an example, the Climate Change Strategy and Action Plan approved by Council in July 2020 which includes, amongst numerous actions across various disciplines, the adoption of zero carbon build targets. The TVDL Appraisal Process which incorporates a series of Gateways would be amended to align this new approach with the selection, appraisal and approval of projects.

Table 1 – Revising the Development Strategy

Proposed TVD Development Activity
Within West Lancashire for all forms of Development <ul style="list-style-type: none">• Homes for Accessible Tenure• Homes for Open Market Sale• Regeneration Schemes with West Lancashire Borough Council• Non Housing Development Schemes
In Adjacent Boroughs <ul style="list-style-type: none">• Work for other Local Authorities or Registered Providers

8.5 A new Business Plan incorporating the proposed revised aims and new objectives for TVDL will incorporate the almost complete Phase 1, together with the former Phase 2 and Phase 3 components of the Plan which will require change. The Plan will comprise known projects, diversifying the project scope to include supporting WLBC with wider forms of development such as estate regeneration, business units and a potential solar farm. The new plan will deliver outcomes that address the needs of West Lancashire residents, rather than simply building as many housing units as possible. The plan will focus on delivering affordable homes within the Borough in line with Housing need, with only 4/5 (primarily small) schemes for open market sale where there is a strong business case that merits taking on the commercial risks involved.

8.6 It is also proposed that the Business Plan will be drawn up on the following basis to reflect the resolutions agreed at the TVDL Shareholder Committee meeting in June 2022 in relation to a number of reports:

- i. That the land owned by TVDL at Much Hoole be disposed of without further development. This approach would generate a lower profit than developing the site but also carries a lower level of risk.
- ii. That a more active approach is taken to loan drawdowns and repayments between the Council and TVDL. This would then mean that fluctuations in cash held by TVDL could be smoothed out and that TVDL could achieve a lower overall amount of average cash holdings. In other words, new loan funding could be taken out by TVDL just before payments become due and then repayments made when their cash balances are relatively high. This would reduce the interest costs paid by the Company to the Council and lower the amount of cash the Council needs to invest in the Company.

- iii. That TVDL charge the Council a development fee for any future schemes based on cost recovery without a profit margin. This would cover both pre-development and development activity delivered by TVDL. TVDL would apportion staff time and maintain time records against activities forecast annually, charge the Council accordingly and reconcile annually. By way of an example, assuming 70% of TVDL activities are to plan for or deliver works for the HRA then 70% of the annual overhead would be charged to the HRA. Assuming 20% of TVDL activities are to plan for or deliver works for the GRA then 20% of the annual TVDL overhead would be charged to the GRA. Assuming the final 10% of TVDL activity is delivery for third party organisations or open market sale, TVDL would seek a level of return and therefore profitability in accordance with the level of risk versus reward associated with the scheme and its viability.

9.0 RESOURCE AND FINANCIAL IMPLICATIONS

- 9.1 The Council has provided £0.9m of equity funding and £1.575m of loan funding to TVDL. It is not expected that any further equity funding will be provided to the company, and the level of loan funding will depend on the completion of existing schemes, the next business plan that is agreed, and the proposed new approach to cash and borrowing set out above. The Council earns a commercial rate of interest on its loan funding to TVDL and can also receive dividends depending on the future profitability of the Company.
- 9.2 It is expected that the new approach on more actively managing loans will lead to a lower level of borrowing, and consequently lower interest income than would otherwise be the case. The new cost recovery approach on works that TVDL undertake for the Council will also lead to a significant reduction in forecast profitability for the Company. The Council's medium term financial forecasts will need to be updated to reflect this position.

10.0 SUSTAINABILITY IMPLICATIONS

- 10.1 The development of new quality homes at an affordable rent and for market sale, will support the Council's vision of being a place of choice to live, work, visit and invest and will contribute to the Council's priorities. It will bring economic activity into the local area including employment and training opportunities.
- 10.2 The affordable homes will increase the sustainability of the Council's Housing Revenue Account Business Plan through the growth in homes and income from rent. It will also help to offset the HRA properties that are lost each year through Right to Buy Sales.

11.0 RISK ASSESSMENT

11.1 The Council provides financial support to TVDL through equity funding and loan funding, and can receive returns in the form of interest on loans and dividends. The proposed new direction set out in this report should reduce the financial risks of owning TVDL but is also likely to reduce the returns that can be realised.

12.0 HEALTH AND WELLBEING IMPLICATIONS

12.1 The quality of an individual's housing can be a major factor in their health and wellbeing. The Development Company will build quality new homes with modern facilities that will provide the necessary environment to promote and support good health and wellbeing.

