



Jacqui Sinnott-Lacey
Chief Operating Officer

52 Derby Street
Ormskirk
West Lancashire
L39 2DF

Tuesday, 28 March 2023

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, 5 APRIL 2023** 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 circular stamp or seal.

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.)

997 - 998

4. **MINUTES**
To receive as a correct record, the minutes of the previous meeting held on Wednesday, 22 February 2023. 999 - 1022
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 - Wednesday, 15 February 2023** 1023 - 1026
- b) **Planning Committee - Thursday, 16 February 2023** 1027 - 1030
- c) **Budget / Council Plan Committee - Tuesday, 28 February 2023** 1031 - 1034
- d) **Standards Committee - Tuesday, 14 March 2023** 1035 - 1038
- e) **Planning Committee - Thursday, 16 March 2023** 1039 - 1044
8. **PLANNING SERVICES ENFORCEMENT POLICY**
To consider the report of the Corporate Director Transformation, Housing & Resources. 1045 - 1068
9. **CORPORATE HEALTH & SAFETY ANNUAL REPORT**
To consider the report of the Corporate Director of Transformation, Housing & Resources. 1069 - 1084
10. **CHANGE OF GOVERNANCE ARRANGEMENTS DRAFT TERMS OF REFERENCE FOR COMMITTEES** 1085 - 1094
To consider the report of Simon Goacher, Independent Legal Advisor on behalf of the Chief Operating Officer.
11. **INTERIM AUDITOR FINDINGS REPORT FOR WEST LANCASHIRE 2020-21** 1095 - 1156
To consider the report of the Corporate Director of Transformation, Housing & Resources.
12. **HRA - DAMP AND MOULD STRATEGY** 1157 - 1172
To consider the report of the Corporate Director of Transformation, Housing & Resources.
13. **MOTIONS**
To consider the following Motions included on the agenda at the request of the Members indicated:

a) **Local Government Pay to Council: A Fully Funded, Proper Pay Rise for Council and School Workers - Motion from Councillor Gareth Dowling**

"This council notes:

Local government has endured central government funding cuts of more than 50% since 2010. Between 2010 and 2020, councils lost 60p out of every £1 they have received from central government. Councils across England are now facing a collective funding gap of £2.4bn for the financial year 2023/24 and a cumulative funding gap of £4.08bn for 2024/25 according to UNISON research.

Councils led the way in efforts against the Covid-19 pandemic, providing a huge range of services and support for our communities. Local government has shown more than ever how indispensable it is. But Covid has led to a massive increase in expenditure and loss of income, and as we emerge from the pandemic, local authorities and schools need far more support from Westminster. Recent funding announcements from the Government relating to schools did nothing to help.

Council and school workers kept our communities safe through the pandemic, often putting themselves at considerable risk as they work to protect public health, provide quality housing, ensure our children continue to be educated, and look after older and vulnerable people.

Since 2010, the local government workforce has endured years of pay restraint with the majority of pay points losing at least 25 per cent of their value since 2009/10. Staff are now facing the worst cost of living crisis in a generation, with inflation hitting 10% and many having to make impossible choices between food, heating and other essentials. This is a terrible situation for anyone to find themselves in.

At the same time, workers have experienced ever-increasing workloads and persistent job insecurity. Across the UK, 900,000 jobs have been lost in local government since June 2010 – a reduction of more than 30 per cent. Local government has arguably been hit by more severe job losses than any other part of the public sector.

There has been a disproportionate impact on women, with women making up more than three-quarters of the local government workforce.

Recent research shows that if the Government were to fully fund the unions' 2023 pay claim, around half of the money would be recouped thanks to increased tax revenue, reduced expenditure on benefits and tax credits, and increased consumer spending in the local economy.

This council believes:

Our workers are public service super-heroes. They keep our

communities clean and safe, look after those in need and keep our towns and cities running.

Without the professionalism and dedication of our staff, the council services our residents rely on would not be deliverable.

Local government workers deserve a proper real-terms pay increase. The Government needs to take responsibility and fully fund this increase; it should not put the burden on local authorities whose funding has been cut to the bone and who were not offered adequate support through the Covid-19 pandemic.

This council resolves to:

Support the pay claim submitted by UNISON, GMB and Unite on behalf of council and school workers, for an increase of RPI + 2%

Call on the Local Government Association to make urgent representations to central government to fund the NJC pay claim

Write to the Chancellor and Secretary of State to call for a pay increase for local government workers to be funded with new money from central government

Meet with local NJC union representatives to convey support for the pay claim and consider practical ways in which the council can support the campaign

Encourage all local government workers to join a union."

b) Ormskirk - Burscough Linear Park - Motion Included by Councillors Mitchell, Thompson and Clandon

"Council notes that further progress has been made on the Ormskirk-Burscough linear park with the completion of the new High Grove Park housing estate.

Council considers that the linear park will ultimately provide a positive benefit encouraging walking and cycling in a safer environment while providing a wildlife corridor. However, Council expresses its disappointment that the section of the Ormskirk - Burscough linear park between Abbey Lane in Burscough and Ormskirk remains incomplete.

Council instructs Cabinet to bring a report to the July 2023 council meeting updating councillors on the whole project and, in particular at this stage of the project, the steps taken to complete the section between Ormskirk and Abbey Lane in Burscough."

c) **Tree Preservation Orders Enforcement – Motion Included by Councillor Kate Mitchell**

"Council notes that many complaints are received from members of the public regarding the felling of mature and established trees in relation to development or future development sites. Council further notes that unless trees are specifically identified or have a Tree Protection Order (TPO) already in place then they are open season for developers to remove in favour of their housing plan.

Council believes that with the Council's acknowledgement of a climate change emergency and its firm pledge to address it, that more trees being lost at the hands of developers who, instead of 'working' around existing trees within the site that are performing an essential environmental job of sucking up excess water and cleansing our air, remove these trees to enable a few more properties to be squeezed in to enhance their profits.

This practice contradicts the Council's Climate Emergency objectives and that replacement planting of young saplings cannot be sufficient mitigation for the trees that have been lost.

That officers bring a report to Planning Committee in May/June 2023 and full Council in July 2023 to develop and introduce more robust tree protection measures and conditions to be placed on ALL future development applications to better protect mature and established trees."

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

FIRE EVACUATION PROCEDURE: Please see attached sheet.

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

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

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

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

IF YOU DISCOVER A FIRE

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

ON HEARING THE FIRE ALARM

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

NOTES:

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

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

CHECKLIST FOR PERSON IN CHARGE

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

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

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

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

NOTE:

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

CHECKLIST FOR ZONE WARDEN

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

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

INSTRUCTIONS FOR DOOR WARDENS

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

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

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

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

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

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

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

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

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

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

'a connected person' means

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

'body exercising functions of a public nature' means

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

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

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

Agenda Item 4

COUNCIL

HELD: Wednesday, 22 February 2023

Start: 7.30 pm

Finish: 10.00 pm

PRESENT:

Councillors:

Mrs M Westley (Mayor)	
K Mitchell (Deputy Mayor)	
T Aldridge	M Anderson
R Bailey	Mrs M Blake
A Blundell	G Clandon
P Burnside	C Coughlan
V Cummins	D Daniels
G Dowling	I Eccles
A Fennell	J Fillis
J Finch	A Fowler
N Furey	Y Gagen
J Gordon	S Gregson
L Gresty	D Hirrell
P Hogan	J Howard
K Jukes	Mrs J Marshall
J Mee	R Molloy
J Monaghan	M Nixon
P O`Neill	D O'Toole
P Turpin	D Owen
G Owen	A Owens
S Patel	E Pope
I Rigby	N Pryce-Roberts
J Thompson	J 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
James Pierce, Head of Finance, Procurement and Commercial Services
Kathryn Sephton, Head of Environmental Services
Simon Kirby, Head of Wellbeing and Place Services
Paul Charlson, Head of Planning & Regulatory Services
Alan Leicester, Head of Housing Services
Kay Lovelady, Legal & Democratic Services Manager
Jacky Denning, Democratic Services Manager
Simon Peet, Corporate Finance Manager (Deputy S151)
Jacqueline Pendleton, Corporate Compliance & Governance Manager
Claire Kelly, Principal Solicitor and Deputy Monitoring Officer
Chantal Barton, Digital Communications Officer
Thomas Lynan, Electoral Services Manager
Catherine Kirwan, Procurement Manager
Jennifer Lunn, Assistant Solicitor

68 **PRAYERS**

The Mayor's Chaplain for the evening, Venerable David Garnett, from St. Cuthbert's, Halsall, led Members and officers in prayer.

69 **APOLOGIES**

Apologies for absence were received on behalf of Councillors Ian Davis and Gordon Johnson.

70 **DECLARATIONS OF INTEREST**

The following declarations were received:

1. All Members present declared a pecuniary interest in item 9 'Members' Allowances Scheme 2023/24 and in relation to item 12 'Determination of Council Tax 2023/24' but were entitled to speak and vote by virtue of an exemption.
2.
 - a) Councillors Bailey, Mrs Blake, Blundell, Gordon, Howard, Mrs Marshall, Mee, Gaynar Owen, Patel, Pope, Sutton, Whittington and Witter declared a pecuniary interest in relation to relevant lines in the budget in respect of item 11 'GRA Revenue & Capital Programme Budget Setting 2023/24' in relation to Parish Council matters in view of their membership of a Parish Council and indicated they would not participate in any detailed discussions which affected the finances of those bodies specifically.*
 - b) Councillors Aldridge, Bailey, O'Toole, Pope and D Westley declared a pecuniary interest in relation to relevant lines in the budget in respect of item 11 'GRA Revenue & Capital Programme Budget Setting 2023/24', as Members of Lancashire County Council (LCC) as did Councillors Coughlan, Cummins and Gagen as employees of LCC, and indicated that they would not participate in any detailed discussions which affected LCC.*
 - c) Councillor Mee declared a pecuniary interest in relation to relevant lines in the budget in respect of item 11 'GRA Revenue & Capital Programme Budget Setting 2023/24', as an member of the Executive Committee on Dial a Ride.

* By virtue of a dispensation granted by the Standards Committee all Councillors who have disclosable pecuniary or pecuniary interests in relation to relevant lines in the budget may participate and vote in the budget debates but not engage in detailed discussions about matters which affect those interests.

3. Councillors Bailey, Mrs Blake, Blundell, Gordon, Howard, Mrs Marshall, Mee, Gaynar Owen, Patel, Pope, Sutton, Whittington and Witter declared a non-

pecuniary interest in relation to item 12 'Determination of Council Tax 2023/24' in view of their membership of a Parish Council.

4. Councillors Aldridge, Bailey, O'Toole, Pope and D Westley declared a non pecuniary interest in relation to item 12 'Determination of Council Tax 2023/24', item 19 'Acquisition and Development of Land in Skelmersdale' and item 21b 'Motion - £2 bus fares for West Lancashire residents', as Members of Lancashire County Council, as did Councillors Coughlan, Cummins and Gagen as an employee of Lancashire County Council.
5. Councillors Gaynar Owen, Nixon, West and J Wilkie (Tenant of a Council flat/house) Coughlan and Gregson (Tenants of a Council garage) declared disclosable pecuniary interests in relation to item 14 'Housing Account – Revenue and Capital Budget Setting' for the reasons indicated but were entitled to speak and vote by virtue of an exemption (nothing in these reports relates particularly to their respective interests arising from the tenancy or lease).
6. Councillors Aldridge, Gregson, Mee, Nixon, Rigby, Sutton and K Wilkie declared a non-pecuniary interest in relation to item 14 'Housing Account – Revenue and Capital Programme' as they have a connected person who is a tenant of rented Council accommodation. Insofar as that interest becomes a pecuniary interest (as it would affect the financial position of their relative and a member of the public with knowledge of the relevant facts would reasonably regard this as so significant that it is likely to prejudice their judgement of the public interest) they declared that interest but considered that they were entitled to speak and vote by virtue of an exemption as nothing in these reports relates particularly to the relevant tenancy or lease.
7. Councillors Pope and David Westley declared a non pecuniary interest in item 8 'Pay Policy Statement 2022/23' as a member of the Lancashire County Council Pension Fund Committee.
8. Councillor O'Toole declared a non pecuniary interest in relation to item 12 'Determination of Council Tax 2023/24' as a Member of Lancashire Combined Fire & Rescue Authority and Councillor K Wilkie as an employee.
9. Councillors Marshall and Rigby declared a disclosable pecuniary interests/pecuniary interests in relation to item 13 'Council Tax Reforms – Second Homes and Empty Homes), as a landlord of private rented property and left the room whilst the item was under consideration.

71

MINUTES

RESOLVED: That the minutes of the meeting of Council held on 14 December 2023 be agreed as a correct record and signed by the Mayor.

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

The Mayor announced that the Mayors Charity Ball was being held on 17 March 2023 at Lancashire Manor, although there were very few tickers left.

Councillor Blundell was congratulated on the birth of his son.

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

The following Question was received, and Members were advised that the following response had been circulated prior to the meeting:

61 Westgate – Questions from Councillor Adrian Owens

a) *The date on which 61 Westgate, Skelmersdale became vacant?*

Response

The previous internal Council occupier gave notice and moved out June 2022. As there were no immediate takers for the space - clearance of furniture, equipment and extensive filing was phased for some months after then, as were making good works to décor, carpets etc. Relocation of comms and other plant through external suppliers has become protracted, but this has not prevented the carrying out of viewings.

b) *The date on which the council started marketing 61 Westgate, Skelmersdale to potential new occupants?*

Response

June 2022.

c) *The marketing channels utilised to date in relation to marketing 61 Westgate, Skelmersdale?*

Response

Advertising hoardings at the property, Advertisement on the Council's Available Properties Across the Borough Internet web site. Rightmove is advertising offices to rent at the Sandy Lane Centre

d) *The cost to date of any marketing to secure a new occupant for 61 Westgate, Skelmersdale"*

Response

Under £1k. Plans to ramp up marketing activity if no interest is received shortly exist.

74 MINUTES OF COMMITTEES

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

RESOLVED That the minutes of the undermentioned meetings and any

recommendations contained in them, be approved:

- A. Licensing & Appeals Committee – Tuesday 6 December 2022
- B. Budget/Council Plan Committee – Thursday 15 December 2022
- C. Leisure Procurement Committee – Wednesday 11 January 2023
- D. Planning Committee – Thursday 19 January 2023
- E. Tawd Valley Developments Shareholders Committee – Wednesday 25 January 2023
- F. Audit & Governance Committee – Tuesday 31 January 2023
- G. Licensing & Gambling Committee – Tuesday 7 February 2023

75 **PAY POLICY STATEMENT 2023/24**

Consideration was given to the report of the Corporate Director of Transformation, Housing & Resources, as contained on pages 667 to 690 of the Book of Reports, which sought approval of the Pay Policy Statement for 2023/24, detailing the Authority's policy on Workforce remuneration, as required by the Localism Act 2011.

- RESOLVED:
- A. That the Pay Policy Statement for 2023/24 attached at Appendix (i) be approved, published on the Council's website and included in the Constitution.
 - B. That the approval of any administrative updates following a pay award implementation or changes to pension contributions banding requirements during any particular year be delegated to the Corporate Director of Transformation, Housing & Resources in consultation with the portfolio holder for Human Resources.

76 **MEMBERS' ALLOWANCES SCHEME 2023/24 AND APPOINTMENT OF THE INDEPENDENT REMUNERATION PANEL (IRP)**

Consideration was given to the report of the Chief Operating Officer, as contained on pages 691 to 698 of the Book of Reports, which sought approval of the Members' Allowances Scheme for 2023/24 and the Membership of the Independent Remuneration Panel (IRP).

- RESOLVED:
- A. That it be noted that the IRP has not been asked for a report this year, but met as referred to in paragraph 4.1 of the report.
 - B. That a Members Allowance Scheme be made, effective from 1 April 2023, in accordance with the current scheme, incorporating:
 - (a) A Basic Allowance of £4,842 (no increase)
 - (b) Provision for Special Responsibility Allowances (SRA)

payments, as detailed on the Schedule attached as Appendix 1 (no change)

(c) Childcare and Dependent Carer's Allowance to be set at the same level as the Living Wage (£10.42 per hour from 1 April 2023).

C. That the Legal & Democratic Services Manager update the Members' Allowances Scheme for the period commencing 1 April 2023, such scheme to be incorporated into the Constitution and subsequently published.

D. That the Membership of the IRP for 2023/24 and the respective terms of office be noted and endorsed as follows:

Mrs G Stanley (Chairman) 1 May 2024

Mr I Thompson 1 May 2025

Mr J Boardman 1 May 2026

77 **SUSPENSION OF COUNCIL PROCEDURE RULE 13.4**

RESOLVED: That Council Procedure Rule 13.4 be suspended to enable the Portfolio Holder/Shadow Portfolio Holder/Spokesperson for OWL to present their budget statements, in respect of agenda items 11 (GRA Revenue and Capital Programme Budget Setting 2023/24) and 14 (Housing Account – Revenue and Capital Budget Setting).

78 **GRA REVENUE & CAPITAL PROGRAMME BUDGET SETTING**

Consideration was given to the report of the Head of Finance, Procurement & Commercial Services, as contained on pages 699 to 960 of the Book of Reports, which presented the updated Medium-Term Financial Forecast (MTFF) for 2024/25 to 2025/26, detailing the latest budget gap of £2.708m (£1.470m in 2024/25 and £1.238m in 2025/26) together with the reserves position as at 31 March 2022 and the forecast position to 2025/26 and Capital Strategy 2023/24 to 2025/26, to enable the Council to set a balanced Revenue budget and Capital Programme for the 3 years 2023/24 to 2025/26.

The Mayor advised that the minute of the Executive Overview & Scrutiny Committee had been circulated prior to the meeting, together with Conservative Group's budget proposals.

The Portfolio Holder for Finance and Economic Regeneration moved a Motion that provided details of the Labour Budget Proposals, which was seconded, as follows:

"That recommendations 2.7 to 2.12 be approved, subject to an additional £30,000 of support being provided to West Lancashire Dial-A-Ride, funded from the potential savings in member allowances, which will come into effect from May 2023."

Amendment (1) from the Conservative Spokesperson was moved and seconded as follows:

"That to mark the Coronation of King Charles by the re-dedication of Ormskirk Coronation Park and Skelmersdale Stanley Coronation Park by the installation of two decorative and inscribed stone blocks.

The costs involved, together with the costs of holding 2 dedication ceremonies, to be met from the savings in Councillors allowances arising from the reduction in the number of councillors."

The meeting was adjourned for 5 minutes

In accordance with Council Procedure Rule 16.5, voting on Amendment (1) was recorded as follows:

FOR: Councillors: Bailey, Mrs Blake, Blundell, Daniels, Eccles, Gordon, Gresty, Hirrell, Howard, Jukes, Mrs Marshall, Mee, O'Toole, A Owens, Pope, Turpin, D Westley, Mrs Westley, Whittington and Witter (TWENTY)

AGAINST: Councillors: Aldridge, Anderson, Burnside, Coughlan, Cummins, Dowling, Fennell, Fillis, Finch, Fowler, Furey, Gagen, Gregson, Hogan, Molloy, Monaghan, Nixon, O'Neill, D Owen, G Owen, Patel, Pryce-Roberts, Upjohn, West, J Wilkie, K Wilkie and Yates (TWENTY SEVEN)

ABSENTIONS: Councillors Clandon, Mitchell, Rigby and Thompson (FOUR)

Amendment (1) was LOST.

Amendment (2) from the Our West Lancashire Spokesperson was moved and seconded as follows:

"Additional spending
£30,000 to Dial a Ride subject to due diligence and value for money assessment from officers – one year only

Savings:
£39,000 from the members allowance budget from the reduction from 54 to 45 councillors for 11 months of the financial year – one year only

£20,000 estimated heating cost savings from reduction in operating temperatures from 22 deg C to 19 deg C (or as close to 19deg C where heating systems do not permit close control) in council's corporate offices to be introduced by the time heating systems are operational again in autumn 2023

£24,500 by reducing the spend on consultants by 10% compared to 2022/23 levels

£18,500 by increasing trade waste charges by 5%"

During the course of the debate, the £24,500 by reducing the spend on consultants was removed, including the removal of the figure of £20,000 for heating cost savings

to allow for further consideration.

The Portfolio Holder for Finance accepted the Our West Lancashire's budget proposals, as amended, with the agreement of the seconder and the meeting.

A vote was taken on the amended Motion, which was recorded as follows:

FOR: Councillors: Aldridge, Anderson, Burnside, Coughlan, Cummins, Dowling, Fennell, Fillis, Finch, Fowler, Furey, Gagen, Gregson, Hogan, Mitchell, Molloy, Monaghan, Nixon, D Owen, G Owen, A Owens, Patel, Pryce-Roberts, Thompson, Upjohn, West, J Wilkie, K Wilkie and Yates (TWENTY NINE)

AGAINST: Councillors: Bailey, Mrs Blake, Blundell, Clandon, Daniels, Eccles, Gordon, Gresty, Hirrell, Howard, Juckes, Mrs Marshall, Mee, O'Toole, Pope, Turpin, D Westley, Mrs Westley, Whittington and Witter (TWENTY)

ABSENTIONS: Councillors O'Neill and Rigby (TWO)

RESOLVED: A. That the General Revenue Account (GRA) budget for 2023/24 be approved based on the proposals presented in the report, with the inclusion of an additional £30,000 of support being provided to West Lancashire Dial-A-Ride, funded from the potential savings in member allowances, which will come into effect from May 2023, subject to due diligence and value for money assessment from officers – one year only

Savings:

- £39,000 from the members allowance budget from the reduction from 54 to 45 councillors for 11 months of the financial year – one year only
- Further consideration of heating cost savings from reduction in operating temperatures from 22 deg C to 19 deg C (or as close to 19 deg C where heating systems do not permit close control) in council's corporate offices to be introduced by the time heating systems are operational again in autumn 2023
- £18,500 by increasing trade waste charges by 5%

B. That the latest GRA Medium-Term Financial Forecast (MTFF) budget gap for 2024/25 to 2025/26 be noted.

C. That the latest GRA reserves position as at 31 March 2022 and forecast to 2025/26 be noted and the GRA reserves policy be approved.