Background Documents

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

Equality Impact Assessment

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

Appendices

1. Progress on the Independent Review Recommendations
2. Open Market Sale – Risk v Reward

APPENDIX 1 - PROGRESS ON THE INDEPENDENT REVIEW RECOMMENDATIONS ON TVDL

Recommendation	Progress	Responsible Officer	Status
[1] The Council should clarify the rationale for the retention of the company, including the role that the company should have, in developing sites outside of the Borough, with a full understanding of the potential risks involved. (See also recommendation 8)	A discussion paper on the future direction of the Company was presented to the TVDL Shareholders Committee in June 2022, and a proposed way forward is set out in this report.	Chief Operating Officer	In progress
[2] TVDL should review the fee being charged to the HRA for development services, to ensure it accurately corresponds to the costs it incurs in delivering those services. Without a job recording system, it is not possible to accurately determine how staff time has been spent between HRA and open market housing development. For the Council to preserve the integrity of the principles of the HRA and assuming the intention is to continue to use the company to develop housing for its HRA then such a recording system will need to be introduced.	It is proposed that TVDL will charge a developer fee to only cover the cost of its overheads on Council schemes based on a simple time recording system. This would cover both pre-development and development activity delivered by the company for both the GRA and the HRA.	S.151 Officer	In progress
[3] The targeted development of a viable, deliverable pipeline of new properties should be a high priority for TVDL and for the Council. While it is recognised that there may be a certain degree of uncertainty around some longer term opportunities, the Council should not approve business plans in future unless, and until, it is satisfied that all elements of the business plan are clearly identified, appropriate to its requirements, financially viable and deliverable.	<p>Potential sites and options for future development have been presented to the TVDL Shareholders Committee.</p> <p>A new Business Plan will be drawn up when the future direction of the company has been agreed.</p>	S.151 Officer	In progress

<p>[4] The Council should establish the structures and mechanisms, and develop its housing market insight, to ensure that there is clearer alignment, where it is appropriate to do so, between the Borough's housing need, the Council's objectives, and the work of TVDL.</p>	<p>Consideration was given to this issue in the Reset and Refocus report presented to the TVDL Shareholders Committee meeting in June 2022, and in section 6 of this report.</p>	<p>Head of Housing & Regulatory Services</p>	<p>In Progress</p>
<p>[5] TVDL should review and amend its accounting policies for revenue recognition and stock to make them appropriate for the activity they are engaged in.</p>	<p>Officers have read & reviewed the LP report, TVDL Financial Statements and FRS102, in addition to confirming with TVDL that stock/WIP are pre-contract costs for sites in the approved business plan and costs for schemes in stock/WIP are transferred to I&E at the point WLBC sign the Development Instruction, with revenue then being recognised.</p> <p>Officers have confirmed with LP, that whilst LP did not identify any incorrect accounting treatment, the accounts require the inclusion of an accounting policy / disclosure for revenue & cost recognition of construction contracts that is appropriate for the activity of the company.</p> <p>TVD will review and update its accounting policy and disclosure requirements for revenue & cost recognition of development contracts & open market activity and agree these with their auditors, Beavers and</p>	<p>S.151 Officer</p>	<p>In Progress</p>

	Struthers, for the 2021/22 Financial Statements.		
[6] The Council and the company should review the financing structure of the company and the process for extending debt and equity support to it. We are aware that there is a gateway process in place which is designed to control the commitment of company resources to individual projects as they progress through the development lifecycle. The source of project funding as well as the quantum should be assessed at these gateway stages with approval processes updated as part of the governance recommendations made later in this report.	<p>A detailed report on the future financing structure of the Company was presented to the TVDL Shareholders Committee in June 2022.</p> <p>It is proposed that no further equity funding is provided to TVDL and that the level of loan funding will be managed more actively to reduce the volatility and average level of cash holdings of the company.</p>	S.151 Officer	In progress

<p>[7] The Council needs to reappraise its risk appetite for commercial housing development in the light of the changing economic climate and the geographic restrictions that the new Prudential Code is likely to bring. This appraisal should include an assessment of the pipeline potential that exists for open market housing development within West Lancashire as well as consideration of other Council housing and non-housing development opportunities that may be open to the company.</p>	<p>A discussion paper on the future direction of the Company was presented to the TVDL Shareholders Committee in June 2022, and a proposed way forward is set out in this report.</p> <p>Having clarity around the objectives of the Company will then enable officers to bring a revised Business Plan forward which considers pipeline potential.</p>	S.151 Officer	In progress.
<p>[8] The Council should review the decisions that can only be made by the shareholder at full council to improve the ability of TVDL to progress developments in a timely manner</p>	<p>Members have approved the establishment of a new TVDL Shareholders Committee with clearly defined terms of reference following consideration of the LP report.</p> <p>A report to develop decision making arrangements further could be brought back for Member consideration if required.</p>	Monitoring Officer	In progress
<p>[9] The Council should review the purpose and role of the Officer's Working Group and wider engagement with TVDL in order to clarify and strengthen its roles as critical friend and enabler to TVDL</p>	<p>A report on this issue, including the Terms of Reference for this Group, will be brought back to a future meeting of the TVDL Shareholders Committee.</p>	Monitoring Officer	In progress