- D. That the Capital Strategy along with the Capital Programme of £13.556m for the three years 2023/24 to 2025/26 be approved, that include:
- New bids of £651k;
 - Additional approvals for UK Shared Prosperity Fund £1.726m.
- E. That the Capital Strategy for 2023/24 to 2025/26, that includes the change of use of HRA right to buy capital receipts, be used in delivering the capital business plan of the HRA from 2024/25.
- F. That delegated authority be given to the Chief Operating Officer and the Corporate Director to take all necessary action to implement the changes resulting from the budget proposals.

79 **DETERMINATION OF COUNCIL TAX 2023/24**

Consideration was given to the report of the Corporate Director of Transformation, Housing & Resources, which sought approval to set the Council Tax rate for each property band for the whole of the Borough Council's area, including the Council Tax rate as set by the County Council, the Police and Crime Commissioner for Lancashire, the Lancashire Combined Fire Authority, and the local Parish Council in parished areas and to confirm the statutory resolutions that are required in order to set the Council Tax for 2023/24.

A Motion, to approve recommendations 2.1 to 2.7 in the report, was moved and seconded.

In accordance with Council Procedure Rule 16.5, voting was recorded as follows:

FOR: Councillors: Aldridge, Anderson, Bailey, Mrs Blake, Blundell, Burnside, Clandon, Coughlan, Cummins, Daniels, Dowling, Eccles, Fennell, Fillis, Finch, Fowler, Furey, Gagen, Gordon, Gregson, Gresty, Hirrell, Hogan, Howard, Jukes, Mrs Marshall, Mee, Mitchell, Molloy Monaghan, Nixon, O'Neill, O'Toole, D Owen, G Owen, A Owens, Patel, Pope, Pryce-Roberts, Rigby, Thompson, Turpin, Upjohn, West, D Westley, Mrs Westley, Whittington, J Wilkie, K Wilkie, Witter and Yates (FIFTY ONE)

AGAINST: NONE

The Motion was CARRIED.

RESOLVED: A. That it be noted that on the 15 December 2022, the Borough Treasurer declared the Council Tax Base amounts set out in Appendix A for the financial year 2023/24 in accordance with

the Local Authorities (Calculation of Council Tax Base) (England) Regulations 2012.

- B. That the Budget for the Council's own purposes for 2023/24 (excluding parish precepts) be set at £16,327,095 in accordance with the earlier Budget Requirement report.
- C. That the following amounts be now calculated by the Council for the financial year 2023/2024 in accordance with the Local Government Finance Act 1992 (the Act):
- a) £66,427,547 being the aggregate of the amounts, which the Council estimates for the items, set out in Section 31A(2) of the Act taking into account all precepts issued to it by Parish Councils.
 - b) £57,128,935 being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(3) of the Act
 - c) £9,298,612 being the amount by which the aggregate at C.(a) above exceeds the aggregate at C.(b) above, calculated by the Council in accordance with Section 31A(4) of the Act as its Council Tax requirement for the year.
 - d) £244.09 being the amount at C.(c) above divided by 38,095.77 (the Tax Base) calculated by the Council in accordance with Section 31(B) of the Act, as the basic amount of its Council Tax for 2023/2024.
 - e) £730,111 being the aggregate amount of all special items (i.e. Parish Precepts) referred to in Section 34(1) of the Act.
 - f) £224.92 being the amount at C.(d) above, less the result given by dividing the amount at C.(e) above by 38,095.77 (the Tax Base), calculated by the Council in accordance with Section 34(2) of the Act, as the basic amount of its Council Tax for 2023/2024 for dwellings in those parts of its area to which no special item relates.
 - g) Part of the Council's area:

	£. p
Aughton	20.49
Bickerstaffe	33.53
Bispham	0.00
Burscough	39.08
Dalton	22.61
Downholland	37.51

Great Altcar	13.52
Halsall	37.09
Hesketh with Becconsall	43.23
Hilldale	59.79
Lathom	19.06
Lathom South	28.09
Newburgh	36.40
North Meols	34.55
Parbold	35.45
Rufford	40.73
Scarisbrick	18.77
Simonswood	18.62
Tarleton	37.63
Up Holland	23.74
Wrightington	17.52

being the amounts given by adding to the amount at C.(f) above the amounts of the special item relating to dwellings in those parts of the Council's area mentioned above divided in each case by the relevant Tax Base for those areas, calculated by the Council, in accordance with Section 34(3) of the Act, as the basic amounts of the Council Tax for 2023/2024 for dwellings in those parts of its area to which a special item (i.e. Parish Precepts) relate.

- h) Part of the Council's area for each valuation band, being the amounts given by multiplying the amounts at C.(f) and C.(g) above by the number which, in the proportion set out in Section 5(1) of the Act, is applicable to dwellings listed in a particular valuation band divided by the number which in that proportion is applicable to dwellings listed in valuation band D, calculated by the Council, in accordance with Section 36(1) of the Act, as the amounts to be taken into account for the year in respect of categories of dwellings listed in different valuation bands (See Schedule 1).

- D. That it be noted that for the year 2023/2024 Lancashire County Council has stated the following amounts in precept issued to the Council, in accordance with Section 40 of the Act, for each of the categories of dwelling shown below:

VALUATION BANDS

A	B	C	D	E	F	G	H
£. p	£. p	£. p	£. p	£. p	£. p	£. p	£ .p
1049.81	1224.77	1399.74	1574.71	1924.65	2274.58	2624.52	3149.42

- E. That it be noted that for the year 2023/2024 the Police and Crime Commissioner for Lancashire has stated the following amounts in precept issued to the Council in accordance with Section 40 of the Act for each of the categories of dwelling shown below:

VALUATION BANDS

A	B	C	D	E	F	G	H
£. p	£. p	£. p	£. p	£ .p	£. p	£. p	£. p
167.63	195.57	223.51	251.45	307.33	363.21	419.08	502.90

- F. That it be noted that for the year 2023/2024 the Lancashire Combined Fire Authority has stated the following amounts in precept issued to the Council in accordance with Section 40 of the Act for each of the categories of dwelling shown below:

VALUATION BANDS

A	B	C	D	E	F	G	H
£. p	£. p	£. p	£. p	£. p	£. p	£. p	£. p
54.85	63.99	73.13	82.27	100.55	118.83	137.12	164.54

- G. That having calculated the aggregate in each case of the amounts at C.(h), D., E. and F., the Council, in accordance with Section 30(2) of the Act, hereby sets the amounts shown in Schedule 2 as the amounts of Council Tax for the year 2023/2024 for each of the categories of dwellings shown.

80 COUNCIL TAX REFORMS - SECOND HOMES AND EMPTY HOMES

Consideration was given to the report of the Corporate Director of Transformation, Housing & Resources, as contained on pages 739 to 754 of the Book of Reports, which set out proposed changes to the council tax charged on second homes and long-term empty properties.

RESOLVED: That subject to the Levelling Up and Regeneration Bill becoming Law, that the proposed changes to council tax discounts set out in Appendix B to the report be approved.

(Note: Councillors Marshall and Rigby declared a pecuniary interest in this item and left the room whilst this item was under consideration and did not vote.)

81 HOUSING ACCOUNT - REVENUE AND CAPITAL BUDGET SETTING

Consideration as given to the Head of Finance, Procurement & Commercial Services, which sought approval to set the Housing Revenue Account (HRA) budget and capital investment programme for the next financial year 2023/24.

The Portfolio for Housing, moved a Motion to approve the recommendations at 2.1 to 2.7 of the report, which was seconded.

A vote was taken, the Motion was CARRIED.

- RESOLVED:
- A. That the rent and service charges set within delegated authority, as detailed in sections 4 and 5 of the report, be noted.
 - B. That the 2023/24 HRA budget in Appendix 1 to the report be approved.
 - C. That the 30 year capital programme detailed in paragraph 7.6 of the report be approved.
 - D. That the budget issues in paragraph 8.2 of the report be approved.
 - E. That, subject to any updated approvals in regard to Tawd Valley Developments, the HRA budgets be added to reflect the HRA share of each scheme cost, as detailed in paragraphs 7.7 to 7.10 of the report.
 - F. That the reserves policy, set out in appendix 2 to the report, be approved.
 - G. That delegated authority be given to the Director of Transformation, Housing and Resources to take all necessary action to implement the decisions of Council.

82

CAPITAL FINANCE AND TREASURY MANAGEMENT STRATEGY

Consideration was given to the report of the Head of Finance, Procurement and Commercial Services, as contained on pages 771 to 798 of the Book of Reports, which set the framework for capital financing and treasury management operations for the next financial year.

The Mayor advised that the minute of Executive Overview & Scrutiny Committee had been circulated prior to the meeting.

- RESOLVED:
- A. That the projected position in respect of the Prudential Indicators for 2022-23, set out in Appendix 1 to the report, be noted.
 - B. That the Treasury and Prudential Indicators for the next three years, set out in Appendix 1 to the report, be agreed.
 - C. That the capital expenditure projections, set out in Appendix 1 to the report, be agreed.
 - D. That the Capital Financing Requirement projections, set out in Appendix 1 to the report, be agreed.

- E. That the Minimum Revenue Provision Policy, as set out in section 4.5 of the report, be agreed.

83 **PUBLIC SPACE PROTECTION ORDER (DOG CONTROL PROVISIONS) RESULTS OF THE CONSULTATION**

Consideration was given to the report of the Corporate Director of Place & Community, as contained on pages 797 to 906 and 981 to 988 of the Book of Reports, which sought approval to renew the Councils' existing Public Space Protection Order which details numerous Dog Control provisions for locations across the Borough and included two additional locations.

The Mayor advised that a revised Appendix 2 had been circulated prior to the meeting.

- RESOLVED: A. That the results from the public consultation conducted between 15th December 2022 and 26th January 2023 be noted.
- B. That the Public Space Protection Order detailed in the revised Appendix 2 be approved for renewal for a 3-year period commencing on 1st April 2023 with the inclusion of the two additional locations as outlined in the public consultation.

84 **EXCLUSION OF PRESS AND PUBLIC**

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

85 **TAWD VALLEY DEVELOPMENTS LTD - BUSINESS PLAN UPDATE**

Consideration was given to the report of the Chief Operating Officer, as contained on pages 825 to 906 of the Book of Reports, which sought approval for the latest business plan of Tawd Valley Developments Limited (TVDL), which is the Council's wholly owned development company.

The Mayor advised that the Minute of the Tawd Valley Developments Shareholders Committee had been circulated prior to the meeting.

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

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

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

A vote was taken on the original Motion, which was CARRIED.
(Councillor Rigby asked that his vote against the Motion be recorded.)

- RESOLVED:
- A. That the TVDL business plan set out in the Appendix to this report be approved.
 - B. That the financial implications for the Council arising from the business plan, as set out in section 5 of the report, be approved.

86

ACQUISITION AND DEVELOPMENT OF LAND IN SKELMERSDALE

Consideration was given to the report of the Corporate Director of Transformation, Housing & Resources, as contained on pages 907 to 918 of the Book of Reports, which set out an opportunity for the Council to acquire and develop a derelict site in Skelmersdale for an affordable housing scheme and to obtain approval to proceed with the scheme, including authorising the release of the appropriate funds.

A Motion to approve the recommendations at 2.1 to 2.4 of the report, was moved and seconded.

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

During the debate, the mover and seconder accepted the Amendment, with the agreement of the meeting.

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

- RESOLVED:
- A. That authority be delegated to the Head of Finance, Procurement and Commercial Services, in consultation with the Portfolio Holder for Finance & Economic Regeneration, to bid to acquire the site of the former Hope High School either by private treaty or on the open market by way of tender, auction or other open market method of sale, up to the value compatible with the development appraisal prepared by Tawd Valley Developments Limited, as referenced within the report.
 - B. That should the Council's bid be accepted, authority be delegated to the Head of Finance, Procurement and Commercial Services, in consultation with the Portfolio Holder for Finance & Economic Regeneration, to undertake all steps necessary to complete the acquisition of the site.
 - C. That the development appraisal attached to this report be approved as a basis for the proposed acquisition and development.

- D. That Tawd Valley Developments Limited (TVDL) be authorised to proceed with the proposed development in accordance with the project plan and costings set out in Paragraphs 4.2 and 7.1 and Appendix 3 of the report.
- E. That that the financial limit to which the Council be authorised to bid for the land, be based on the valuation provided by the District Valuer and included in an up to date development appraisal from Tawd Valley Developments Ltd.

(Note: This item was considered before item 18 on the agenda 'Tawd Valley Developments Ltd – Business Plan Update'.)

87 **OPTIONS FOR OPERATING AND MAINTAINING EXISTING LEISURE FACILITIES IN ORMSKIRK, SKELMERSDALE AND BURSCOUGH**

Consideration was given to the report of the Corporate Director of Place & Community, as contained on pages 919 to 948 of the Book of Reports, which provided an update on the revised leisure centre operator approach following the Council meeting dated 15th December 2021, highlighted key information concerning the proposed alternative leisure centre operator strategies following an Officer led optional appraisal and set out a cost forecast for each of the alternative leisure centre operator strategies.

The Mayor advised that an Addendum to the report had been circulated with the agenda.

- RESOLVED:
- A. That Option A - Bring services for existing facilities in-house until such time as facilities reach the end of their safe operating period and are replaced by new facilities at Skelmersdale and Ormskirk (including a refurbished Burscough).
 - B. That the Corporate Director of Place and Community be delegated authority to take all necessary steps and actions and procure and enter such contracts that are required in order to deliver Option A.
 - C. That SERCO staff be transferred to the Council, to be continued until such time as the current Leisure Facilities are closed.
 - D. That the financial and resource implications as set out within section 12 of this report be approved from within a combination of existing budgets and a growth request.

88 **MOTIONS**

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

89 **EXEMPTION ON VOTER IDENTITY REQUIREMENTS - MOTION INCLUDED ON THE AGENDA BY COUNCILLOR ADAM YATES**

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

"Council notes:

a) that the requirement for photographic voter identification prior to receiving a ballot paper for Local elections, Police and Crime Commissioner elections, Parliamentary By-elections, and Recall Petitions, set out at Schedule 1, paragraph 18, sub-para 1(H) of the Elections Act 2022, as an amendment to Schedule 1 of the Representation of the People's Act 1983, comes into effect from May 2023, with the same requirements for UK General Elections coming into force from October 2023;

b) that the range of documents deemed to be acceptable as a means of proof of identity under Schedule 1 of the Elections Act 2022 is limited, and may be considered to be discriminatory towards younger people;

c) that the procedure for, and means of, obtaining a Voter Authority Certificate, in cases where a voter does not possess accepted photographic evidence of identity of the type set out in the Elections Act 2022, were only formally made law in the Voter Identification Regulations 2022 (2022/1382) on December 22nd 2022, and that the online process for this only began in January 2023;

d) that the Department for Levelling Up & Communities acknowledged, two weeks into the availability of this online process, that only 10,000 applications for a Voter Authority Certificate had been made, with this being just 0.5% of the total number of people estimated to need such a certificate if they wish to vote under the new requirements from May 2023;

e) that by consequence of the legislation and arrangements set out at paras a) to d) above, there is a significant risk of excluding people from the electoral process who would otherwise have participated in it, in a way which may cause both disaffection with democracy overall and, on election days, hostility towards staff tasked with managing the election process;

Council further notes:

f) that a local authority is entitled to submit a proposal to the Secretary of State for the according of such powers under the procedure set out at Section 5A of the Sustainable Communities Act 2007 (as amended in 2010) (the Act), in cases where a local authority considers that new powers accorded to it would "contribute to promoting the sustainability of local communities" (Section 2 of the Act);

g) In addition, that individual submissions may also be made to the Secretary of State in accordance with the Sustainable Communities Regulations 2012 (the Regulations) and central government guidance entitled: "Sustainable Communities Act and barrier busting: how to submit proposals" (the Guidance);

h) That the Sustainable Communities Act 2007:

i) specifically includes “social well-being” within its interpretation of the sustainability of local communities (Section 1, para 2), and that “social well-being includes participation in civic and political activity” (Section 1, para 3);

ii) that para 1(h) of the Schedule pertaining to Section 2 of the Act specifically refers to “the increase in social inclusion, including an increase in involvement in local democracy” as one of “the matters to which a local authority must have regard”;

i) That in consequence of para h i) & ii) of this motion, powers sought by a local authority that might enhance such activity may reasonably be considered as;

- i) in accordance with the purpose of the overall Act, and therefore such powers which might mitigate negative impacts of the provisions of the Elections Act 2022; and
- ii) a legitimate matter for a proposal under the Sustainable Communities Act 2007 and associated secondary legislation.

Council Resolves:

1. That Council, in accordance with, and by consequences of paras a) to i) above, instructs the Leader and the Chief Operating Officer to take action (as outlined in paragraph 3 below) in order to raise a proposal for a new power to be accorded to the local authority, under the process set out at Section 5A of that Act, which allows the Chief Operating Officer (in her role as Returning Officer) to make exempt from the provisions of the Elections Act 2022 and associated secondary legislation, all persons wishing to vote within West Lancashire who would otherwise be unable to do so if those provisions were applied;
2. That this power of exemption be sought for the May 2023 local elections and for any subsequent applicable elections, until such time as either the regulations governing accepted voter identification documentation and Voter Authority Certificates are adjusted or removed, in order to ensure that that there is no risk of social well-being (as interpreted in the Sustainable Community Act 2007) being adversely affected by limitations to civic participation, or the number and percentage of people in receipt of Voter Authority Certificates is high enough to merit the cessation of the power of exemption. This hereby being know hereafter as "the Proposal";
3. That the steps outlined above shall be taken forward as follows:
 - a. That by the 24th February 2023 the Leader of the Council shall submit the proposal via the "Barrier Busting" application facility contained within the Guidance
 - b. In accordance with the requirements contained within the Regulations, the Chief Operating Officer will arrange for a public consultation to be

undertaken on the Proposal to take place via the Council's website and last for a period of 14 days.

- c. Following the close of the consultation period and in accordance with the Regulations the Proposal and consultation responses will be submitted in accordance with the Guidance.
 - d. Within both submissions outlined in paragraph 3a to 3c above there shall be a requirement that the Secretary of State for the Department of Levelling Up & Communities reply with a definitive response to the proposal within 10 working days of the date of the submission of the proposal, in light of the short timescale for action caused by the lateness of legislation and associated online application processes in respect of the May 20232 elections
4. That, in the event of the Secretary of State assenting to the Proposal and granting powers of exemption to the Chief Operating Officer (as Returning Officer or equivalent title), that the setting of criteria for exemption from the requirements set out under the Elections Act 2002 and associated regulations be delegated to the Chief Operating Officer in consultation with the Leader;
 5. That, in the event of the Secretary of State not assenting to the proposal and granting powers of exemption, power be delegated to the Chief Operating Officer to submit the proposal for consideration by the Selector (the Local Government Association), in accordance with para 5 of the Sustainable Communities Regulations 2012 (2012/1523), such that the Selector might then resubmit the proposal to the Secretary of State and that the duty of the Secretary of State to "consult and try to reach agreement with the selector before making a decision as to whether or not to implement the submitted proposal, in whole or in part" (para 5(b) of the same regulations, be triggered;
 6. That given the pending elections in May a progress report on the matter be brought to Full Council as soon as possible."

A vote was taken and at the request of a Member, voting was recorded as follows:

FOR: Councillors: Aldridge, Anderson, Burnside, Coughlan, Cummins, Dowling, Fennell, Fillis, Finch, Fowler, Furey, Gagen, Gregson, Hogan, Mitchell, Molloy, Monaghan, Nixon, O'Neill, D Owen, G Owen, A Owens, Patel, Pryce-Roberts, Thompson, Upjohn, West, J Wilkie, K Wilkie and Yates (THIRTY)

AGAINST: Councillors: Bailey, Mrs Blake, Blundell, Daniels, Eccles, Gordon, Gresty, Howard, Jukes, Mrs Marshall, Mee, O'Toole, Pope, Turpin, D Westley, Mrs Westley, Whittington and Witter (EIGHTEEN)

ABSENCES: Councillors Clandon and Rigby (TWO)

(Council Hirrell left the meeting prior to consideration of this item.)

The Altered Motion was CARRIED.

RESOLVED: A. That it be noted:

- a) that the requirement for photographic voter identification prior to receiving a ballot paper for Local elections, Police and Crime Commissioner elections, Parliamentary By-elections, and Recall Petitions, set out at Schedule 1, paragraph 18, sub-para 1(H) of the Elections Act 2022, as an amendment to Schedule 1 of the Representation of the People's Act 1983, comes into effect from May 2023, with the same requirements for UK General Elections coming into force from October 2023.
- b) that the range of documents deemed to be acceptable as a means of proof of identity under Schedule 1 of the Elections Act 2022 is limited, and may be considered to be discriminatory towards younger people.
- c) that the procedure for, and means of, obtaining a Voter Authority Certificate, in cases where a voter does not possess accepted photographic evidence of identity of the type set out in the Elections Act 2022, were only formally made law in the Voter Identification Regulations 2022 (2022/1382) on December 22nd 2022, and that the online process for this only began in January 2023.
- d) that the Department for Levelling Up & Communities acknowledged, two weeks into the availability of this online process, that only 10,000 applications for a Voter Authority Certificate had been made, with this being just 0.5% of the total number of people estimated to need such a certificate if they wish to vote under the new requirements from May 2023.
- e) that by consequence of the legislation and arrangements set out at a) to d) above, there is a significant risk of excluding people from the electoral process who would otherwise have participated in it, in a way which may cause both disaffection with democracy overall and, on election days, hostility towards staff tasked with managing the election process.

B. That it be noted:

- a) that a local authority is entitled to submit a proposal to the Secretary of State for the according of such powers under the procedure set out at Section 5A of the Sustainable Communities Act 2007 (as amended in 2010) (the Act), in cases where a local authority considers that new powers

accorded to it would “contribute to promoting the sustainability of local communities” (Section 2 of the Act).

- b) In addition, that individual submissions may also be made to the Secretary of State in accordance with the Sustainable Communities Regulations 2012 (the Regulations) and central government guidance entitled: “Sustainable Communities Act and barrier busting: how to submit proposals” (the Guidance).
 - c) That the Sustainable Communities Act 2007:
 - i) specifically includes “social well-being” within its interpretation of the sustainability of local communities (Section 1, para 2), and that “social well-being includes participation in civic and political activity” (Section 1, para 3);
 - ii) that para 1(h) of the Schedule pertaining to Section 2 of the Act specifically refers to “the increase in social inclusion, including an increase in involvement in local democracy” as one of “the matters to which a local authority must have regard”.
 - d) That in consequence of B c) i) & ii) above, powers sought by a local authority that might enhance such activity may reasonably be considered as:
 - i) in accordance with the purpose of the overall Act, and therefore such powers which might mitigate negative impacts of the provisions of the Elections Act 2022; and
 - ii) a legitimate matter for a proposal under the Sustainable Communities Act 2007 and associated secondary legislation.
- C. That Council, in accordance with, and by consequences of A. a) to e) and B. a) to d) above, instructs the Leader and the Chief Operating Officer to take action (as outlined in paragraph E. below) in order to raise a proposal for a new power to be accorded to the local authority, under the process set out at Section 5A of that Act, which allows the Chief Operating Officer (in her role as Returning Officer) to make exempt from the provisions of the Elections Act 2022 and associated secondary legislation, all persons wishing to vote within West Lancashire who would otherwise be unable to do so if those provisions were applied.
- D. That this power of exemption be sought for the May 2023 local elections and for any subsequent applicable elections, until such time as either the regulations governing accepted voter identification documentation and Voter Authority Certificates are

adjusted or removed, in order to ensure that that there is no risk of social well-being (as interpreted in the Sustainable Community Act 2007) being adversely affected by limitations to civic participation, or the number and percentage of people in receipt of Voter Authority Certificates is high enough to merit the cessation of the power of exemption. This hereby being know hereafter as "the Proposal".

- E. That the steps outlined above shall be taken forward as follows:
- a) That by the 24th February 2023 the Leader of the Council shall submit the proposal via the "Barrier Busting" application facility contained within the Guidance.
 - b) In accordance with the requirements contained within the Regulations, the Chief Operating Officer will arrange for a public consultation to be undertaken on the Proposal to take place via the Council's website and last for a period of 14 days.
 - c) Following the close of the consultation period and in accordance with the Regulations the Proposal and consultation responses will be submitted in accordance with the Guidance.
 - d) Within both submissions outlined in paragraph E. a) to c) above there shall be a requirement that the Secretary of State for the Department of Levelling Up & Communities reply with a definitive response to the proposal within 10 working days of the date of the submission of the proposal, in light of the short timescale for action caused by the lateness of legislation and associated online application processes in respect of the May 2023 elections.
- F. That, in the event of the Secretary of State assenting to the Proposal and granting powers of exemption to the Chief Operating Officer (as Returning Officer or equivalent title), that the setting of criteria for exemption from the requirements set out under the Elections Act 2002 and associated regulations be delegated to the Chief Operating Officer in consultation with the Leader.
- G. That, in the event of the Secretary of State not assenting to the proposal and granting powers of exemption, power be delegated to the Chief Operating Officer to submit the proposal for consideration by the Selector (the Local Government Association), in accordance with para 5 of the Sustainable Communities Regulations 2012 (2012/1523), such that the Selector might then resubmit the proposal to the Secretary of State and that the duty of the Secretary of State to "consult and

try to reach agreement with the selector before making a decision as to whether or not to implement the submitted proposal, in whole or in part" (para 5(b) of the same regulations, be triggered.

- H. That given the pending elections in May a progress report on the matter be brought to Full Council as soon as possible.

90 **£2 BUS FARES FOR WEST LANCASHIRE RESIDENTS - MOTION INCLUDED ON THE AGENDA BY COUNCILLOR GARETH DOWLING**

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

"This Council notes:

That a national scheme to bring bus fares down to a flat rate of £2, or £1 for a child, and day pass down to £5, or £2.50 for a child, was brought into operation on 1 January 2023 for a pilot period of three months. This has been extended for a period of three months to 30 June 2023.

The Liverpool City Region and Greater Manchester Combined Authority adopted these subsidy schemes prior to the national pilot, and intend to continue beyond the pilot period.

In Greater Manchester, figures show a 10% increase in the number of bus journeys. Residents in West Lancashire would not qualify for these reduced fares beyond 30 June 2023, despite many of these services beginning or ending within LCR or GMCA boundaries, eg 375/385, 300/310.

Many West Lancashire residents rely on local bus services to reach employment, training, skills, education, shopping, medical appointments, family, friends and social opportunities across both LCR and GMCA.

Lancashire County Council are the Highways and Transport Authority covering the West Lancashire area, and manage the Bus Service Improvement Plan (BSIP).

This Council believes:

That the continuation of this reduced fare would actively support West Lancashire residents through the cost of living crisis, increase social mobility, open further opportunities for employment and skills, and support this council's Climate Change Strategy and Action Plan.

This Council resolves:

That the Chief Operating Officer write to the Chief Executive at Lancashire County Council calling for the consideration of using their Transport budget monies to facilitate or subsidise the reduced fares as they currently are, beyond the 30 June 2023, on any affected route.

That the Chief Operating Officer instruct West Lancashire Borough Council officers to work closely with Lancashire County Council officers, neighbouring city regions of Liverpool and Greater Manchester and bus operators to secure agreement."

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

RESOLVED: A. That this Council notes:

- That a national scheme to bring bus fares down to a flat rate of £2, or £1 for a child, and day pass down to £5, or £2.50

for a child, was brought into operation on 1 January 2023 for a pilot period of three months. This has been extended for a period of three months to 30 June 2023.

- That Liverpool City Region and Greater Manchester Combined Authority adopted these subsidy schemes prior to the national pilot, and intend to continue beyond the pilot period.
- That in Greater Manchester, figures show a 10% increase in the number of bus journeys.
- That residents in West Lancashire would not qualify for these reduced fares beyond 30 June 2023, despite many of these services beginning or ending within LCR or GMCA boundaries, eg 375/385, 300/310.
- That many West Lancashire residents rely on local bus services to reach employment, training, skills, education, shopping, medical appointments, family, friends and social opportunities across both LCR and GMCA.
- That Lancashire County Council are the Highways and Transport Authority covering the West Lancashire area, and manage the Bus Service Improvement Plan (BSIP).

- B. That this Council believes that the continuation of this reduced fare would actively support West Lancashire residents through the cost of living crisis, increase social mobility, open further opportunities for employment and skills, and support this council's Climate Change Strategy and Action Plan.
- C. That the Chief Operating Officer write to the Chief Executive at Lancashire County Council calling for the consideration of using their Transport budget monies to facilitate or subsidise the reduced fares as they currently are, beyond the 30 June 2023, on any affected route.
- D. That the Chief Operating Officer instruct West Lancashire Borough Council officers to work closely with Lancashire County Council officers, neighbouring city regions of Liverpool and Greater Manchester and bus operators to secure agreement.

.....
THE MAYOR

Agenda Item 7a

TAWD VALLEY DEVELOPMENTS SHAREHOLDERS COMMITTEE

HELD: Wednesday, 15 February 2023

Start: 7.03 pm

Finish: 7.45 pm

PRESENT:

Councillor: D Westley (Chairman)

Councillors: D Whittington A Yates
A Fennell A Owens

Officers: Chris Twomey, Corporate Director of Housing, Transformation & Resources
James Pierce, Head of Finance, Procurement and Commercial Services
Kay Lovelady, Legal & Democratic Services Manager
Marc Taylor, Investments Project Advisor
Chloe McNally, Democratic Services Officer

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 I Davis and Councillor N Pryce-Roberts and the appointments of Councillor A Owens and Councillor A Fennell 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

Councillor D Westley declared a non-pecuniary interest in respect of agenda item 8, Presentation of TVDL Pipeline Development Opportunities and agenda item 9, Schemes for consideration of Future Viability, Fleetwood Farm and Mary Vale as Lancashire County Council were part land owners and Councillor Westley was a Member of Lancashire County Council.

5 MINUTES OF THE PREVIOUS MEETING

RESOLVED: That the minutes of the meeting held on the 25 January 2023 be agreed as a correct record.

6 WORK PROGRAMME / DATES OF FUTURE MEETINGS

Consideration was given to the Committee's Work Programme as set out on page 429 of the Book of Reports.

RESOLVED: That the work programme be agreed

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 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 TVDL BUSINESS PLAN UPDATE

Consideration was given to the report of the Corporate Director of Transformation, Housing and Resources as contained on pages 431 to 516 of the Book of Reports.

The report set out the latest business plan for Tawd Valley Developments Limited.

Comments and Questions were raised by Members as follows:

- Land for acquisition and development in Skelmersdale – report to full Council
- Loan finance
- Interest rate predictions
- Scrutiny on TVD costs by the Committee

RESOLVED: A. That the Business Plan be agreed for consideration by the Council at its meeting on 22 February 2023.

B. That the Council bid to acquire the site of the former Hope High School up to the value compatible with the development appraisal prepared by Tawd Valley Developments Limited, in line with the district valuation, as referenced within the report.

9 PROGRESSION OF PIPELINE SCHEMES

Consideration was given to the report of the Corporate Director of Transformation, Housing and Resources as contained on pages 517 to 529 of the Book of Reports, the purpose of which was to set out the details on a number of pipeline schemes.

Comments and questions were raised by Members as follows:

Project Synopsis – Appendix A

- The site is highly worthy of development
- The focus and priority should be on option 3 of developing a 100% residential site
- Business units would look less attractive than a 100% residential development
- What are the owners' plans for the site?

The Corporate Director of Transformation, Housing and Resources advised that the owners are keen to sell the site and see WLBC as a strong partner to work with. He added that TVD are keen to develop the site in the most beneficial way for the community.

Project Synopsis – Appendix B

- Lancashire County Council had this on the market, and TVD were interested 3 years ago. Is there a reason why it is not already sold?
- Have we got an independent valuation of the land?

The Corporate Director of Transformation, Housing and Resources advised that he will find out if a valuation has been completed on the land, although expects not at this stage. LCC recognised their trouble of selling the rest of the site and are keen to do business with WLBC. The Corporate Director of Transformation, Housing and Resources confirmed more work needs to be done to assess the valuation and cost of the site, and to understand if there are any challenges with the land.

RESOLVED: That the pipeline schemes be endorsed for further development and that Officers discuss with TVDL the comments raised as appropriate.

.....
Chairman

PLANNING COMMITTEE

HELD: Thursday, 16 February 2023

Start: 7.00 pm

Finish: 7.35 pm

PRESENT:

Councillor: D O'Toole (Chairman)

Councillors:	A Blundell	A Fennell
	A Fowler	J Howard
	G Owen	E Pope
	J Thompson	J Witter
	P Burnside	A Owens

Officers Steve Faulkner, Planning Services Manager
Kate Jones, Planning Services Team Leader
David Delaney, Legal Assistant (Planning)
Julia Brown, Democratic Services Officer

62 APOLOGIES

There were no apologies received.

63 MEMBERSHIP OF THE COMMITTEE

In accordance with Council Procedure Rule 4, the Committee noted the termination of Councillors J Finch and G Johnson and the appointments of Councillor P Burnside and A Owens for this meeting only, thereby giving effect to the wishes of the Political Groups.

64 URGENT BUSINESS, IF ANY INTRODUCED BY THE CHAIRMAN

There were no urgent items of business received.

65 DECLARATIONS OF INTEREST

There were no Declarations of Interest received.

66 DECLARATIONS OF PARTY WHIP

There were no Declarations of Party Whip.

67 MINUTES

RESOLVED: That the Minutes of the meeting held on the 19 January 2023 be approved as a correct record and signed by the Chairman.

(Note: The Planning Services Manager referred to Minute 58 – 2021/0684/FUL – South West Lancs Pistol Club, Farley lane, Roby Mill, Up Holland, Skelmersdale to update Members of the withdrawal of this item following its deferral in January)

68 PLANNING APPLICATIONS

Consideration was given to the report of the Corporate Director of Place and Community as contained on pages 341 to 423 of the Book of Reports and on pages 425 to 427 of the Late Information Report).

69 2022/0769/FUL - BUNGALOW FARM, HEATON'S BRIDGE ROAD, SCARISBRICK

The Corporate Director of Place and Community submitted a report on planning application number 2022/0769/FUL relating to Bungalow Farm, Heaton's Bridge Road, Scarisbrick.

At the request of Officers this application was deferred to review further information and representations pending bringing to the next Committee.

RESOLVED That planning application 2022/0769/FUL relating to Bungalow Farm, Heaton's Bridge Road, Scarisbrick be deferred by Officers at request of the applicant for further information on highways/access arrangements.

70 2019/0366/FUL - PENNYLANDS HOUSE, HIGH STREET, SKELMERSDALE

The Corporate Director of Place and Community submitted a report on planning application number 2019/0366/FUL relating to Pennylands House, High Street, Skelmersdale.

RESOLVED That planning application 2019/0366/FUL relating to Pennylands House, High Street, Skelmersdale be approved subject to conditions as set out in pages 380 to 388 of the Book of Reports, as amended by late information/verbal update and following requests from Members to clarify delivery hours and reasons for lighting condition. Subject to completion of Section 106 Planning Agreement.

71 2022/1174/FUL -33 HALL ROAD, SCARISBRICK,

The Corporate Director of Place and Community submitted a report on planning application number 2022/1174/FUL relating to 33 Hall Road, Scarisbrick.

RESOLVED That planning application 2022/1174/FUL relating to 33 Hall Road, Scarisbrick be approved subject to the conditions and reasons as set out on pages 408 to 411 of the Book of Reports and verbal condition on Construction Management update to include additional condition.

**72 2022/1219/FUL - LAND ADJACENT TO 5 COLINMANDER GARDENS,
ORMSKIRK**

The Corporate Director of Place and Community submitted a report on planning application number 2022/1219/FUL relating to Land Adjacent to 5 Colinmander Gardens, Ormskirk.

It was noted that this application had been withdrawn by the applicant and was therefore not considered.

RESOLVED: That planning application 2022/1219/FUL relating to 5 Colinmander Gardens, Ormskirk had been withdrawn by the applicant and was therefore not considered.

.....
Chairman

BUDGET / COUNCIL PLAN COMMITTEE

HELD: Tuesday, 28 February 2023

Start: 7.02 pm

Finish: 7.34 pm

PRESENT:

Councillor: A Yates (Chairman)
R Molloy (Vice Chairman)

Councillors: D Westley A Owens
Y Gagen

In attendance: D Whittington

Officers: James Pierce, Head of Finance, Procurement and Commercial Services
Simon Peet, Corporate Finance Manager (Deputy S151)
Peter Quick, Principal Finance Business Partner
Claire Kelly, Principal Solicitor and Deputy Monitoring Officer
Alison Grimes, Performance Improvement Lead
Kirsty Breakell, Democratic Services Officer

1 APOLOGIES

There were no apologies.

2 MEMBERSHIP OF THE COMMITTEE

In accordance with Council Procedure Rule 4, the Committee noted the termination of Councillor I Davis and the appointment of Councillor A Owens 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 urgent items of business.

4 DECLARATIONS OF INTEREST

There were no declarations of interest,

5 MINUTES

RESOLVED: That the minutes of the meeting held on Thursday 15 December 2022, be received as a correct record and signed by the Chairman.

6 COUNCIL PLAN DEVELOPMENT UPDATE

Consideration was given to the report of the Corporate Director of Transformation, Housing & Resources as contained on pages 87 to 100 of the Book of Reports, which was to update the Committee with progress on the development of the new

Council Plan 2023-28.

Comments and questions were raised in respect of the following:

- Focus areas to be decided in due course
- Increase in complaints surrounding anti-social behaviour

RESOLVED: A. That the update is noted.
B. That the committee provide any agreed comments ahead of the Councillor workshop.

7 COUNCIL PERFORMANCE DELIVERY PLAN – Q3 2022/23

Consideration was given to the report of the Corporate Director of Transformation, Housing & Resources as contained on pages 101 to 124 of the Book of Reports, which was to present performance monitoring data for the quarter ended 31 December 2022.

Comments and questions were raised in respect of the following:

- Delay to funding bids

RESOLVED: That the Council's performance against the Council Plan for the quarter ended 31 December 2022 be noted and any agreed comments be forwarded to the Relevant Portfolio Holder and Corporate Director of Housing, Transformation and Resources for consideration.

8 Q3 HRA REVENUE AND CAPITAL MONITORING REPORT

Consideration was given to the report of the Head of Finance, Procurement & Commercial Services as contained on pages 125 to 130 of the Book of Reports, which was to provide a summary of the Housing Revenue Account (HRA) and Housing capital programme positions for the 2022/23 financial year.

Comments and questions were raised in respect of the following:

- Pushing to spend funds before Year End.

RESOLVED: That the HRA revenue and capital budget position for 2022/23 be noted

9 Q3 GRA REVENUE AND CAPITAL REPORT

Consideration was given to the report of the Head of Finance, Procurement & Commercial Services as contained on pages 133 to 136 of the Book of Reports, which was to provide a summary of the General Revenue Account (GRA) position for the 2022/23 financial year at quarter 3.

Comments and questions were raised in respect of the following:

- LGA Report advising that Local Authorities are having difficulties retaining staff, particularly in the planning departments.

RESOLVED: That the report be noted.

10 **WORK PROGRAMME**

RESOLVED: That the work programme be noted

11 **EXCLUSION OF PRESS AND PUBLIC**

This item no longer required consideration.

12 **SHARED SERVICES UPDATE**

RESOLVED: The Chairman deferred this item at the start of the meeting. This item was deferred to the next meeting.

.....
Chairman

STANDARDS COMMITTEE

HELD: Tuesday, 14 March 2023

Start: 7.00 pm

Finish: 7.15 pm

PRESENT:

Councillor: Y Gagen (Chairman)

Councillors: I Davis
J Howard
J Witter
Webster
Fawcett

J Fillis
G Owen
Stopford
Garvey

10 APOLOGIES

There were no Apologies for absence received.

11 MEMBERSHIP OF THE COMMITTEE

There were no changes to the Membership of the Committee.

12 DECLARATIONS OF INTEREST

There were no Declarations of Interest.

13 URGENT BUSINESS

There was no urgent items of business.

14 PUBLIC SPEAKING

There was no public speaking.

15 MINUTES

RESOLVED: That the minutes of the meeting held on 20 September 2022, be approved as a correct record.

16 COMPLAINTS STATISTICS

The Legal and Democratic Services Manager presented the Complaints Statistics as contained on pages 45-46 of the Book of Reports, which provided Members with statistical information in relation to standards complaints for the period 20 September 2022 to 6 March 2023.

Two formal complaints relating to Parish Council were received. The Monitoring Officer responded to both complainants advising that the Members Code of Conduct had not been breached.

RESOLVED: That the Standards Complaint Statistics be noted.

17 **CHANGE OF GOVERNANCE ARRANGEMENTS DRAFT TERMS OF REFERENCE FOR COMMITTEES**

Members were presented with the draft report of Simon Goacher (Independent Legal Adviser) on behalf of the Chief Operating Officer, regarding the Change of Governance Arrangements Draft Terms of Reference, which will be submitted to Council on 5 April 2023.

The Legal and Democratic Services Manager explained the project which has been implemented to carry out the changes and structures required to facilitate the Change in Governance arrangements, from a Leader/Cabinet System to a Committee System, which the Council have agreed to commence May 2024.

The impact that the change of Governance arrangements was likely to have on Standards Committee was not known at present, but the information presented to Standards Committee was to make Members aware of the future Governance Terms of Reference, ahead of being submitted to Council, and updates would be provided in future.

Members were advised that a Training Session will be provided for All Members of the Council to attend, where Ed Hammond from the Centre for Governance and Scrutiny (CfGS), will be explaining what it feels like to work under a Committee System.