<p>[10] Consider the delegation of certain reserved matters to a sub-committee of the Council (a members Shareholder Committee) in order to speed up decision making and enable more transparent scrutiny of TVDL. This forum could potentially replace the Shareholders Cabinet Working Group and its refreshed terms of reference include:</p> <ul style="list-style-type: none"> • Oversight of decisions requiring approval by the Council, such as business plan approval • A mechanism to communicate the shareholders' views to TVDL • A means to evaluate the effectiveness of the TVDL board and the delivery of performance against strategic objectives and the business plan • An articulation of what success looks like in terms of achieving social/ economic outcomes and/or financial performance • A holistic review of risk to the council offered by TVDL activities 	<p>Members have approved the establishment of a new TVDL Shareholders Committee with clearly defined terms of reference following consideration of the LP report.</p>	<p>Monitoring Officer</p>	<p>In progress</p>
<p>[11] Establish a clear client (shareholder) officer role (reporting to the Chief Operating officer), potentially through the establishment of a Shareholder Board. Any officers involved in the shareholder role should not be on the TVDL Board.</p>	<p>This issue will be considered once recommendation 9 has been progressed.</p>	<p>Monitoring Officer</p>	<p>Not yet started.</p>

<p>[12] The Council should consider removing the S151 Officer from the board and placing the Section 151 officer into a shareholder role (for example as a Shareholder Board member). This may in turn require the TVDL board to strengthen its finance capability. It would be appropriate for the Corporate Director of Transformation and Resources to remain on the Board if his council role does not involve oversight of TVDL.</p>	<p>The S151 Officer has resigned from the Board, and has been replaced by the Deputy S151 Officer.</p>	<p>Monitoring Officer</p>	<p>Completed</p>
<p>[13] The Council should only consider appointing an elected member(s) to the board of it is clear that they can bring specific skills and qualifications which are needed by TVDL (rather than by virtue of the fact that they are elected members) and that there is no potential for a conflict of interest arising.</p>	<p>It was resolved that a response to this recommendation was not required at the TVD Shareholders Committee on 28th March 2022</p>	<p>Monitoring Officer</p>	<p>Not required</p>

APPENDIX 2 OPEN MARKET SALE – RISK V REWARD

Stage of Analysis	Description	Mitigation
Site Selection Page 193	Location and Market Intelligence Availability and Title Price of Land Planning Status Tenure Mix Initial Appraisal Initial View on Profitability Engage QS/Architect	Identifies Sound and Stable Housing Markets -Will Houses Sell Without Delay/Problem. Review and Assess Complexity of Ownership/Title/Availability. Does the Price Reflect the Location A Site With Planning Approval Will Cost More But has More Value A Mix of Tenure May Offer the Opportunity for Block Sales Conduct Initial Appraisal Based on Land, Estimated Build Cost and Estimated Value of Sales. A Gross Profit Parameter of Circa 15% is assumed. Independent Review
Site Planning, Appraisal Cost and Value	Detailed Planning if Required Detailed Appraisal Contractor Tender Pricing Independent Market Valuation and Comparable Sales	TVD has leading project appraisal software used alongside the ‘gateway’ development process for assessing and securing TVD Board approval to the progression of a site. Appraisal includes stress testing of development assumptions and intelligent procurement of materials. Independent Valuation Done to Confirm Development Value Prior to Submitting Plans and /or Tendering for Works. Costs for Planning Established if Necessary and Plans Submitted Accordingly. Contractor would Price Scheme only Once Planning Approved.

	Analysis	
Site Delivery	Market changes during delivery	TVD deploy a robust project management approach involving regular monitoring of site planning and activity, procurement and performance, to remove or minimise delay and manage risk. Health and Safety risk managed by TVD.
Site Exit	Site decommission and Sales	Site exit as per agreement with principal contractor, including defects period. Market Sales process will be factored into cost appraisal. Sales begins when Construction Site is Live. Sales Prior to Completion Preferred.



COUNCIL: 20 July 2022

Report of: Legal and Democratic Services Manager & Monitoring Officer

Contact for further information: Mrs Kay Lovelady (Extn 5075)
(E-mail: Kay.lovelady@westlancs.gov.uk)

SUBJECT: PROPOSED AMENDMENTS TO SCRUTINY PROCEDURE RULE 15C OF THE CONSTITUTION REGARDING THE REQUIREMENTS TO EXERCISE CALL IN

Wards affected: Borough wide.