It was noted the positive support other Authorities have provided during the project to date.

RESOLVED: That the Change of Governance Arrangements Draft Terms Of Reference be noted.

18 **WORK PROGRAMME**

The Legal and Democratic Services Manager presented Members with the work plan for the committee, and explained that each Committee will have a work plan moving forward. The intention being that there would be a twelve-month lead in time for large projects, to make Officers and Members aware of the work commitments and considerations required throughout the year. This was in response to the Peer Review feedback.

RESOLVED: That the work programme be noted.

.....
Chairman

PLANNING COMMITTEE

HELD: Thursday, 16 March 2023

Start: 7.00 p.m.

Finish: 9.28 p.m.

PRESENT:

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

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

In attendance: Councillor J Howard (North Meols Ward)
Councillor G Clandon (Burscough West Ward)

Officers: Steve Faulkner, Planning Services Manager
Kate Jones, Planning Services Team Leader
David Delaney, Legal Assistant (Planning)
Chloe McNally, Democratic Services Officer

73 APOLOGIES

Apologies for absence were received from Councillor A Fennell.

74 MEMBERSHIP OF THE COMMITTEE

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

75 URGENT BUSINESS, IF ANY INTRODUCED BY THE CHAIRMAN

There were no urgent items of business received.

76 DECLARATIONS OF INTEREST

1. Councillor A Blundell declared a pecuniary interest in respect of planning application 2022/0769/FUL in relation to Bungalow Farm, Heatons Bridge Road, Scarisbrick as he considered himself to be pre-determined. Scarisbrick Parish Council had objected against this application, and he had been part of this decision-making process in his role as a Parish Councillor.
2. In line with the Officer Code of Conduct, the Planning Services Manager (Steve Faulkner) declared non-pecuniary interests in relation to planning applications 2022/0642/FUL, Land to the South of Chancel Way, Burscough and 2021/0507/ARM, Site of Former Yew Tree Farm, Higgins Lane, Burscough due to him living in close proximity to the sites.

77 DECLARATIONS OF PARTY WHIP

There were no Declarations of Party Whip.

78 MINUTES

RESOLVED: That the minutes of the meeting held on the 16 February 2023 be approved as a correct record and signed by the Chairman.

79 PLANNING APPLICATIONS

Consideration was given to the report of the Corporate Director of Place and Community as contained on pages 435 to 571 of the Book of Reports and on pages 597 to 602 of the Late Information Report.

(Notes:

1. The Chairman agreed to move planning application 2022/0900/FUL relating to Old Gore Barn, Altcar Lane, Great Altcar to be the first application to be considered at the request of the applicant due to personal reasons.
2. Councillor G Clandon spoke as Ward Councillor in connection with planning application 2022/0642/FUL relating to Land to the South of Chancel Way, Burscough and left the Chamber at the conclusion of this item.
3. Councillor J Howard spoke as Ward Councillor in connection with planning application 2022/1167/FUL relating to Co-op Food, 1 Hoole Lane, Banks.
4. The Planning Services Manager had declared non-pecuniary interests in respect of planning applications 2022/0642/FUL, Land to the South of Chancel Way, Burscough and 2021/0507/ARM relating to the site of the former Yew Tree Farm, Higgins Lane, Burscough and therefore did not take part in the decision-making process for these two applications.
5. Councillor A Blundell left the Chamber during consideration of planning application 2022/0769/FUL relating to Bungalow Farm, Heatons Bridge Road, Scarisbrick as he had declared a pecuniary interest on this application and therefore took no part in the decision making process.)

80 2022/0642/FUL - LAND TO THE SOUTH OF CHANCEL WAY, BURSCOUGH

The Corporate Director of Place and Community submitted a report on planning application number 2022/0642/ARM relating to Land to the South of Chancel Way, Burscough.

RESOLVED: (A) That the decision to grant planning permission be delegated to the Corporate Director of Place and Community in consultation with the Chairman or Vice-Chairman of the Planning Committee subject to the applicant entering into a S106 of Town and Country Planning Act 1990 to require:

McCarthy and Stone, on implementation of the new planning permission (or subsequent s73) (if applicable);

- Make a contribution of £118,000 towards off-site affordable housing

If the Obligation pursuant to Section 106 of the Town and Country Planning Act 1990 (as outlined above) is not completed within 3 months of the date of the Committee resolution, the Corporate Director of Place and Community be given delegated authority to **Refuse** this application.

- (B) That any planning permission granted by the Corporate Director of Place and Community pursuant to the above recommendation be subject to the conditions and reasons as set out on pages 447 to 454 of the Book of Reports.

81 2022/0916/FUL - 2 GREYSTOKES, AUGHTON

The Corporate Director of Place and Community submitted a report on planning application number 2022/0916/FUL relating to 2 Greystokes, Aughton.

RESOLVED: That planning application 2022/0916/FUL relating to 2 Greystokes be approved subject to the conditions and reasons as set out on pages 467 to 471 of the Book of Reports.

82 2022/1164/FUL - 10 MIDDLEWOOD ROAD, AUGHTON, ORMSKIRK, LANCASHIRE

The Corporate Director of Place and Community submitted a report on planning application number 2022/1164/FUL relating to 10 Middlewood Road, Aughton.

RESOLVED: That planning application 2022/1164/FUL relating to 10 Middlewood Road, Aughton be approved subject to the conditions and reasons as set out on pages 487 to 488 of the Book of Reports and with the following additional condition and reason as set out below:-

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing within 14 days to the Local Planning Authority and once the Local Planning Authority has identified the part of the site affected by the unexpected contamination, development must be halted on that part of the site.

An appropriate assessment must be undertaken and where remediation is necessary a remediation scheme, together with a timetable for its implementation, must be submitted to and approved in writing by the Local Planning Authority.

The measures in the approved remediation scheme must then be implemented in accordance with the approved timetable. Following completion of measures identified in the approved

remediation scheme a validation report must be submitted to and approved in writing by the Local Planning Authority.

Reason: To prevent harm to public health, to prevent pollution of the water environment and to comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

83 2022/0769/FUL - BUNGALOW FARM, HEATONS BRIDGE ROAD, SCARISBRICK

The Corporate Director of Place and Community submitted a report on planning application number 2019/0747/FUL relating to Bungalow Farm, Heatons Bridge Road, Scarisbrick.

RESOLVED: That planning application 2019/0747/FUL relating to Bungalow Farm, Heatons Bridge Road, Scarisbrick be deferred to allow for a light impact assessment to be submitted for the polytunnels.

84 2022/1154/FUL - ELLAN VANNIN, LONG HEYS LANE, DALTON

The Corporate Director of Place and Community submitted a report on planning application number 2022/1154/FUL relating to Ellan Vannin, Long Heys Lane, Dalton.

RESOLVED: That planning application 2022/1154/FUL relating to Ellan Vannin, Long Heys Lane, Dalton be deferred for a site visit to take place to assess possible overdevelopment and the impact on the neighbouring property.

85 2022/0109/FUL - COPELANDS FARM, DRUMMERSDALE LANE, SCARISBRICK

The Corporate Director of Place and Community submitted a report on planning application number 2022/0109/FUL relating to Copelands Farm, Drummersdale Lane, Scarisbrick.

RESOLVED: That planning application 2022/0916/FUL relating to Copelands Farm, Drummersdale Lane, Scarisbrick be approved subject to the conditions and reasons as set out on pages 531 to 532 of the Book of Reports and with an additional planning condition as set out on page 601 of the Late Information Report.

86 2021/0507/ARM - SITE OF FORMER YEW TREE FARM, HIGGINS LANE, BURSCOUGH

The Corporate Director of Place and Community submitted a report on planning application number 2021/0507/ARM relating to the Site of Former Yew Tree Farm Higgins Lane, Burscough.

RESOLVED: That planning application 2021/0507/ARM relating to the Site of

Former Yew Tree Farm, Higgins Lane, Burscough be approved subject to the conditions and reasons as set out on pages 546 to 548 of the Book of Reports.

87 2022/1167/FUL - CO-OP FOOD, 1 HOOLE LANE, BANKS

The Corporate Director of Place and Community submitted a report on planning application number 2022/1167/FUL relating to Co-op Food, 1 Hoole Lane, Banks.

RESOLVED: That planning application 2022/1167/FUL relating to Co-op Food, 1 Hoole Lane, Banks be approved subject to the conditions and reasons as set out on page 557 of the Book of Reports.

88 2023/0008/FUL - OLD GORE BARN, ALTCAR LANE, GREAT ALTCAR, LIVERPOOL

The Corporate Director of Place and Community submitted a report on planning application number 2023/0008/FUL relating to Old Gore Barn, Great Altcar Lane, Great Altcar, Liverpool.

RESOLVED: That planning application 2023/0008/FUL relating to Old Gore Barn, Great Altcar Lane, Great Altcar, Liverpool be deferred for a site visit to allow members to assess the site.

89 ENFORCEMENT CHARTER

Consideration was given to the report of the Corporate Director of Place and Community as set out on pages 573 to 595 of the Book of Reports the purpose of which was to seek the adoption of a revised and updated Planning Services Enforcement Policy.

RESOLVED: That the Planning Services Enforcement Policy attached at Appendix 2 to the report be endorsed for approval by Council and operated from 1 May 2023.

.....
Chairman



COUNCIL: 5 APRIL 2023

Report of: Corporate Director of Transformation, Housing and Resources

Relevant Portfolio Holder: Councillor Anne Fennell

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

Steve Faulkner (Extn. 5165)
(E-mail: steven.faulkner@westlancs.gov.uk)

SUBJECT: PLANNING SERVICES ENFORCEMENT POLICY

Wards affected: Borough wide

1.0 PURPOSE OF THE REPORT

- 1.1 To seek adoption of a revised and updated Planning Services Enforcement Policy.

2.0 RECOMMENDATIONS TO COUNCIL

- 2.1 That the Planning Services Enforcement Policy attached at Appendix 2 to this report be adopted by the Council and operated from 1 May 2023, noting any comments from the Planning Committee.

3.0 BACKGROUND

- 3.1 The Council has long adopted an enforcement plan for relevant development control regulatory activity. Enforcement action under planning legislation is discretionary, but it is good practice for local authorities to take proportionate action where breaches of planning control are evident. This is supported by paragraph 59 of the National Planning Policy Framework (2021), which also supports the adoption of a local enforcement plan:

Effective enforcement is important to maintain public confidence in the planning system. Enforcement action is discretionary, and local planning authorities should

act proportionately in responding to suspected breaches of planning control. They should consider publishing a local enforcement plan to manage enforcement proactively, in a way that is appropriate to their area. This should set out how they will monitor the implementation of planning permissions, investigate alleged cases of unauthorised development and take action where appropriate.

- 3.2 The Planning Service has been subject to significant and fundamental review, with reports being presented to Planning Committee and/or Executive Overview and Scrutiny Committee accordingly. The Planning Services Enforcement Plan (the Policy) attached at Appendix 2 to this report forms a significant part of that review and has been drafted to set out a clear statement of the Council's approach to planning enforcement.
- 3.3 The Council operates its planning enforcement regime in accordance with the Council's Constitution in respect of powers of the Planning Committee and Scheme of Delegation to Chief Officers. However, planning enforcement activity does not operate in isolation solely within the Planning Services team, it requires the support and dedication of other Council colleagues to function effectively and efficiently. To that end, and in addition to the review of the Council's planning enforcement processes, additional dedicated resources have been put into the Council's Legal and Democratic Services team. This has been necessary to ensure those cases identified by Planning Enforcement Officers for further action can be progressed formally. This dedicated resource is in place and so the updated Enforcement Plan is presented to Members accordingly.

4.0 CURRENT POSITION

- 4.1 The Council receives approximately 300 planning enforcement complaints per year. All formal complaints are investigated by Enforcement / Planning Officers resulting in one of three outcomes:
- determination that no breach of planning control exists;
 - a breach exists and formal action is to be taken; or
 - a breach exists and no formal action is to be taken, following negotiation to resolve the breach, or in circumstances where the breach would not justify enforcement action.
- 4.2 In investigating enforcement matters, a level of prioritisation is carried out in accordance with the Policy which includes the justification of the level of priority assigned. This dictates what the complainant can expect and how the matter will be addressed. The fact that all complaints are investigated, even if the alleged breach is trivial in nature, places great pressure on resources and leads to delays in investigating and resolving more serious breaches. It is therefore important to stress that the prioritisation of complaints is one of the fundamental aspects of the Policy to allow Officers to manage enforcement proactively. However, this can [in itself] lead to complaints against the service and so it is important that the Policy states the approach clearly and justifiably.

5.0 ISSUES

- 5.1 It is clearly essential that Council resources are used to maximum effect. It is equally important that the Council gives priority to those planning enforcement cases where the greatest harm is being caused and not as a response to who is complaining and/or how 'vocal' that complaint may be. The Policy builds on previous versions by placing priority categories against the seriousness of the alleged breach and indicates target response times accordingly. This triage approach allows focus on more significant matters that can be dealt with expeditiously and not be delayed by more minor matters of limited planning harm.
- 5.2 This approach is supported by a scheme of delegations to Chief Officers to determine whether a case is expedient to take further action or not. However, it is important to note an exception to this delegation exists where cases are subject to a high number of complaints, and it is proposed to take no further action. In such cases the matter is referred to the Planning Committee for consideration. Accordingly, and assuming the Policy is approved by Members, the Planning Committee will be provided with routine updates on future enforcement activity; the nature and frequency of which will be determined by the Planning Committee in due course.

6.0 SUSTAINABILITY IMPLICATIONS

- 6.1 It is important that the local environment is protected from the harmful effects of unauthorised development, as are the interests of residents, visitors and businesses. The Policy sets out the Council's aims for the enforcement of planning control in this context.

7.0 FINANCIAL AND RESOURCE IMPLICATIONS

- 7.1 There are no significant financial or resource implications arising from this report. All resources required to prepare and implement the Policy are covered by the Planning Service revenue budget.

8.0 RISK ASSESSMENT

- 8.1 A failure to set out clearly the Council's plan for the enforcement of planning controls could result in the loss of public confidence in the planning system. By adopting and publishing an Enforcement Plan it ensures that the Council's resources are prioritised to maximum effect.

9.0 HEALTH AND WELLBEING IMPLICATIONS

- 9.1 There are no health and wellbeing implications arising from this report.
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Background Documents

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

Equality Impact Assessment

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. Equality Impact Assessment
2. Planning Services Enforcement Plan

Appendix 1

Equality Impact Assessment Form



Directorate: Planning and Regulatory Services		Service: Planning Services	
Completed by: Paul Charlson		Date: 24/02/23	
Subject Title: PLANNING SERVICES ENFORCEMENT PLAN			
1. DESCRIPTION			
Is a policy or strategy being produced or revised:	Yes		
Is a service being designed, redesigned or cutback:	No		
Is a commissioning plan or contract specification being developed:	No		
Is a budget being set or funding allocated:	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:			
<p><i>If you answered Yes to any of the above go straight to Section 3</i></p> <p><i>If you answered No to all the above please complete Section 2</i></p>			
2. RELEVANCE			
Does the work being carried out impact on service users, staff or Councillors (stakeholders):	No		
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)?	All residents, businesses and visitors.		
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?			

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?	All relevant residents, businesses and planning agents.
What will the impact of the work being carried out be on usage/the stakeholders?	Reviewed enforcement plan requirements.
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 Planning Service is subject to routine public consultation in relation to services and future development. Any comments are brought back to the Committee.
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 Planning Service is subject to routine public consultation in relation to services and future development. Any comments are brought back to the Committee.
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
7. MONITORING AND REVIEWING	
When will this assessment be reviewed and who will review it?	The Planning Service is subject to routine public consultation in relation to services and future development. Any comments are brought back to the Committee.



WEST LANCASHIRE BOROUGH COUNCIL PLANNING SERVICES

PLANNING ENFORCEMENT POLICY 2023

1.0 INTRODUCTION

- 1.1 At the heart of the Council's vision for West Lancashire is the need for our citizens to feel safe and secure where they live and be proud of the Council that serves and supports them. A key instrument for sustaining a green and healthy community is our Local Plan which governs development in the Borough. A fundamental part of the Council's planning system is the authority to control and enforce the development and use of land in the public interest. This includes any new proposals for the development of land and the existing use of developed land.
- 1.2 This document outlines the Council's approach to enforcement within the context of government policy on planning enforcement contained in the National Planning Policy Framework. It sets out our procedures for delivering the Planning Enforcement Service for West Lancashire. This Policy is not part of the Statutory Local Plan but has been agreed by the Council in line with the provisions of the National Planning Policy Framework (NPPF).
- 1.3 This Policy is written in accordance with other relevant corporate documents such as the Council's Enforcement Policy and has direct links to other services such as building control and environmental health, but this document solely relates to planning control.
- 1.4 The Council's priorities for investigation are detailed in this document in addition to an explanation of what will be investigated and what will not, in the context of the Council's general discretionary powers. It also sets out the priorities for responses to complaints and details how we will respond to reports of non-compliance.
- 1.5 The planning enforcement system does not exist to simply punish those responsible for breaches of planning control. It should be noted that formal planning enforcement is a discretionary power and should only be used if and when absolutely necessary, after negotiation and any other potential remedies have not succeeded. This means the Council does not have a duty to enforce, rather it can choose to do so where appropriate and to maintain public confidence in the planning system.
- 1.6 Accordingly, the Council will investigate and act in a proportionate manner to suggested breaches of planning control, free from bias and founded on reasonableness and sound evidence. Should any Officer have an interest which is personal, financial or of any other nature likely to be prejudicial then that officer will take no part in the investigation and will immediately refer the matter and interest to the Planning Services Manager.

Staff Safety

- 1.7 Our Enforcement Officers will always aim to resolve breaches of planning control in an amicable way with the responsible person and other parties, preferably through negotiation. We do know that many of the issues that we deal with can be emotive, however we expect our Officers to be treated with respect. The Council will not tolerate any of its Officers being threatened with

or subjected to written, physical or verbal abuse while carrying out their official duties and the Council will take appropriate action where necessary.

Equal Opportunities and Human Rights

- 1.8 When undertaking duties, officers will have regard to the Council's Equal Opportunity Policy to ensure that investigations are carried out in a consistent and fair manner, free from discrimination on any grounds.
- 1.9 As part of the enforcement process, Human Rights are also an important consideration that will be taken into account and balanced with any action taken. The relevant elements of the Human Rights Act (1998) are:
- Article 1 of the First Protocol – Protection of Property
 - Article 6 – Right to a fair trial
 - Article 8 – Right to respect for private and family life.

How We Will Handle Your Data

- 1.10 Enforcement duties will be always undertaken in line with the Council's Corporate Privacy Notice.
- 1.11 If you have any queries, concerns or complaints about the way we process your personal data, including the way we handle information requests, you can contact our Data Protection Officer via dpo@westlancs.gov.uk
- 1.12 If you are not satisfied with our response or believe we are not processing your personal data in accordance with the law you have the right to contact the Information Commissioner's Office (ICO). For more information visit www.ico.org

2.0 WHAT WE CAN INVESTIGATE

- 2.1 This includes:
- Development (either operational, engineering or a material change in the use of land or a building) has taken place without planning permission;
 - Development that has not been carried out in accordance with an approved planning permission;
 - Failure to comply with a condition or legal agreement attached to a permission; and;
 - Other matters which also fall under the scope of planning control including but not limited to the enforcement of advertisements and untidy land.

2.2 A number of other breaches of planning control which may be investigated also constitute a criminal offence under planning legislation until and unless there is a failure to comply, by the due date, with a formal notice that the Council has issued, and it is in the public interest to do so. These include but are not limited to the following:

- Unauthorised demolition of a building (excluding specified categories) in a conservation area;
- Unauthorised works carried out to a listed building which affect its historic character;
- Unauthorised removal of, or works carried out, to protected trees without consent being granted or proper notification given
- Advertisements, which require consent under the advertisement regulations, which are displayed without express consent.
- Failure to comply with the requirements of a planning notice, e.g., enforcement, discontinuance, stop notice, breach of condition notice, or other statutory notice.

3.0 HOW TO MAKE A COMPLAINT

3.1 The Council will require as much information as possible to carry out an effective investigation, and to help keep individuals informed of what action it is taking. It is highly unlikely that enforcement action will prove successful if complaints are founded on speculation and a lack of cogent evidence.

3.2 All complaints must be received in writing only via the Planning Enforcement webpage
www.westlincs.gov.uk/planning/planning-applications-enforcement/breaches-of-planning-control-and-enforcement-notice.aspx

3.3 All complaints should include the following information:

- Your name, address and telephone number;
- Details of the alleged breach including when the problems started;
- The location of the problem;
- The name and address of the alleged contravener, if known;
- An explanation of the harm that the problem is causing; and
- You may also be required to provide evidence of the alleged breach.

3.4 Complainant details are kept confidential, however if the Council is pursuing a prosecution, a complainant may be asked to cooperate by way of providing witness statements to strengthen any case made to the Courts and would be disclosable to relevant parties. Complainants are therefore asked to consider this before making a complaint as the absence of such information is likely to prevent the Council from taking further action.

3.5 We will therefore not process anonymous complaints unless it relates to unauthorised works to a Listed Building or protected tree. An overview of the complaints process is provided in Appendix 1.

4.0 HOW WE WILL INVESTIGATE

4.1 The Council's aim is to support responsible development. In common with all planning authorities and national guidelines, the Council's approach is always to seek to resolve an issue without having to take formal action if possible. Where necessary, this may involve lengthy negotiations and correspondence which become part of a process that demonstrates that when the Council does opt for prosecution it is indeed the last resort. In many cases, this will also involve working with colleagues responsible for dealing with other regulations e.g., Building Control, Environmental Protection and Landlord Licensing.

4.2 Sometimes, an issue may best be resolved through using different legislative powers available to the Council other than planning enforcement tools. In other cases, a co-ordinated effort from several agencies may be required.

4.3 We will investigate all enforcement complaints in accordance with their priority rating.

4.4 Reports of breaches of planning control will be assessed and prioritised by the Planning Enforcement team. The following steps will be taken:

- There will be an initial assessment, to determine if the enquiry is a planning related matter and to identify any cases that need an immediate response.
- A priority rating will be assigned (A-D) and the enquiry will be acknowledged.
- A desk-top investigation will then be undertaken to establish initial facts (e.g., if planning permission has been granted).
- Following this, either a site visit will be undertaken, or initial contact made with the developer or landowner.

4.5 We will keep individuals up to date with progress, when there is anything significant to report, or otherwise periodically to reassure them that the matter remains under investigation and advise what we are doing.

4.6 We will only seek or take action where a breach is proven, demonstrable harm is caused, and where it is expedient and legally possible to do so.

4.7 Any actions sought or taken will be reasonable and proportionate to the proven breach, in accordance with government advice. We will seek the co-operation of responsible persons through negotiation. We will, however, take a firm line where co-operation is not forthcoming, and where the nature of the breach merits it, consider prosecution if it is in the public interest to do so. Consideration will be given to the nature of the breach, whether it is

continuing, the harm caused and the cost of pursuing a prosecution against the benefit to be gained.

- 4.8 We will inform individuals of the outcome of any investigation, explaining our reasons for the chosen course of action. Equally, where the subject of any enforcement complaint is aware of the investigation, we will inform them of the outcome, explaining our reasons for the course of action that has been taken.
- 4.9 Where the enforcement complaint does not relate to a planning related matter, either wholly or in part, we will refer the matter to the relevant department with your details, asking them to keep you updated. We will retain and investigate any part of the enquiry relating only to planning.

Priority Schedule

- 4.10 All complaints will be prioritised in accordance with the tables below. The information is for general guidance and is not exhaustive:

CATEGORY A: Top Priority – Site Visit and Initial Investigations within 2 working days	
Unauthorised demolition, partial demolition or significant alterations of the building, which is essential to retain (e.g., a listed building or building within a conservation area) or any other development that causes irreversible demonstrable harm.	Unauthorised works to trees covered by tree preservation orders (TPO) or in a conservation area.
Unauthorised development within a Site of Special Scientific Interest (SSSI) or other national or local designation of nature conservation.	All reports of unauthorised development which represent a serious danger to members of the public.

CATEGORY B: High Priority – Site Visit and Initial Investigations within 15 working days	
Breaches of conditions which result in serious visual harm or result in serious demonstrable harm to the amenity of the neighbourhood.	Breaches of either listed building, Article 4 Direction or conservation area controls not coming into Category A above.
Breaches of the requirements of an Enforcement Notice or a Breach of Condition Notice	Any unauthorised development/activity which causes clear, immediate, and continuous harm or danger to the locality including the living conditions of adjoining residents.
Unauthorised development which, without intervention, would otherwise be nearing immunity from enforcement	

action by virtue of either the 4 or 10 year immunity rules.	
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CATEGORY C: Medium Priority – Site Visit and Initial Investigations within 25 working days

Technical Breaches of Planning Control, including breaches of conditions, not resulting in serious visual harm or not resulting in serious demonstrable harm to the amenity of the neighbourhood.

CATEGORY D: Lowest Priority Cases – Site Visit and Initial Investigations within 40 working days

Unauthorised development which, if retrospective planning permission were to be applied for, would comply with local and national planning policies and which is not about to become immune from enforcement action.	Disputes between neighbours or complaints about neighbour's property not resulting in harm to wider residential amenity.
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4.11 Once an investigation commences, an assessment will be made as to whether a site visit or initial contact made with the developer or landowner is first necessary. If a site is conducted or further information is received its priority may change following the initial site visit or on receipt of addition information.

4.12 Whilst the initial site visit will be made relatively quickly in accordance with the above prioritisation schedule, further investigations and site visits may be required before a conclusion is made. This may take time and therefore reporters of alleged breaches of planning control should be aware that there may be some delay before the Council confirms the outcome of these investigations.

4.13 A complaint will be deemed to have been resolved in the event of one of the following occurrences:

- It has been determined that a breach of planning control has not occurred;
- It has been determined that it is not expedient to pursue enforcement action;
- The matter has been resolved through negotiation;
- It has been concluded that the breach of planning control has ceased; or
- That a retrospective planning application has been submitted (where requested).

4.14 A list of possible enforcement actions are provided at Appendix 2.

5.0 WHAT WE WILL NOT INVESTIGATE

5.1 Planning laws are designed to control development and uses of land and buildings in the public interest. They are not meant to protect the private interests of one person against the activities of another. The Council often receives reports regarding matters that are not breaches of planning control. The following are examples (but not limited to) of matters that the planning enforcement service will not consider:

- Boundary and land ownership disputes, private rights of way, and covenants/easements on deeds. These are civil matters upon which we respectfully request that you seek independent legal advice;
- Use of/or development on the highway, footway or verge that is covered by highway legislation. Further advice can be obtained from the Local Highway Authority at Lancashire County Council www.lancashire.gov.uk/roads-parking-and-travel/roads;
- Dangerous structures. Please contact the Borough Council's Building Control team www.westlancs.gov.uk/planning/building-regulations.aspx;
- Unsafe working practices for more information please contact the Health and Safety Executive (www.HSE.gov.uk) or the Council's own health and safety enforcement team www.westlancs.gov.uk/business/business-services/business-regulation/health-and-safety.aspx
- Fly tipping and any other matters covered by other environmental legislation such as noise and smell. In such cases, please contact the Council's Environmental Protection team www.westlancs.gov.uk/environment/noise.aspx;
- Uses operating without the necessary licence. Please contact the Borough Council's licensing team www.westlancs.gov.uk/business/business-services/licensing.aspx
- Internal alterations (unless to a listed building, or result in the installation of a mezzanine floor in a retail premises)
- External security lights fixed to houses.
- Fences and walls in rear gardens unless they exceed 2m in height.
- Where the reported issue is purely about trade and competition.
- Complaints of a vague and imprecise nature that offer no specifics about the breach of planning control being alleged.
- Anonymous complaints or complaints where the information required in Section 3 has not been provided.
- Speculative requests for officers to check whether or not conditions have been complied with when there is no direct evidence of a breach of planning control.

6.0 WHEN IS IT TOO LATE TO TAKE ACTION?

- 6.1 Planning legislation sets out time limits for taking enforcement action. The Council cannot serve a notice after four years where a breach of planning control involves building operations, or the change of use of any building to a single dwelling house. Other unauthorised changes of use and breaches of condition are subject to a ten year time limit. After these periods the Council cannot take action and the use becomes lawful. The landowner can apply for a Certificate of Lawful Existing Use or Development (CLEUD) after this period.
- 6.2 Serving an enforcement notice in respect of a particular development stops the clock in relation to these time limits. Therefore, where the Council feel a breach may be close to the relevant time limit it may seek to take urgent enforcement action to prevent the unauthorised development becoming lawful.
- 6.3 The Localism Act (2011) has introduced a new enforcement power in relation to time limits. This affords possibility to take enforcement action against breaches of planning control where the actions have been deliberately concealed outside of the above time limits.

7.0 IF YOU ARE THE SUBJECT OF AN ALLEGED BREACH

- 7.1 The Council appreciates that this area can be complex, influenced by neighbourhood relations, a lack of knowledge by the complainant of the approved planning application, or of rights available to carry out certain activities without planning permission being required. We also understand that the receipt of letters alleging a breach of planning control can be distressing. We will inform you of the nature of any allegation and if substantiated, what remedies may be available in order to avoid the need for formal action.
- 7.2 We encourage you and / or your company to work with us and for example provide as much evidence as possible including photos and drawings. This will assist enforcement officers to carry out their initial assessment as quickly as the evidence permits. We encourage negotiation and if we conclude a breach has occurred, you will be advised of the details of the breach and how to put it right. Our first approach is to try and resolve any breaches through negotiation and discussion. On occasion, where matters relating to the alleged breach are more complex, you may wish to consider taking independent professional advice.
- 7.3 If you are served with a formal notice, you will be given the details of the breach, the reasons for the action, the steps required to resolve the matter and a time period for compliance. In most cases you will have the right of appeal.

8.0 REVIEW AND REPORTING PROCESS

8.1 This Policy will be reviewed at least once every three years. To assist in the improvement of service delivery, a review of the following elements will also be undertaken and reported to the Council's Planning Committee annually. Information considered will include the following:

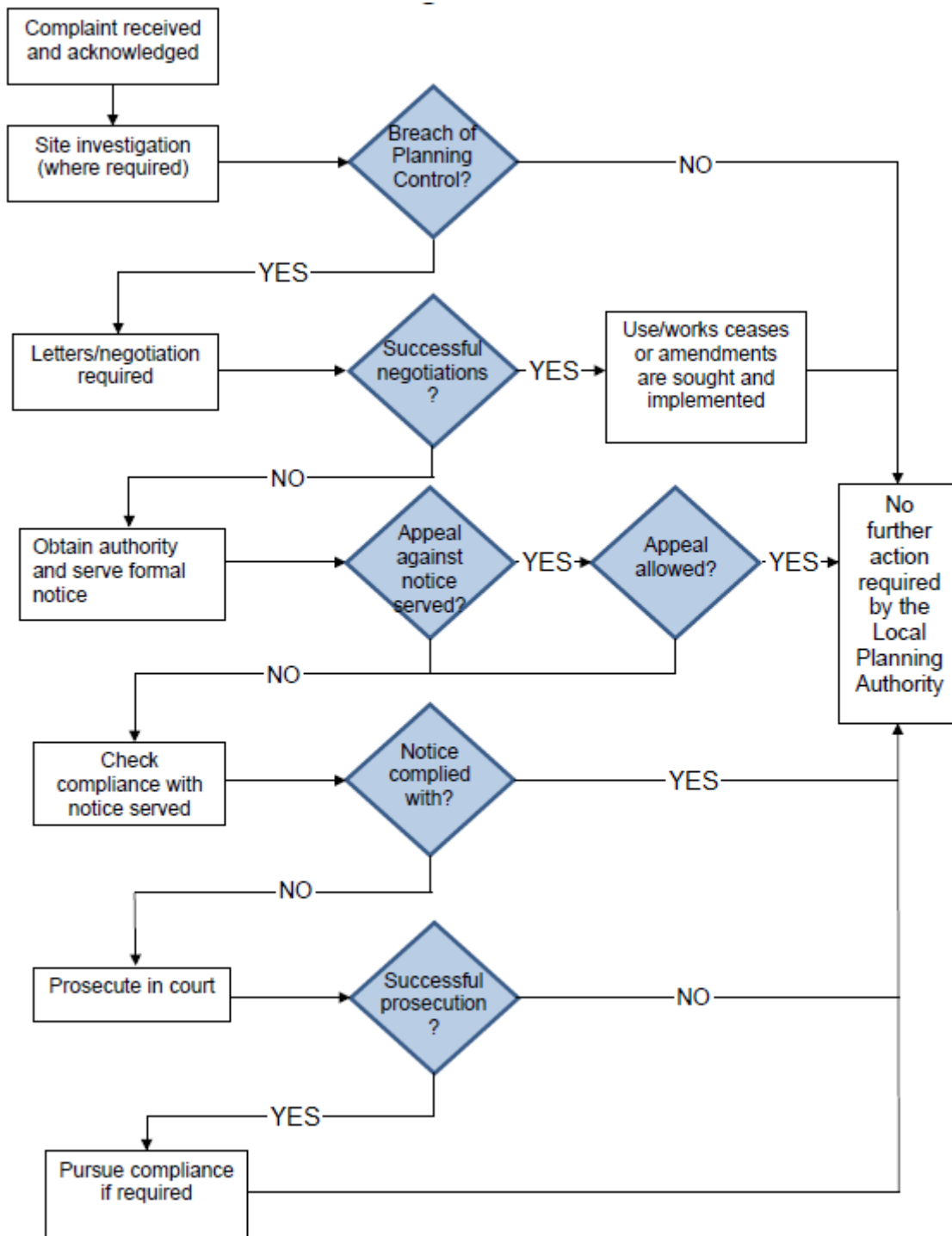
- The number of enforcement cases received and their profiling within Priority A, B,C and D.
- The number of cases identified as a breach of planning control;
- The number of cases resolved without the need for formal action;
- The number of cases resulting in the issue of a formal notice and the types of notices issued;
- The number of appeals made to notices and the outcome;
- The number of prosecutions initiated;
- The achievement of performance standards;
- Benchmarking the above with previous years; and
- Reviewing targets, standards and approaches where necessary.

9. FEEDBACK AND COMPLAINTS

9.1 Should you have any comments, compliments or complaints with regard to the handling of your complaint, or any aspect of the Council's Planning Service, you may wish to direct them to the Council's Customer Feedback page at the address below.

<https://www.westlancs.gov.uk/about-the-council/contact-us/customer-feedback.aspx>

Appendix 1: Overview of complaint process



Appendix 2: Possible enforcement outcomes

A1 No Breach

A1.1 A significant number of investigations are closed as there is no breach of planning control established. This can occur for a number of reasons, for example:

- There is no evidence of the allegation;
- Development has taken place but planning permission is not required;
- The development already benefits from planning permission granted by the Council;
- A technical breach is evidenced but it is so minor that it has no or very little impact on amenity; or
- The time limits for taking enforcement action have been exceeded.

A2 Breach Identified

A2.1 If a breach is identified, the person responsible will be told what wrong and what action is required immediately to remedy the breach. In most cases, unless there is serious and immediate ongoing harm to the environment, highway safety or neighbours, the person responsible will be given the opportunity to remedy the breach before the commencement of costly and protracted formal action.

A2.2 Where officers consider that planning permission is likely to be granted for an unauthorised development, or that the imposition of conditions could reduce the harm to amenity, a retrospective planning application will be requested for the development.

A2.3 In determining retrospective planning applications the Council cannot refuse an application simply because the development has already been carried out. Many breaches of planning control occur because the applicant simply did not know that permission was required. A retrospective application enables the Council to regularise acceptable development without arbitrarily penalising the applicant. Most enforcement complaints are subsequently regularised through retrospective applications.

A2.4 The Council will not invite a retrospective application if the development is likely to be acceptable. The Enforcement Officer may require further information to determine if a development is acceptable in planning terms, prior to making that decision. However, the Council cannot prevent the voluntary submission of retrospective applications, in which case we would be duty bound to determine the application in accordance with planning policy. Should no retrospective application be received, formal enforcement action is at the discretion of the Council; and will only be taken where harm can be attributed to the breach as set out below.

A3 Not Expedient to Pursue Formal Action

A3.1 Enforcement action needs to be proportionate to the alleged breach and it is likely that the Council will not take formal enforcement action against a trivial or technical breach of planning control that causes no harm to amenity or the

environment, or the potential cost of action outweighs the gain to be achieved.

- A3.2 If a person decides to appeal against formal enforcement action this will add to the time taken to resolve the case. Therefore, it is not possible to give a standard time for dealing with planning enforcement cases.
- A3.3 In exceptional circumstances, contraventions may not warrant any action. This can be where the cost of compliance to the offender outweighs the detrimental impact of the contravention on the community or environment, or the cost of the required enforcement action to the Council outweighs the detrimental impact of the contravention on the community or environment.
- A3.4 A decision of no action may also be taken where formal planning enforcement is inappropriate in the circumstances, such as an unauthorised business has ceased to trade, or the offender is elderly or frail and formal action would seriously damage their well-being. A decision to take no action will be recorded in writing and must consider the health, safety, environmental and nuisance implications of the contravention i.e., it would not be in the public interest to take action.
- A3.5 If it is the intention to take no action, we will inform the complainant and let them know the reason why. The time taken to investigate and conclude on Planning Enforcement cases is unpredictable, so no guide as to how soon updates may be given can be provided.

A4 Formal Enforcement Action

- A4.1 Where it has not been possible to remedy a breach of planning control through negotiation, or the submission of a retrospective application, the Council has various formal enforcement options which are outlined below:

Planning Contravention Notice (PCN)

The main purpose of a PCN is to gather initial information so that the Council can establish whether there is a case for taking Enforcement Action. It is an offence if the recipient of the notice fails to provide the required information. If convicted of such an offence the offender would be liable on conviction to a fine currently not exceeding £2,500.

Enforcement Notice / Listed Building Enforcement Notice

This is served on the owner and/or occupier of the land. The notice will set out what the Council expects the owner to do within specified timescales for this action. An Enforcement Notice takes 28 days to become effective. Within this time, there is a right of appeal to the Planning Inspectorate. Following this initial 28 days, the Council must give a 'reasonable' timescale in which the requirements of the Notice have to be met. An Enforcement Notice is a land charge and will be declared when a property is sold. Even if the Notice is complied with, it will still remain as a land charge on that property. If the Enforcement Notice is not complied with, the Council can decide whether or not to prosecute, which if successful, can incur significant fines or imprisonment.

Breach of Condition Notice

Where development has taken place without compliance with a condition or conditions of the planning permission. As above, if a notice is not complied with, the Council may bring a prosecution in the Courts. There is no right of appeal against such a notice. The Council can prosecute after 28 days if the requirements of the Notice are not met.

Section 215 Notice / Community Protection Notice

The condition of certain buildings or land may cause serious harm to the visual amenity of an area. Should the Council consider it appropriate to do so they may serve on the owner and occupier a Notice under Section 215 of the Town and Country Planning Act, 1990. Such a notice would require steps for remedying the condition of the land or buildings and specify a period of time for complying but in any event not less than 28 days. This Notice can be appealed via a magistrates' hearing. If any person is subsequently found guilty of an offence of not complying with the requirements of a 215 Notice, they shall be liable on conviction to a fine.

Conservation Area Notice

This may be served where unauthorised demolition has taken place within a designated conservation area.

Temporary Stop Notice

Where the Council consider that there has been a breach of planning control and it is necessary in order to safeguard the amenity of the area that the activity that amounts to the breach should stop immediately, Section 171E of the Town and Country Planning Act 1990 enables the Council to issue a temporary stop notice which takes effect immediately.

Stop Notice

In the most serious of cases, the Council may consider serving a Stop Notice alongside an Enforcement Notice or may apply to the Courts for an Injunction to prevent further harm being caused. This action requires the people responsible to stop specified activities.

This is used for the most serious breaches of planning control in which there is a clear and identifiable serious risk to human health and /or serious effect on the physical environment. An example may include a residential development taking place on land with known, serious pollutants that could have an impact on the health of future occupiers or people near-by. Such a notice can only follow the service of an Enforcement Notice.

It should also be noted that where the associated enforcement notice is quashed, varied or withdrawn, or the stop notice is withdrawn, compensation may be payable in certain circumstances and subject to various limitations.

Signage and advertisements

In practice, most signs are displayed on the adopted highway or verge so the matter will be referred to Lancashire County Council as landowner. Only where this is not the case and where an advertisement is not lawfully displayed and causes harm to the amenity or public safety, and it is considered that express consent would not be granted, the owner/ occupier shall be requested to remove the offending sign. If the sign is not removed by agreement the Council does have the power to prosecute.

If a person is found guilty of an offence under The Control of Advertisement Regulations, he or she could be liable to a fine per advert. The Council also has the power to serve a Notice requiring the discontinuance of a lawfully displayed advertisement if it is satisfied that it is necessary to do so to remedy a substantial injury to the amenity of the locality or a danger to members of the public. Recipients of a Discontinuance Notice do have a right of appeal.

A4.2 In addition to the above notices, prosecution proceedings can take place for the following breaches:

- Unauthorised works to a protected tree, or removal of a protected hedgerow
- Unauthorised works to a listed building
- Demolition within a conservation area, or
- Works to an ancient monument
- High hedges

A4.3 Direct Action and Injunctions are further steps available where the circumstances require such intervention. Additionally, where a prosecution is undertaken, an Order for Proceeds of Crime (POCA) can in relevant circumstances also be made.



COUNCIL :

5 APRIL 2023

Report of: Corporate Director of Transformation, Housing and Resources

Relevant Portfolio Holder: Councillor Gareth Dowling

Contact for further information: Lyndsey Key (Extn. 3236)
(E-mail: lyndsey.key@westlancs.gov.uk)

SUBJECT: HEALTH AND SAFETY STRATEGIC PLAN 2020/23 - UPDATE

Wards affected: Borough wide.

1.0 PURPOSE OF THE REPORT

1.1 To provide an update on the progress made in relation to the 2020/23 Health and Safety Strategic Plan.

2.0 RECOMMENDATIONS

2.1 That progress against the Health and Safety Strategic Plan 2020/23 be noted.

3.0 BACKGROUND

3.1 Members will recall that a strategic approach was adopted to proactively manage health and safety issues within the Council.

3.2 The resultant Strategic Plan is refreshed every 3 years and focuses on review, as well as delivering improvements, to handle risk effectively within the Council. Ongoing updates are provided to the Council's Corporate Health and Safety Committee.