1.0 PURPOSE OF THE REPORT

- 1.1 To seek approval to amend the provisions contained in the Constitution 9.1 at Part 4, 9a - Overview and Scrutiny Procedure Rules - Rule 15 (c) in respect of the requirements to exercise Call In.

2.0 RECOMMENDATIONS TO COUNCIL

- 3.1 That the Constitution 9.1 at Part 4, 9a - Overview and Scrutiny Procedure Rule 15 (c) in the Constitution be amended to read as follows:

The Chief Operating Officer shall include an item on an agenda for scrutiny by the relevant Overview and Scrutiny Committee, at its next meeting, if so requested by notice in writing by any five members of **the Council** no later than 5 p.m. on the Tuesday of the week following publication of the decision. The notice shall specify the reasons for the call in and specify the decision the five members would put in place if the call-in were successful. For the avoidance of doubt, that decision cannot be a deferral for more information. The Chief Operating Officer shall then (a) validate the "call-in" and notify the decision-taker of it (in the case of Cabinet by putting it on the next Agenda) or (b) in consultation with the Chairman of the relevant Overview and Scrutiny Committee, determine that the "call-in" is not valid and notify the 5 members accordingly. Further for the avoidance of doubt, the next meeting of the Overview and Scrutiny Committee must take place within 15 working days of the request for call in.

4.0 BACKGROUND

- 4.1 On the 15th December 2021 a Motion was passed at Full Council to review the Governance arrangements of the Council as a result of the Council being in a position of no overall control.
- 4.2 A cross party working group was established to investigate the options for change in the political system of governance i.e the Political Governance Arrangements Working Group.
- 4.3 Consideration has been given to various aspects of governance. One area that was considered was the effectiveness of the Call-In procedure.
- 4.4 Part 4 Section 9a of the Constitution contains the Overview and Scrutiny Committee Procedure Rules. The provisions regarding Call-in are contained in Rule 15. It has been proposed that Rule 15 (c) be amended as follows:

"The Chief Operating Officer shall include an item on an agenda for scrutiny by the relevant Overview and Scrutiny Committee, at its next meeting, if so requested by notice in writing by any five members of **the Council** ~~that Overview and Scrutiny Committee~~ no later than 5 p.m. on the Tuesday of the week following publication of the decision. The notice shall specify the reasons for the call in and specify the decision the five members would put in place if the call-in were successful. For the avoidance of doubt, that decision cannot be a deferral for more information. The Chief Operating Officer shall then (a) validate the "call-in" and notify the decision-taker of it (in the case of Cabinet by putting it on the next Agenda) or (b) in consultation with the Chairman of the relevant Overview and Scrutiny Committee, determine that the "call-in" is not valid and notify the 5 members accordingly. Further for the avoidance of doubt, the next meeting of the Overview and Scrutiny Committee must take place within 15 working days of the request for call in."

- 4.5 Executive Overview and Scrutiny Committee is a politically balanced committee. The Membership currently comprises of the following:

Labour (6),
Conservative (4); and
OWLS (2)

This has resulted in a situation whereby neither the Conservative nor Our West Lancashire Party can Call-In any matter without agreement with one of the other parties. This undermines the principles of good governance and the effectiveness of scrutiny.

- 4.6 Although it was acknowledged that the pre-Scrutiny arrangements were working well the current wording in the Constitution in respect of Call-in all but made it impossible for there to be effective post scrutiny on any decision for example of Cabinet. The Political Governance Arrangements Working Group therefore

requested that a report be brought to full Council to consider the proposed amendment outlined above.

- 4.7 Consideration has been given to the arrangements adopted by neighbouring boroughs which are set out in the table below:

Council	Arrangements
South Ribble	The Scrutiny Chairman, or in his absence the Vice Chairman, or any five members of the Council
Preston	Chair or any three Members of the O&SMC,
Wyre	Any four Members of the Council
Hyndburn	The chair (or the vice chair in the chair's absence) or any 2 members of the committee,
Chorley	Chair of the Committee and three of its other members

The proposed amendment is not substantially different to the processes adopted locally. Please note that these Councils are not in the same political position as West Lancs so the inability to Call-in decisions may not be compromised.

6.0 SUSTAINABILITY IMPLICATIONS

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

7.0 FINANCIAL AND RESOURCE IMPLICATIONS

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

8.0 RISK ASSESSMENT

- 8.1 This item does not require a formal risk assessment and no changes have been made to risk registers as a result of this report.

9.0 HEALTH AND WELLBEING IMPLICATIONS

- 9.1 There are no obvious health and wellbeing implications from this report other than if a decision that could have been subject to Call-in was considered by the relevant Committee within West Lancashire.

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 stakeholder. Therefore, no Equality Impact Assessment is required.

By virtue of paragraph(s) 1, 2, 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

By virtue of paragraph(s) 1, 2, 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