4.0 THE 2020/23 HEALTH AND SAFETY STRATEGIC PLAN

4.1 The 2020/23 Plan builds on previous work by concentrating on the changes introduced following the pandemic, as well as changes in staffing structures and new ways of working, that have dictated the Council's approach to health and safety must also change to remain functional, proactive and relevant.

4.2 The implementation of the 2020/23 Plan reinforces the Council's commitment to provide a safe and healthy working environment for its employees, Members and visitors. However, progress against the 2020/23 Plan has inevitably been affected by pandemic. Appendix 1 to this report provides an outline of the significant amount of work completed to date and those projects intended for completion with relevant targets.

4.3 Following this update report and to ensure recent changes to Council services and staffing structure are suitably addressed, an updated Corporate Health and Safety Policy will be presented to the Corporate Health and Safety Committee. This and an updated Strategic Plan 2023/26 will be submitted to Council for approval later in the year to ensure continued commitment and support for both documents.

5.0 SUSTAINABILITY IMPLICATIONS

5.1 There are no significant sustainability impacts associated with this report.

6.0 FINANCIAL AND RESOURCE IMPLICATIONS

6.1 There are no significant financial and resource implications associated with this report.

7.0 RISK ASSESSMENT

7.1 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.

8.0 HEALTH AND WELLBEING IMPLICATIONS

8.1 The Council's approach to health and safety compliance impacts on the health and wellbeing of those that use and/or impacted by its operations. The report thereby supports relevant themes, including:

- Promote good health and wellbeing and enable people to flourish
- Prevent and tackle the causes of ill health;
- Encourage and enable all people to take a role in identifying and addressing barriers to improve 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. Health and Safety Strategic Plan 2020/2023 Update

Appendix 1: Corporate Health and Safety Strategic Plan 2020/23 Update

Action	Target	Completion	Responsible Service / Officer(s)	Progress	Comments
Review of Corporate and Service Health and Safety Committee meeting attendees and structure	Revised and agreed attendance	June 2020	Corporate H&S Service	Complete	Attendees have been reviewed and settled for main committee and meetings have taken place according to schedule and established processes. Sub committees have been established for Robert Hodge Centre incorporating Leisure and Rangers services, Derby Street incorporating the Investment Centre and Westgate incorporating Gorsey Place. Invite has been issued to all staff at all levels at these locations to participate and take up the role of health and safety champion. Sub committees have been happening on an ongoing basis but not as frequently as the central committee.
To review the health and safety audit process	Agreed and published audit programme	July 2020	Corporate H&S Service	Complete	Covid-19 and change in working methods have meant that priorities have been reviewed. Audits have been carried out based on risk and trend analysis.
	Revised audit process	October 2020		Complete	New audit template created for use.
	Audits conducted	Annually		Complete	A range of general and topic specific audits have been conducted on an ongoing basis. The audit schedule will be reviewed and revised in the next work

					plan.
Improved Corporate Health and Safety communications and service standards	Customer policy	July 2020	Corporate H&S Service	Complete	New intranet page launched. The new intranet page includes new pages for health and safety management including risk assessment, training and accident/incident management and topic specific pages such as DSE.
	Communication Plan (incl. attendance at team meetings, campaigns and promotional materials)	July 2020 (Commence November 2020)		Complete and ongoing	Communications messaging has been produced to all staff on a rolling basis depending on current risk levels and key topics, including: <ul style="list-style-type: none"> - Regular reviews of the Covid-19 risk assessment and communicating the significant findings - Embedding health and safety into appraisals and one to one meetings. - Working with health and safety champions via the health and safety committee system - Topic based comms such as extreme weather, DSE, fire and evacuation etc. <p>A new suite of comms messaging will be devised and planned into 2023-2024, which will continue to embed the new policies and risk assessments rolled out in 2023.</p>
Review of Corporate	Documents to be	March 2021	Corporate	Review	Central health and safety documentation

Health and Safety Documentation	easily accessible, succinct and understandable		H&S Service	complete. Action to update existing documents remains ongoing	<p>has been reviewed to ensure that this library of support best ensures compliance whilst supporting managers in understanding their duties. Key activities include:</p> <ul style="list-style-type: none"> - Revision and reissue of the risk assessment template to improve quality and compliance. - Reissue of frequently used forms - A central package of policies has been created with associated generic risk assessments to cut down the volume of health and safety documentation, reduce duplication, assist managers and increase compliance. - End to end review of health and safety management documentation completed from recruitment, through induction and then throughout employment. <p>There were significant changes to ways of working during and post-pandemic with adaptations required to health and safety management systems. This level of change was greater than anticipated which has increased the amount of work to complete this point.</p> <p>This work will be ongoing into 2023/2024. There are still some central policies and risk assessments that need to be reviewed</p>
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					and revised, which will be built into the future plan. Further work will be needed to embed these into risk assessments and safe ways of working appropriate for individual service areas and into appropriate training packages.
To review and rationalise the Health and Safety Gateway into a more sustainable and resilient format upon the intranet	Maintain effective and efficient management and control of contractors	March 2021	Corporate H&S Service	Review complete	The Health and Safety Gateway has been retired and all relevant information is now held on the intranet. Live risk assessments are now held in collaborate folders within service areas to allow easier review and revision by managers and easier auditing by the health and safety team.
Proposals for external audit / verification / peer review / external accreditation	To have considered and decided on a suitable verification method of the Council's health and safety management	March 2021	Corporate H&S Service	Review complete	<p>Review complete. The team are actively engaging with neighbouring local authority health and safety teams to benchmark and share ideas and information.</p> <p>The organisational focus is on continuing to embed HSG65 and best practice standards rather than undertaking ISO accreditation. We will continue to seek opportunities for transparent review and positive feedback including through the Unions.</p>
Implement recommendations for external audit / verification / peer review / external accreditation	To deliver and report on the chosen verification method	March 2023	Corporate H&S Service	Complete	In addition to benchmarking with neighbouring local authorities, the Council has actively sought opportunities for external review including from our insurance company (fleet risk audit organised by the Insurance Team) and

					from Lancashire Fire and Rescue Service in relation to our fire safety obligations.
Reduced number of accident / incident reports	To maintain a downward trend of incidents and accidents [Links to communication plan – to ensure any reduction is not resulting from a reduction in reporting]	March 2023	Corporate H&S Service HoS	Complete and ongoing	<p>The team continues to encourage improved accident, incident and near miss reporting. However, there continues to be likely under reporting. A communications campaign was developed to promote this topic, a new accident and incident policy launched, updated forms produced and ongoing scrutiny at committees. Opportunities have been taken to learn from things that have gone wrong in order to reduce the risk of recurrence.</p> <p>The HSE has increasing focus on health impacts of work activities and several of their current work programmes focus on health rather than traditional safety focuses. To reflect this shift in priorities, the team has been working closely with HR and our occupational health service to look for opportunities to address health concerns through recruitment and employment. Health has also been given an increased focus and a new form has been launched for reporting cases of occupational ill health, which could relate to anything from work related stress, to respiratory conditions associated with inhalants, to upper limb disorders associated with DSE or work equipment use.</p>

Improve near miss / hazard reporting	To continue communications relating to near miss / hazard reporting	March 2023	Corporate H&S Service HoS	Complete and ongoing	Please see row above. In addition to the above, a new intranet page has been developed to provide simple to understand guidance, support and signposting for staff and line managers.
Review and revise risk assessment documentation controls	Devolve control of risk assessment to service level Risk assessments reviewed	July 2021 Annually	Corporate H&S Service HoS / Line Managers	Review complete	A new risk assessment template has been launched and generic corporate risk assessments have been produced to assist managers, cut duplication, ensure compliance and gain consistency. This will be an ongoing work programme into the next strategic plan where the team will continue to develop this risk assessment library and ensure that teams are adopting and adapting risk assessments for their service areas.
Improved oversight of health and safety performance	Increased use of Pentana to allow oversight of risk assessment and related processes	July 2021	Corporate H&S Service HoS	Review complete	The Team has explored the options of using Pentana to help manage health and safety documentation in conjunction with other Council services, but it was determined that this would not lead to material improvement. A Pentana bolt on package could be procured to help manage health and safety risk documentation and a VFM assessment would be required to reach a decision. We will continue to review opportunities for improvement.
Manager health and safety training	To deliver suitable training session to	March 2021	Corporate H&S Service	Complete and ongoing	A turnover in management in the last 3 years has created additional work for the

	managers to support them in controlling their own service health and safety risks				<p>health and safety team in ensuring new managers understand their health and safety duties within the organisation.</p> <p>Accordingly, the team has supported the roll out of the Managing Safely qualification to more than 70 managers across the organisation.</p> <p>The Team will continue to develop the manager resources to assist them in their health and safety duties.</p>
<p>All accident (including RIDDOR) events reported and investigated</p> <p>Page 1078</p>	<p>Procedures reviewed</p> <p>Levels of reporting investigation noted</p> <p>No adverse outcomes from enforcement agency follow-up</p>	<p>March 2021</p> <p>Ongoing</p> <p>Ongoing</p>	<p>Corporate H&S Service</p> <p>HoS / Line Managers</p>	<p>Complete</p>	<p>A new Accident, Incident and Near Miss Policy is in place and new and updated forms produced to support the policy. An intranet page has been created to support the programme and a comms package produced to support it.</p> <p>Figures, trends and specific cases of note are routinely reported to health and safety committees.</p> <p>There has been no visit or enforcement activity by the HSE in the last 3 years. Following a fire in the waste transfer station at the depot, some learning points were shared by the Lancashire Fire and Rescue Service and adopted in Council procedures.</p>
Ensure all staff continue to receive appropriate	To review the health and safety induction	January 2022	Corporate H&S Service	Complete and ongoing	A new training policy and supporting staff training checklist has been produced. A

induction and training	and refresher training module		HoS / Line Managers		<p>new intranet page has also been produced which links to HR staff induction and appraisal processes. A new health and safety induction training presentation and manager health and safety awareness training has been developed and is available on the intranet.</p> <p>A replacement e-learning training provider is anticipated in spring 2023. The health and safety team worked with HR on the tendering specification and will continue to work with the HR team on implementation of the new system.</p>
Examine links between health and safety controls and ill health absenteeism	To review insurance claims, sick absence statistics to identify and implement proactive controls to reduced incidents	March 2022	Corporate H&S Service / HR	Review complete	The Team has been working with the HR and Insurance teams to streamline processes and avoid duplication. The new accident and incident forms are an example of this. New procedures are in the process of being embedded within the recruitment process so that occupational health better understand the risks within specific roles. The team is also actively engaged in the tendering process for our new occupational health provider.
Support effective building management compliance processes and related safety standards.	Improved links between Corporate Health and Safety and Property Services and Estates to provide a	March 2022	Corporate H&S Service / Property Services	Complete	The Health and Safety Team regularly liaises with the Property Services Team and other services in relation to overlapping duties and new emerging duties. Regular meetings are in place.

	coordinated compliance regime				
Develop health and safety competencies for job categories	To link staff responsibilities to minimum requirements for health and safety training	March 2022	Corporate H&S Service / HR	Review complete	<p>Specific training has been produced for staff and managers to help them understand their roles. The Driver's Handbook has also been revised and reissued as a targeted higher risk piece of work. In 2022/2023 the team has been heavily involved in redesigning a more streamlined and simple set of policies and risk assessments. The new training policy and checklists embeds the importance of ensuring all staff have a bespoke training plan and ensures that they are trained on the team risk assessments relevant to them.</p> <p>A larger piece of work will take place in 2023/2024 and beyond to carry out a gap analysis, ensure that mandatory training is identified for relevant roles and to ensure that training is appropriate and tailored for the audience. Much of this work will depend on the functionality the new e-learning training portal can bring. The roll out of new policies and risk assessments will naturally lead into a training review and redevelopment of training and toolbox talks.</p>
Reduction in reporting/recording of occupational health and	To demonstrate a downward trend in incidents	March 2023	Corporate H&S Service / HR	Review complete	There is likely to be under reporting of work related ill health as above and we will continue to raise the profile of this area of

wellbeing issues					work on an ongoing basis. The Team has had ongoing involvement with HR and occupational health to cut duplication and look for improvements to our systems. A new ill health reporting form has been developed and rolled out but is currently under used. A comms programme will be produced in 2023/2024 to raise the profile of this work area.
Ensure competencies within the Corporate Health & Safety Service	Staff training and development in line with development appraisal process	March 2023	EH Manager	Review complete and needs identified pending recruitment	There are challenges in recruiting to and retaining high calibre staff within this specialism. Additional temporary resources were provided during the pandemic. However, senior specialist recruitment has remained challenging. As such the team structure has been reviewed and additional funding has been secured through the budget setting process in 2023/2024. It is anticipated this will address the issues identified and build resilience.
Support and improve operational links between Corporate Health and Safety Service and key services – Insurance, Property Services, Environmental Services	To foster improved collaborative working and proactive risk control	March 2023	Corporate H&S Service	Complete	The Health and Safety, Insurance, Property Services and other relevant services have fostered strong working relationships. Overall resourcing and capacity issues continues to be a major problem across the authority, but plans are in place to help rectify some of these problems.
Corporate building	HoS complete	Annually	HoS	Complete	A programme of inspections is in place for

inspections	corporate building (and related areas) inspection				corporate stock involving the relevant managers and teams and this feeds directly into the health and safety subcommittees.
Record of Corporate and Service health and safety meetings	Meetings held and minutes actioned and recorded	Quarterly	Corporate H&S Service HoS	On target	All full health and safety committees have been held on an ongoing basis and have been minuted.
Ensure sufficient training and guidance is provided regarding leadership in health and safety	One training session per year provided to CMT and/or senior managers	Annually	Corporate H&S Service CMT	Complete and ongoing	Training has been designed for managers and health and safety committees are also sessions that can be used for training. All Managers have had the opportunity to undertake the Managing Safely qualification. Procedures, forms and guidance have been written in as simple a way as possible and have been condensed to reduce the volume of documentation. The team has also been working hard to foster good working relationships with all of the relevant service areas to encourage open and 2-way communication. Accident/incident reports have been shared at committees and with specific service areas where there have been important learning points.
Ensuring comprehensive training programs and opportunities are available to staff	Increased use and take up of health and safety training opportunities	Ongoing	Corporate H&S Service HoS / Line Managers	Ongoing	Training programmes are constantly under review. We are anticipating the award of a new e-learning contract later in the year and this will help guide how our training is provided, delivered and recorded. The

					new training checklist helps managers identify mandatory training, but there remains a temporary gap in training currently.
Support joint working between employee representatives, management and the Health and Safety Service.	Effective joint inspections, task based risk assessments and health and safety initiatives [when requested]	Ongoing	Corporate H&S Service HoS / Line Managers / Unions	Complete and ongoing	The health and safety team had gone to great efforts to maintain good two-way communication with staff at all levels of the organisation and to maximise the success of projects by working with key service areas. For example, review of the Driving at Work Policy and Handbook involved several members of staff including managers and supervisors at all level where this risk sits, the Fleet Manager and the Insurance Team.



COUNCIL: 5 April 2023

Report of: Simon Goacher (Independent Legal Advisor) on behalf of the Chief Operating Officer

Relevant Portfolio Holder: Councillor Yvonne Gagen

**Contact for further information: Jacky Denning (Extn.5384)
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SUBJECT: CHANGE OF GOVERNANCE ARRANGEMENTS DRAFT TERMS OF REFERENCE FOR COMMITTEES

Wards affected: Borough wide

1.0 PURPOSE OF THE REPORT

1.1 To present Council with draft terms of reference for service committees for consideration as a basis for stakeholder consultation.

2.0 RECOMMENDATIONS TO COUNCIL

2.1 That the draft terms of reference be considered and subject to any amendments, be used as a basis for stakeholder consultation.

3.0 BACKGROUND

3.1 The Full Council at its meeting on the 12 October 2021 considered a report on proposed governance arrangements and resolved:

- "A. *That the following recommendations of the Working Group be noted:*
- (a) *"That the council adopts the committee system form of governance with effect from the annual council meeting of the Council in 2024.*
 - (b) *That in respect of consultation arrangements:*
 - (i) *a referendum should not be held.*
 - (ii) *That a public consultation should not be held prior to a decision being made.*
 - (iii) *That consultation be undertaken with relevant stakeholders if a decision is taken to move to a Committee System*
 - (c) *That the following Committee structure be adopted:*

Service/Policy Committees:

- Policy & Resources
- Housing & Health
- Environment

Statutory Committees:

- Audit and Governance Committee
- Licensing and Appeals Committee
- Licensing and Gambling Committee
- Planning Committee
- Standards Committee

Although other suggestions that come forward can be considered by the Working Group and Council."

- B. *That taking into account the recommendations of the Working Group above, the implications of change set out in paragraph 8 of the report, including the financial/resource implications, set out in paragraph 10, the Council move to a committee system with effect from the Annual Council meeting in 2024.*
- C. *That the Council adopts the Committee structure set out at A(c) above.*
- D. *That the Terms of Reference of the Political Governance Arrangements Working Group be expanded, in order to bring further reports back to Council, in respect of the following:*
- (i) The Consultation arrangements*
 - (ii) The Membership size and Terms of Reference of Committees and to consider if any other bodies, such as Sub-Committee, Working Groups or Task & Finish Groups will be required.*
 - (iii) Changes to the Constitution, including, but not limited to, the Scheme of Delegation to Chief Officers.*
 - (iv) a review of the staffing required in Democratic Services to support the change.*
- E. *That it be noted that the Independent Remuneration Panel will be called upon to undertake a review of the Members Allowance Scheme for 2024/25, following the all-out elections being held in May 2023.*
- F. *That it be noted that the Member Development Commission will be consulted on proposals in relation to the required training for Members."*

3.2 Since the Council resolution draft terms of reference for the suggested service committees have been prepared and are attached as Appendix 1. These have been considered by the Political Governance Arrangements Working Group.

4.0 THE LEGAL FRAMEWORK

4.1 Chapter 4 of the Local Government Act 2000 (as amended by the Localism Act 2011) governs permissible forms of local authority governance and the rules to be followed in order to change form. Section 9KC of the Act states, a "resolution

of a local authority” (i.e. a simple majority) is required in order for the council to make such a change in governance arrangements.

- 4.2 A local authority may not then pass another resolution that makes a change from one to another of the permissible forms of governance arrangements “before the end of the period of 5 years” beginning with the date the first resolution is passed, unless that change is supported in a referendum.
- 4.3 A resolution passed by the Authority to change from one of the permissible forms of governance arrangements to another will then be implemented only at-
- (a) the first annual meeting of the local authority to be held after the resolution to make the change in governance arrangements is passed, or
 - (b) a later annual meeting of the local authority specified in that resolution.
- 4.4 The Council resolution means that the committee system will be adopted from annual council in 2024.
- 4.5 Section 101 of the Local Government Act 1972 enables local authorities to delegate functions to committees or sub-committees. There are certain matters which by law are reserved to full Council such as setting the budget or changing the name of the borough, but most functions can be fully delegated to committees.

5.0 DRAFT TERMS OF REFERENCE

- 5.1 The draft terms of reference have been prepared after reviewing the terms of reference of committee of other authorities which have adopted the committee system, consideration of legislation and best practice and incorporating the relevant functions which are currently exercised by Cabinet within the Council’s current constitution.

6.0 SUSTAINABILITY IMPLICATIONS

- 6.1 There are no specific implications arising from this report.

7.0 FINANCIAL AND RESOURCE IMPLICATIONS

- 7.1 There will have to be a review of the members allowances scheme to reflect the new governance arrangements and the officer structure to support democratic services.

8.0 RISK ASSESSMENT

- 8.1 There are risks to the Council in any change of political governance structure in terms of cost; impact on resources; effective governance of the authority; effective operation of the Council’s decision making structure in accordance with statutory requirements and the impact on the Council’s member and officer structures.

8.2 The Council has time to consider and manage these risks before the new system is adopted in 2024.

9.0 HEALTH AND WELLBEING IMPLICATIONS

9.1 There are no direct health and wellbeing implications arising from this report.

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

Draft Terms of Reference

APPENDIX 1

Draft Committee Terms of Reference

Policy and Resources Committee

Composition:

To be determined each year by the Annual Meeting of Council and subject to the overall political balance calculation (which shall take priority). The membership shall comprise of:

- (a) the Leader of the Council, who shall be the Chair;
- (b) the Deputy Leader of the Council, who shall be Vice-Chair;
- (c) the chairs of each of the other Policy and Service Committees; and
- (d) such other members as are appointed by full council on a politically balanced basis.

Terms of Reference

The Policy and Resources Committee has two main areas of responsibility, which are:

- to provide strategic direction to the operation of the Council, including making decisions on policies and co-ordinating expenditure not reserved to full Council, and
- to maintain an overview of outcomes, performance, risk management and budgets.

The Committee is responsible for:-

- (a) formulating, co-ordinating and implementing corporate policies and strategies and the medium term financial plan (budget), which includes responsibility for any decision:
 - (i) that relates to such matters to the extent that they are not reserved to full Council;
 - (ii) on any cross-cutting policies that impact on other committee areas;
 - (iii) on policy matters not otherwise allocated to any other committee;
 - (iv) to prepare the annual budget for recommendation to full Council; and
 - (v) to determine any dispute or difference between committees;
- (b) provide a co-ordinating role across all other service committees and retain an overview of performance, budget monitoring and risk management, which includes responsibility for a decision:
 - (i) that has a major impact on more than one Council service or on the Council as a whole;

- (ii) on any virement between Budget funds (revenue) requested by a Committee or officer in excess of £xxx up to a maximum of £xxx, any virement above £xxx requires approval of full council;
- (iii) on any virement between Budget funds (capital) or any amendment to the Capital Programme requested by a Committee or officer in excess of £xxx, up to a maximum of £xxx, any virement above £xxx requires approval of full council
- (iv) regarding land and property including major acquisition and disposals, which includes reserved decision making concerning any purchase, sale or transfer of a value in excess of, or likely to exceed, £xxx, unless the Committee has delegated this function in relation to a specified area or business plan as the Committee may determine
- (v) regarding companies or limited liability partnerships including acquisition and disposals;
- (vi) overview of the operation of the community chest and grant payments to the voluntary sector; and
- (vii) which is deemed significant in terms of impact on the Council's revenue or capital (to be determined by the Head of Paid Service and/or Section 151 Officer in consultation with the Leader).

(c) lead on behalf of the Council in matters concerning relationships with HM Government, and other major public and non-public bodies;

(d) nominate or appoint councillors and other persons to outside bodies on behalf of the Council where the Council has appointment/nomination rights; and

(e) undertake responsibility for decisions and policies in respect of corporate services, including, finance and investment, project support and risk management, strategic procurement and commercial strategies, ICT, property and asset management, human resources and organisational development, law and governance, communications and public affairs, emergency planning and business continuity.

NB there will be a need for a senior officer appointments/disciplinary sub-committee

Housing and Health Committee

Composition:

To be determined each year by the Annual Meeting of Council and subject to the overall political balance calculation.

Terms of Reference

The committee responsible for taking a strategic approach to the Council's various housing functions, including issues concerning social rented and affordable housing, homelessness, allocations and standards of housing and for the Council's functions relating to health, including environmental health.

The committee is responsible for:

(a) The Council's role and functions in relation to strategic and private sector housing policies and as the housing authority, including but not limited to:

- (i) the Council's Housing Strategy;
- (ii) homelessness and the allocation of housing;
- (iii) private sector housing, including taking action to remedy overcrowding, disrepair, unfitness and statutory nuisances; to promote fire safety in private sector housing and the Council's functions in relation to houses in multiple occupation;
- (iv) licensing schemes;
- (v) tenancy relations and the provision of housing advice;
- (vi) relationship with Registered Providers of housing;
- (vii) housing loans and grants;
- (viii) housing related support services;
- (ix) policies and actions with a view to reducing and eliminating homelessness to ensure that appropriate action is taken; and
- (x) analysis, development and overview of housing policies in terms of spatial planning to inform the Local Plan and planning policies;

(b) in relation to crime, disorder, community safety and social cohesion, including the Community Safety Strategy, and Partnership and community safety initiatives such as CCTV;

(c) the management and strategic development of licensing for taxis, public entertainment/alcohol, street trading, animal welfare, charitable collections etc, in so far as these are not the responsibility of the relevant Licensing Committee and/or full council;

(d) in relation to Environment Health, health promotion awareness raising initiatives, health and safety enforcement, including interventions relating to all commercial premises except those enforced by the Health and Safety Executive, Corporate Health and Safety, and food safety which involves inspection of all food premises in the Borough and the enforcement of food safety legislation.

(e) all Environmental Protection services including statutory nuisance, air quality, contaminated land issues, unsanitary premises, pollution control which embraces nuisance complaints for domestic and commercial premises, radiation and other environmental monitoring and sampling. It also includes public health generally and embraces matters such as foul drainage and private sewers, and disposal of the dead (where suitable arrangements have not been made);

(f) liaison with local NHS Bodies including hospitals, trusts, regionals bodies (eg. ICS, etc), local GPs and other health-focussed groups and organisations. The committee will lead on health inequalities and partnership working with the ICB;

(g) reviewing major projects and any project boards relating to housing projects having regard to capacity to deliver, corporate priorities and resources, and advise the Policy and Resources

Committee as appropriate;

(h) providing a view of performance, budget monitoring and risk management in relation to the Committee's functions;

(i) to approve any variations in budgets within the committee's responsibilities up to £xxx; and

(j) undertaking the development and implementation of policy in relation to the Committee's functions, incorporating the assessment of outcomes, review of effectiveness and formulation of recommendations to the Council, partners and other bodies, including Tawd Valley Housing Ltd, which shall include any decision relating to the above functions.

Environment Committee

Composition

To be determined each year by the Annual Meeting of Council and subject to the overall political balance calculation.

Terms of Reference

The Environment Committee has responsibility for developing and delivering a vision for West Lancashire as a place. It is responsible for developing and determining or recommending all planning policies, including the Local Plan. It is also responsible for promoting regeneration, economic development and associated activities, including the tourism, culture and visitor economy, and for removing barriers to growth. It is responsible for managing and protecting the environment within West Lancashire.

The Committee has responsibility for:

(a) formulation and delivery of the Council's strategic development objectives for planning and sustainability;

(b) developing and recommending to full council those plans and strategies which together comprise the Local Plan;

(c) developing and adopting or recommending (if reserved to Council) other spatial planning documents, including but not limited to:

- (i) supplementary planning documents (SPD) and planning policy advice notes;
- (ii) Master Plans and development briefs; and
- (iii) The Community Infrastructure Levy (CIL) when applicable;

- (d) economic development, including but not limited to infrastructure, enterprise, skills and seeking, securing and managing external funds to achieve that, directly or in partnership with joint ventures and external companies or bodies as well as with government bodies;
- (e) Development Management, Building Control and Enforcement, Heritage and Conservation, Tree Preservation Orders (insofar as these are not the responsibility of the Planning Committee);
- (f) the Council's functions and partnerships regarding the promotion of economic growth and the establishment and development of business;
- (g) the promotion and development of the economic factors in the area, such as seeking to ensure sufficient and appropriate employment sites, investment, adult skills, apprenticeship schemes, productivity and development sites;
- (h) overseeing the progress of major projects (including major building, infrastructure or other projects involving the erection or significant alteration of major permanent structures or landmarks, other than housing projects) undertaken by the Council directly or as enabler, funder or joint enterprise partner;
- (i) co-ordinating the response to cross-cutting sustainability issues such as reducing carbon emissions, air quality issues, climate change response, improving resource efficiency and developing sustainable energy;
- (j) parks, open spaces, countryside management, allotments, playgrounds and cemeteries;
- (k) properties held and the services delivered in relation to health, wellbeing and fitness, swimming pools, sports centres, arts and culture, strategic development of playgrounds and community centres. It also includes the development of a comprehensive countryside park and open spaces service, formal parks, allotments and rights of way and environmental improvements;
- (l) oversees the provision of outdoor recreational opportunities and is the strategic lead for the Tawd Valley Master Plan;
- (m) in relation to the management of authorised and unauthorised sites and encampments, this to include all activities necessary or incidental to the Council's performance of its responsibilities in relation to Gypsies, Roma and Travellers;
- (n) in relation to waste and as waste collection authority, litter authority, including but not limited to refuse collection, dealing with litter, street cleansing, abandoned vehicles and dog fouling, and the Council's relationship with the County Council as the waste disposal authority;
- (o) the Fleet Services (the maintenance and compliance of the Council's fleet of vehicles/garage/depot facilities), clean and green services, including street cleansing responsibilities (grass cutting, shrub pruning, arboriculture and landscape services, cemeteries, bulky household waste and works to

dangerous trees), fly tipping enforcement, dog control, work done in partnership with Lancashire County Council on public realm works;

(p) pest control, tree management, and engineering services such as, grit bins, highways and maintenance of Council owned unadopted footways and highways;

(q) strategic delivery of the Climate Change Strategy and Action Plan. Attraction of external funding and working with partners to deliver sustainable outcomes;

(r) green issues such as alternative fuels, energy reduction policies and environmental networks;

(s) reviewing major projects and any project boards having regard to capacity to deliver, corporate priorities and resources, and advise the Policy and Resources Committee as appropriate;

(t) providing a view of performance, budget monitoring and risk management in relation to the Committee's functions;

(u) to approve any virements in budgets within the committee's responsibilities up to £xxx; and

(v) undertaking the development and implementation of policy in relation to the Committee's functions, incorporating the assessment of outcomes, review of effectiveness and formulation of recommendations to the Council, partners and other bodies, which shall include any decision relating to the committee's functions.

Sub-Committees

Each of the committees may establish such sub-committees as they require and may delegate responsibilities and set the terms of reference and membership of any of those Sub-committees.

NB. The suggested financial thresholds for virements to be subject of a further report

Weightmans LLP

February 2023

COUNCIL: 5 April 2023



Report of: Head of Finance, Procurement and Commercial Services

Relevant Portfolio Holder: Councillor A. Yates

Contact for further information: James Pierce (Extn. 5202)

[\(james.pierce@westlancs.gov.uk\)](mailto:james.pierce@westlancs.gov.uk)

**SUBJECT: GRANT THORNTON'S EXTERNAL INTERIM AUDIT FINDINGS REPORT
FOR WEST LANCASHIRE BOROUGH COUNCIL (AFR) 2020/21**

Wards Affected: Borough wide

1.0 PURPOSE OF THE REPORT

1.1 To provide sight of the 2020/21 Interim External Audit Findings Report from Grant Thornton referred to Council from the Audit & Governance Committee.

2.0 RECOMMENDATIONS

2.1 That the report be noted.

3.0 BACKGROUND

3.1 The External Audit Findings Report in appendix one, dated December 2022, was presented to the Audit & Governance Committee on 31 January 2023. The Committee referred the report to Council for consideration. The minute of the Committee reads as follows:

"8 EXTERNAL INTERIM AUDIT FINDINGS REPORT FOR WEST LANCASHIRE BOROUGH COUNCIL (AFR) 2020/21

Consideration was given to the External Interim Audit Findings Report for West

Lancashire Borough Council (AFR) 2020/21 as contained on pages 387 to 444 of the Book of Reports, the purpose of which was to receive the Interim 2020/21 Audit Findings Report from our External Auditors Grant Thornton.

The Chairman invited Georgia Jones, Director, Grant Thornton, to present the report to the Committee.

In VFM conclusions a number of concerns were raised, the Council does not have satisfactory arrangements in place to prepare timely financial statements that are free from material error, 2020/21 accounts are still outstanding and prior year adjustments are required for 2019/20. In addition, the Council does not have satisfactory arrangements in place to ensure all procurement processes are followed.

Comments and Questions were raised as follows:

- Will accounts have to be re-issued in respect of 2019/20?*
- What is the plan for completion, is an action or time plan in place?*
- What is the reason behind valuations not being agreed with?*
- Can formal instructions for valuations be put in place for the next audit?*
- What asset register are we using and how is this work completed?*

The Director of Grant Thornton confirmed that they anticipate having an audit report in place for each Audit & Governance Committee meeting, but they are reliant on officers getting the information to them, therefore, the time frame is depending on this. She also noted that Grant Thornton haven't got enough evidence to support valuations, so can't say if they are right or wrong. They will need to see the information and background behind the valuations to assess this. The Finance and Estates Teams are working with Grant Thornton to finalise this work.

The Head of Finance, Procurement and Commercial Services confirmed that they will be looking to outsource future valuation work via a framework and will be ensuring that any provider is cited on the external audit requirements regarding this valuation work. He also noted that the asset register is currently maintained on spreadsheets and that a proposal had been included in the Budget Report to February Council asking for funds to purchase an electronic system which will be a more efficient method of managing this aspect of the accounts. In relation to the question raised about the lack of an asset register, the Head of Finance explained to members that they were referring to an Asset Management Plan for the commercial property estate and this was a separate issue.

RESOLVED: A. *That the External Interim Audit Findings Report for West Lancashire Borough Council (AFR) 2020/21 be noted.*

B. *It was requested, by all members, that a copy of this Interim Report be presented to Full Council. Comment was made that these weaknesses are the responsibility of all Councillors, and they should all be aware of the issues."*

4.0 GRANT THORNTON INTERIM AUDIT FINDINGS ANNUAL REPORT

4.1 The interim report is attached as appendix one to this report.

5.0 SUSTAINABILITY IMPLICATIONS

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

6.0 RISK ASSESSMENT

6.1 The work that our External Auditors undertake is an integral part of the Council's control framework and provides assurance to Members that the Council is operating effectively.

7.0 HEALTH AND WELLBEING IMPLICATIONS

7.1 There are no Health and Wellbeing implications of this report

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 – External Interim Audit Findings Report for West Lancashire Borough Council (AFR) 2020/21

The Interim Audit Findings for West Lancashire Borough Council

Year ended 31 March 2021

January 2023
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Section

1. Headlines
2. Financial statement⁶
3. Value for money arrangements
4. Other statutory powers and duties
5. Independence and ethics

Appendices

- A. Action plan
- B. Follow up of prior year recommendations
- C. Audit adjustments
- D. Fees

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The contents of this report relate only to the matters which have come to our attention, which we believe need to be reported to you as part of our audit planning process. It is not a comprehensive record of all the relevant matters, which may be subject to change, and in particular we cannot be held responsible to you for reporting all of the risks which may affect the Council or all weaknesses in your internal controls. This report has been prepared solely for your benefit and should not be quoted in whole or in part without our prior written consent. We do not accept any responsibility for any loss occasioned to any third party acting, or refraining from acting on the basis of the content of this report, as this report was not prepared for, nor intended for, any other purpose.

This Audit Findings presents the observations arising from the audit that are significant to the responsibility of those charged with governance to oversee the financial reporting process, as required by International Standard on Auditing (UK) 260. Its contents will be discussed with management and the Audit and Governance Committee.

Georgia Jones

Name : Georgia Jones
For Grant Thornton UK LLP
Date : 17/01/2023

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1. Headlines

This table summarises the key findings and other matters arising from the statutory audit of West Lancashire Borough Council ('the Council') and the preparation of the group's financial statements for the year ended 31 March 2021 for those charged with governance.

Page 101

Financial Statements

Under International Standards of Audit (UK) (ISAs) and the National Audit Office (NAO) Code of Audit Practice ('the Code'), we are required to report whether, in our opinion:

- the group and Council's financial statements give a true and fair view of the financial position of the group and Council and the group and Council's income and expenditure for the year; and
- have been properly prepared in accordance with the CIPFA/LASAAC code of practice on local authority accounting and prepared in accordance with the Local Audit and Accountability Act 2014.

We are also required to report whether other information published together with the audited financial statements (including the Annual Governance Statement (AGS), Narrative Report, is materially inconsistent with the financial statements or our knowledge obtained in the audit or otherwise appears to be materially misstated.

This interim Audit Findings Report summarises the progress and work carried out to date for the 2020/21 audit. Our audit work is ongoing. Although a lot of progress has been made, this has been a difficult audit with a significant amount of additional audit resource required.

We received the first draft of the financial statements for 2020/21 to audit in November 2021. The deadline for audit for the 2020/21 financial statements was 30 November 2021, therefore the deadline was not going to be met.

In 2019/20 the audit opinion was only issued in June 2021, when the audit deadline was November 2020. The reasons for the delay were largely due to the lack of quality assurance processes, significant delays in responding to audit queries for samples and working papers and a lack of co-operation in the audit process.

The same issues continued into 2020/21 and the first draft of the financial statements from November 2021 contained errors and inconsistencies. Among the issues raised by audit, the most significant were:

- Group accounts were not included when it was expected that group accounts would need to be incorporated
- There were no revaluations of other land and buildings despite significant market movements since the previous financial year

We started our audit work as soon as we received the draft financial statements in November 2021. We were progressing the financial statements audit, but we were unable to secure improvements in the timeliness of responses to both audit queries and requests for working papers. We therefore paused the audit in March 2022. We issued the Council with a listing of outstanding requests and expected to resume the audit at the start of July 2022. Discussions with officers in July 2022 determined that the Council was not able to restart the audit as work was still ongoing,

The Council since March 2022 reviewed the accounts compilation process and as a result identified a material prior period adjustment for 2019/20 largely due to the incorrect accounting of a grant. Although not material, the Council also took the opportunity to adjust other balances. This has led to significant additional audit work to assess the material and non-material changes to the 2019/20 comparators. The Council also identified other issues with the compilation of the 2020/21 financial statements as a result of our audit queries as well as their internal quality review processes. Another version of the financial statements was drafted in June 2022, and a further copy in September 2022. A large proportion of the primary statements and disclosure notes changed when compared to the first version of the draft financial statements. As a result, we have carried out a significant amount of work understanding all the changes from version 1 of the financial statements. We were also required to revisit all our samples and work undertaken to date. This has meant additional time to conduct this work, and in some areas additional samples were required and some work needed to be started again.

Our work is outstanding in the areas noted overleaf, and most significant is the work on investment properties and other land and buildings valuations. Turnover of valuation staff within the Council and the use of interim appointments has meant the Council has experienced capacity issues. The work we are required to conduct on these areas has increased in the level of audit challenge and evidence requests due to increased regulatory requirements, and the Council is in the process of responding to these queries.

We identified a significant weakness in internal control in the management override of controls in the use of an employee login who had left the Council to post two journals. The officer involved has left the Council and we did not find any issues arising with both journals we tested that had been input on the old login, and it has also since been disabled.

Our findings to date are summarised on pages 4 to 26. Audit adjustments are detailed in Appendix C. We have also raised recommendations for management as a result of our audit work in Appendix A. Our follow up of recommendations from the prior year's audit are detailed in Appendix B.

There are a significant number of audit adjustments in Appendix C, and more will be included in our final Audit Findings Report when we have concluded our work noted overleaf.

1. Headlines

Financial Statements

At the time of writing this report, the following areas of work are outstanding:

- Valuation of other land and buildings evidence, although some has been received, we have further queries with the Council
- Valuation of investment property evidence, although some has been received, we have further queries with the Council
- Valuation of Council dwellings response from the Council's external valuer
- Technical Review of the financial statements queries, when these are resolved by the Council there will be adjustments to report to you
- Agency grants require testing, sample provided to the Council, awaiting documentation
- Collection Fund reliefs for both Council Tax and National Domestic Rates evidence from the Council
- Employee Benefits require testing, we are awaiting the population of changes in circumstances in order to sample test from the Council
- Remuneration Disclosures, awaiting exit packages evidence from the Council
- Property, Plant and Equipment additions queries from the Council
- Grant Income evidence has been supplied and we are working through this
- Journals query on version 1 of the financial statements from the Council
- Request for journals input for the changes in version 3 of the financial statements from the Council
- Work is on going in respect of the Group Accounts by the audit team. We are taking an analytical approach
- Annual Governance Statement disclosure queries from the Council
- Technical review of the prior period adjustment and associated disclosure notes by the audit team

When the above work is complete, we will be required to carry out work in the following areas:

- Going Concern updated management assessment
- Post balance sheet updated management assessment
- Completion of whole of government accounts
- Receipt of management representation letter
- Review of the final set of financial statements, and
- Draft the final version of the Auditors Annual Report and the Audit Findings Report.

We note that the Council has published their draft financial statements for 2021/22 within the required reporting deadlines. In addition, a lot of the amendments in this report were identified by the Council as part of their improved quality assurance processes when addressing audit queries and when reassessing the financial statements in order to produce a revised version in September 2022. Hopefully the work the Council did to remap and revisit the financial statements in 2020/21 will enable the Council to move the audit forward in a more efficient manner in future years. Changes that the Council have made to the key contact for the audit has led to improved participation in the audit process. Although we still have some areas noted above to complete, the quality and timeliness of responses has improved. There is still work to be done in order to conclude the audit, and as time progresses it makes it increasingly difficult for the Council as well as the audit team to catch up any future years financial statements to meet expected national audit deadlines.

1. Headlines

Value for Money (VFM) arrangements

Under the National Audit Office (NAO) Code of Audit Practice ('the Code'), we are required to consider whether the Council has put in place proper arrangements to secure economy, efficiency and effectiveness in its use of resources.

Auditors are now required to report in more detail on the Council's overall arrangements, as well as key recommendations on any significant weaknesses in arrangements identified during the audit.

Auditors are required to report their commentary on the Council's arrangements under the following specified criteria:

- Improving economy, efficiency and effectiveness;
- Financial sustainability; and
- Governance

We have substantially completed our VFM work with some work outstanding, however, we can issue an Interim Annual Audit Report summarising the work on VFM. This will be presented to the Audit and Governance Committee on the 31st January 2023 summarising the findings to date.

As part of our work, we considered whether there were any risks of significant weakness in the Council's arrangements for securing economy, efficiency and effectiveness in its use of resources.

Our audit plan and audit plan addendum identified four significant risk areas of focus:

- Financial Resilience
- Tawd Valley Developments Limited
- Late production and poor quality of the financial statements
- Procurement.

We have performed further procedures in respect of the risks identified. We identified significant weaknesses in relation to:

- Late production and poor quality of the financial statements
- Management reporting structure of Internal Audit
- Procurement.

Four key recommendations are reported and six improvement recommendations as a result of our work. Our Interim Auditor's Annual Report includes management responses to each of the recommendations.

More detailed findings are set out in the value for money arrangements section of this report on pages 27 to 30.

Statutory duties

The Local Audit and Accountability Act 2014 ('the Act') also requires us to:

- report to you if we have applied any of the additional powers and duties ascribed to us under the Act; and
- to certify the closure of the audit.

We have not yet concluded our work in this area in terms of whether the issues arising during the audit require any additional statutory powers or duties.

Upon conclusion of the audit when we are able to certify the completion of the audit, we will report this to you as part of our work in the final Annual Auditor's Report for the VFM Conclusion and the final Audit Findings Report for our other work.

Significant Matters summary

We have encountered significant delays in the production of the financial statements, and in carrying out the audit. The audit is not yet complete.

There are numerous changes to the financial statements for 2020/21 as well as a prior period adjustment.

The Council did not include any other land and buildings revaluations in the draft financial statements or group accounts. The Council response and the documentation of the valuations process requires improvement.

The Council has three significant weakness areas in relation to the work on VFM with four key recommendations made.

The Council has a significant weakness in internal control in the management override of controls in the use of an employee login to post two journals when the employee had left the Council.

The Council has made progress and changes in how the financial statements are compiled and with the engagement in the audit process, and as a result improvements should be gained in the quality of the financial statements and the timeliness of responses for any future year audit.

2. Financial Statements

Overview of the scope of our audit

This Interim Audit Findings Report presents the observations arising from the audit that are significant to the responsibility of those charged with governance to oversee the financial reporting process, as required by International Standard on Auditing (UK) 260 and the Code of Audit Practice ('the Code'). Its contents will be discussed with management and the Audit and Governance Committee.

As auditor we are responsible for performing the audit, in accordance with International Standards on Auditing (UK) and the Code, which is directed towards forming and expressing an opinion on the financial statements that have been prepared by management with the oversight of those charged with governance. The audit of the financial statements does not relieve management or those charged with governance of their responsibilities for the preparation of the financial statements.

Acknowledgements

We would like to take this opportunity to record our appreciation for the assistance provided by the finance team and other staff to date as part of the audit. As highlighted on page 3 of our Audit Plan presented to the Audit and Governance Committee on 28th July 2021, the impact of the pandemic has meant that both your finance team and our audit team faced audit challenges over the period. As noted at the bottom of page 4 we have acknowledged there has been improvement in the Council's timeliness of responses and engagement with the audit process.

Audit approach

Our audit approach was based on a thorough understanding of the group's business and is risk based, and in particular included:

- an evaluation of the group's internal controls environment, including its IT systems and controls
- substantive testing on significant transactions and material account balances, including the procedures outlined in this report in relation to the key audit risks.

In August 2022 we issued an addendum to the audit plan that was communicated to you in July 2021. This was to reflect an additional two risks of significant weakness in relation to our value for money work.

Conclusion

We have substantially completed our audit of your financial statements, the main area outstanding relates to Property, Plant and Equipment and Investment Properties.

When we conclude our work we will be able to inform you of our proposed opinion in our Final Audit Findings Report.

The outstanding items are noted on page 4.

2. Financial Statements



Our approach to materiality

The concept of materiality is fundamental to the preparation of the financial statements and the audit process and applies not only to the monetary misstatements but also to disclosure requirements and adherence to acceptable accounting practice and applicable law.

Materiality levels remain the same as reported in our audit plan on 28/07/21 for the Council.

We detail in the table our determination of materiality for West Lancashire Borough Council.

On receipt of the financial statements we have determined that there is no separate materiality required for Senior Officer Remuneration, so this is a change compared to our work identified in the Audit Plan.

	Group Amount (£)	Council Amount (£)	Qualitative factors considered
Materiality for the financial statements	1.363m	1.363m	<p>We have determined materiality for the audit to be £1.363m (equivalent to 1.8% of gross operating expenditure) for the Council within the financial year. Our materiality did not change from the Audit Plan. This is in line with the industry standard and reflects the risks associated with the Council's financial performance.</p> <p>Our consideration of materiality is based upon the following:</p> <ul style="list-style-type: none"> the group account with the housing development subsidiary company, which increases the complexity of the financial statements the late delivery of 2019/20 Accounts with concerns over the capacity of the Council's finance team, which increases the potential for errors. <p>The materiality for the group is the same as for the Council,. This is different for the Group from the value reported in the Audit Plan as we updated our judgement to include the actuals for 2020/21 for the group based on the financial statements we received in September 2022.</p>
Performance materiality	0.955m	0.955m	<p>Performance materiality drives the extent of our testing and this was set at 70% of financial statement materiality. Our consideration of performance materiality is based upon the late delivery of the 2019/20 financial statements caused our concern over the capacity of the Council's finance team, and this may increase the potential of errors in financial reporting.</p>
Trivial matters	0.068m	0.068m	<p>This equates to 5% of materiality. This is our reporting threshold to West Lancashire Borough Council's Audit and Governance Committee for any errors identified.</p>



2. Financial Statements - Significant risks

Significant risks are defined by ISAs (UK) as risks that, in the judgement of the auditor, require special audit consideration. In identifying risks, audit teams consider the nature of the risk, the potential magnitude of misstatement, and its likelihood. Significant risks are those risks that have a higher risk of material misstatement.

This section provides commentary on the significant audit risks communicated in the Audit Plan.

Risks identified in our Audit Plan

Commentary

Management override of controls

Under ISA (UK) 240 there is a non-rebuttable presumed risk that the risk of management over-ride of controls is present in all entities. The Council faces external scrutiny of its spending and this could potentially place management under undue pressure in terms of how they report performance.

We therefore identified management override of control, in particular journals, management estimates and transactions outside the course of business as a significant risk, which was one of the most significant assessed risks of material misstatement.

We have:

- evaluated the design effectiveness of management controls over journals
- analysed the journals listing and determined the criteria for selecting high risk unusual journals
- identified and tested unusual journals made during the year and the accounts production stage for appropriateness and corroboration
- gained an understanding of the accounting estimates and critical judgements applied by management and considered their reasonableness.

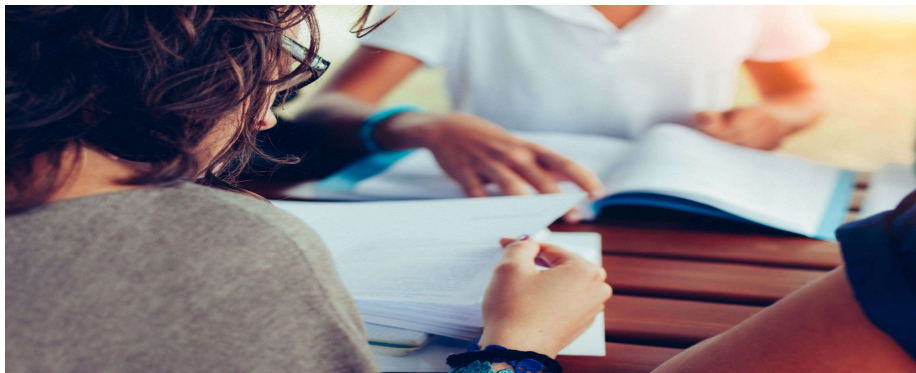
Audit work to address the risk is still ongoing. Results from the work undertaken to date is noted below.

A sample of 66 journals were selected using a risk scoring method. From this, 7 journals were selected for focused testing as part of the review. Our work has identified an issue with the management override of controls in respect of the shared use of employee logins.

This is a significant deficiency in internal control and management should ensure this cannot occur in future as a lack of control over leavers IT access rights increases the risk of fraud or error.

Two journals were posted using a login of an employee who had left the authority, Both were tested and there were no issues arising with the validity of the journals. The employee login had not been closed in a timely manner and for ease, another employee at the Council (they are not at the Council now) had used the login to post two journals.

We have raised a recommendation in an Action Plan at Appendix A.



2. Financial Statements - Significant risks

Risks identified in our Audit Plan

Commentary

The revenue cycle includes fraudulent transactions – rebutted

Under ISA (UK) 240 there is a rebuttable presumed risk that revenue may be misstated due to the improper recognition of revenue.

This presumption can be rebutted if the auditor concludes that there is no risk of material misstatement due to fraud relating to revenue recognition.

We have also rebutted the presumption of fraud in expenditure recognition.

Having considered the risk factors set out in ISA240 and the nature of the revenue streams at West Lancashire Borough Council, we have determined that the risk of fraud arising from revenue recognition can be rebutted, as the risk of material misstatement arising from inappropriate revenue recognition has a low likelihood of occurrence and is unlikely to be of a size which would be material to the users of the financial statements.

As per the Audit Plan, we do not consider this to be a significant risk for the Council and we have not undertaken any specific work in this area other than our normal audit procedures.

Valuation of the Council’s land and buildings including Council dwellings, and Investment Property

The Council carries out a programme that ensures that all Land and Buildings (£27.499m) and Council dwellings (£191.205m) are re-valued at least every 5 years. In between valuations the Council carries out annual reviews to assess whether any adjustment is required based upon desktop valuations.

These valuations represent significant estimates by management in the financial statements due to the size of the numbers involved and the sensitivity of this estimate to changes in key assumptions. In between valuations the Council carried out annual reviews to assess whether any adjustment is required based upon desktop valuations.

All investment properties are revalued annually and are valued and reported at fair value under relevant accounting principles. This valuation (£17.22m) represents a significant estimate by management in the financial statements due to the size of the numbers involved compared to the Council’s materiality and the sensitivity of this estimate to changes in key assumptions.

We therefore identified the valuation of the Council’s Land and Buildings including Council dwellings and investment Property balances as a significant risk, which was one of the most significant assessed risks of material misstatement.

Our audit work in this area is not complete and therefore we cannot conclude our judgements. We have noted significant and numerous areas in the audit of Land and Buildings and Investment Property.

At the time of writing this report we have identified the following issues:

- the Council did not include any valuations in the draft financial statements and when included this has added £2.209m to the long term assets of the Council
- we have challenged the Council as they have a lack of formal instructions for the valuations undertaken
- the impairment certificate provided for 2020/21 is not a final version
- the Council’s valuer has changed since the person who undertook the valuations, therefore it has been difficult when discussing the valuations to obtain evidence where judgements are not fully documented
- for both Investment Properties and Other Land and Buildings, when we issued our sample it became clear that the Council were finding it difficult to evidence at the level we require. We have received some evidence but we have further queries and not all evidence is yet received
- due to the format of the Council’s Fixed Asset Register, it has proved difficult to pick some samples. This is due to each category of assets on different parts of the register with no uniformity in formatting
- we await a response from the Council’s external valuers, and therefore our work on Council Dwellings has not progressed in this area
- the Property, Plant and Equipment note within the financial statements reports an infrastructure balance of £1.230m. There is no depreciation in year and no cumulative depreciation. Infrastructure should be recorded at depreciated historic cost. The adjustment required will not be material to the financial statements.

We have raised recommendations in the Action Plan at Appendix A and improvements are required.

The issues found above are not an exhaustive list and more will be noted in our final Audit Findings Report as some of the queries in the technical review of the financial statements that are noted as outstanding relate to this balance. In addition the Audit Findings Report will note the work carried out against this significant risk, as this Interim report merely notes the issues.

2. Financial Statements - Significant risks

Risks identified in our Audit Plan

Commentary

Valuation of pension fund net liability

The Authority's pension fund net liability, as reflected in its balance sheet as the net defined benefit liability, represents a significant estimate in the financial statements.

The pension fund net liability is considered a significant estimate due to the size of the numbers involved (£65.836m) in the Council's balance sheet) and the sensitivity of the estimate to changes in key assumptions.

The methods applied in the calculation of the IAS 19 estimates are routine and commonly applied by all actuarial firms in line with the requirements set out in the Code of practice for local government accounting (the applicable financial reporting framework). We have therefore concluded that there is not a significant risk of material misstatement in the IAS 19 estimate due to the methods and models used in their calculation.

The source data used by the actuaries to produce the IAS 19 estimates is provided by administering authorities and employers. We do not consider this to be a significant risk as this is easily verifiable.

The actuarial assumptions used are the responsibility of the entity but should be set on the advice given by the actuary. A small change in the key assumptions (discount rate, inflation rate, salary increase and life expectancy) can have a significant impact on the estimated IAS 19 liability.

We have:

- updated our understanding of the processes and controls put in place by management to ensure that the Council's pension fund net liability is not materially misstated and evaluated the design of the associated controls
- evaluated the instructions issued by management to their management expert (an actuary) for this estimate and the scope of the actuary's work
- assessed the competence, capabilities and objectivity of the actuary who carried out the Council's pension fund valuation
- tested the consistency of the pension fund asset and liability and disclosures in the notes to the core financial statements with the actuarial report from the actuary
- undertaken procedures to confirm the reasonableness of the actuarial assumptions made by reviewing the report of the consulting actuary (as the auditor's expert) and performing any additional procedures suggested within the report
- requested assurances from the auditor of Lancashire Pension Fund as to the controls surrounding the validity and accuracy of membership data; contributions data and benefits data sent to the actuary by the pension fund and the fund assets valuation in the Lancashire Pension Fund financial statements.

Our audit work has not identified any issues in respect of the valuation of the pension fund liability.

2. Financial Statements - Significant risks

Risks identified in our Audit Plan

Group Accounts

The Authority have not provided Group Accounts in the past as there were no material entities relevant to incorporate.

As the figures for Tawd Valley Development Limited are qualitatively material within the subsidiary accounts, group accounts and associated disclosures would be required by the Council for 2020/21.

Commentary

We have:

- reviewed the Council's assessment of control over its subsidiary.
- assessed the Council's consolidation process, alignment of accounting policies and accounting treatment for group accounts.

The draft financial statements did not include group accounts, but we received the group accounts and associated disclosures when the Council produced another version of the financial statements in September 2022.

As the Audit Plan was based on forecasts, when we received the group accounts in September 2022, as a result of the values involved, our audit approach required is analytical procedures only. Therefore, the work to rely upon a component auditor is not required.

At the time of writing this report, work is still currently ongoing on the group accounts disclosures. We will report the outcome of our work in the final Audit Findings Report.

2. Financial Statements – Key findings arising from the group audit

Component	Findings	Group audit impact
West Lancashire Borough Council	<ul style="list-style-type: none"> Statutory audit performed by Grant Thornton UK LLP Significant risks are those as outlined on pages 8 to 11 of this Report and are relevant to the Council audit only. <p>Our audit of the Council is in progress, our final Audit Findings Report will include any further issues noted in the audit.</p>	Any issues arising to date are already outlined on pages 8 to 11 of this report for the work on the West Lancashire Borough Council's single entity financial statements.
Tawd Valley Developments Limited	<ul style="list-style-type: none"> The first draft of the financial statements for 2020/21 did not include group accounts Analytical procedure are performed at group level to review the consolidated process There are no significant risks for the group audit other than the identification of group accounts needing to be incorporated for the first time in 2020/21 Tawd Valley Developments Limited is a wholly owned subsidiary. 	The audit work on the consolidation of Tawd Valley Development Limited is ongoing. We will report the outcome of the work in our final Audit Findings Report.

2. Financial Statements – key judgements and estimates

This section provides commentary on key estimates and judgements inline with the enhanced requirements for auditors.

Significant judgement or estimate	Summary of management’s approach	Audit Comments	Assessment
Other Land and Building valuations – £27.499m	<p>The Council revalues its land and buildings on a five-yearly basis. In the intervening years, to ensure the carrying value in the Council financial statements is not materially different from the current value or the fair value (for surplus assets) at the financial statements date, the Council carries out a desktop revaluation to ensure that there is no material difference.</p> <p>This valuation represents a significant estimate by management in the financial statements due to the size of the numbers involved and the sensitivity of this estimate to changes in key assumptions.</p> <p>The total year end valuation of other land and buildings was £27.499m, a net increase of £1.405m from 2019/20 (£26.094m).</p> <p>As already noted on page 9, the draft financial statements did not include any revaluation of other land and buildings, and as a result of our audit challenge the Council revisited their position.</p> <p>Our work in this area is still ongoing, at this point in time we are unable to give an assessment on key judgments and estimates.</p> <p>For information in advance of our Audit Findings Report, we perform the work below in terms of assessing your estimate:</p> <ul style="list-style-type: none"> • the assessment of management’s expert, your internal valuer • the assessment of our auditor’s expert, Gerald Eve • the completeness and accuracy of underlying information used determine the valuation • the reasonableness of change in valuation including with market trend report provided by our auditor expert Gerald Eve; and • the adequacy of disclosure of the estimate in financial statements <p>We have reviewed and challenged management’s assessment of the potential impact of those assets not formally revalued this year. As already noted above our work in this area is in progress.</p>	<p>Work on other land and building valuations are ongoing, and at this point in time we are unable to give an assessment on key judgments and estimates.</p> <p>The results of our work will be provided within the final Audit Findings Report.</p>	<p>Not relevant to report as yet, as the work is ongoing</p>

2. Financial Statements – key judgements and estimates

Significant judgement or estimate

Significant judgement or estimate	Summary of management's approach	Audit Comments	Assessment
Council Dwelling valuations – £191.205m	<p>The Council revalues its Council Dwellings on a five-yearly basis. In the intervening years, to ensure the carrying value in the Council financial statements is not materially different from the current value at the financial statements date, the Council carries out a desktop revaluation to ensure that there is no material difference and applies valuations where relevant.</p> <p>This valuation represents a significant estimate by management in the financial statements due to the size of the numbers involved and the sensitivity of this estimate to changes in key assumptions.</p> <p>Our work on Council Dwelling Valuations is still ongoing, at this point in time we are unable to give an assessment on key judgments and estimates.</p> <p>The total year end valuation of Council Dwellings was £191.205m, a net increase of £20.287m from 2019/20 (£170.918m). The Council uses an external valuer to provide the valuations in this specialist area. We have raised some queries with the external valuer and await their response to our audit challenge.</p> <p>Work is ongoing with this area of the accounts and a further update will be provided within the Final Audit Report. For information in advance of our Audit Findings Report, we perform the work below in terms of in terms of assessing your estimate:</p> <ul style="list-style-type: none"> • the assessment of management's expert, your external valuer • the assessment of our auditor's expert, Gerald Eve • the completeness and accuracy of underlying information used determine the valuation • the reasonableness of change in valuation including with market trend report provided by our auditor expert Gerald Eve • the adequacy of disclosure of the estimate in financial statements. 	<p>Work on Council dwelling valuations are ongoing, and at this point in time we are unable to give an assessment on key judgments and estimates.</p> <p>The results of our work will be provided within the final Audit Findings Report.</p>	<p>Not relevant to report as yet, as the work is ongoing</p>

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2. Financial Statements – key judgements and estimates.

Significant judgement or estimate	Summary of management’s approach	Audit Comments	Assessment
Investment Property valuations - £17.722m	<p>Work on Investment Property Valuations is still ongoing – at this point in time we are unable to give an assessment on key judgments and estimates.</p> <p>The Council has investment property that in total are valued in the balance sheet as at 31 March 2021 at £17.722m. The value of investment properties have decreased by £1.003m from 2019/20 (£18.725m).</p> <p>Auditing standards require that Investment Properties are valued annually. The investment property is valued on an annual basis by the internal valuation team within the Council. All of the properties held by the Council were revalued as at 31/3/21.</p> <p>This valuation represents a significant estimate by management in the financial statements due to the size of the numbers involved and the sensitivity of this estimate to changes in key assumptions.</p> <p>Work is ongoing with this area of the accounts and a further update will be provided within the Final Audit Report. For information in advance of our Audit Findings Report, we perform the work below in terms of assessing your estimate:</p> <ul style="list-style-type: none"> • the assessment of management’s expert, your external valuer • the assessment of our auditor’s expert, Gerald Eve • the completeness and accuracy of underlying information used to determine the valuation • the reasonableness of change in valuation including with market trend report provided by our auditor expert Gerald Eve • the adequacy of disclosure of the estimate in financial statements. 	<p>Work on Investment Property valuations are ongoing, and at this point in time we are unable to give an assessment on key judgments and estimates.</p> <p>The results of our work will be provided within the final Audit Findings Report.</p>	<p>Not relevant to report as yet, as the work is ongoing</p>

2. Financial Statements - key judgements and estimates

Significant judgement or estimate

Summary of management's approach

Audit Comments

Assessment

Net pension liability – £65.836m

The Council's net pension liability at 31 March 2021 is £65.836m (PY £53.148m) comprising the West Lancashire Borough Council's net liability in the Local Government Pension Scheme (LGPS). There has been a £12.418m net actuarial gain during 2020/21.

The Council uses Mercers to provide actuarial valuations of the Council's assets and liabilities derived from this scheme. A full actuarial valuation is required every three years.

The latest full actuarial valuation was completed in 2019. Given the significant value of the net pension fund liability, small changes in assumptions can result in significant valuation movements.

This valuation represents a significant estimate by management in the financial statements due to the size of the numbers involved and the sensitivity of this estimate to changes in key assumptions.

- We have assessed the Council's actuary, Mercers, to be competent, capable and objective
- We have performed additional tests in relation to accuracy of contribution figures, benefits paid, and investment returns to gain assurance over the 2020/21 roll forward calculation carried out by the actuary and have no issues to raise
- We have used PwC as our auditor expert to assess the actuary and assumptions made by actuary - see table below for our comparison of assumptions:

Assumption	Actuary Value	PwC range	Assessment
Discount rate	2.1%	2.1% - 2.2%	●
Pension increase rate	2.8%	Inflation less 0.9% to 0.7%	●
Salary growth	4.2%	1.25% to 1.5% above CPI	●
Life expectancy – Males currently aged 45 / 65	23.9	22.5 – 24.7	●
Life expectancy – Females currently aged 45 / 65	26.9	25.9 – 27.7	●

- We have confirmed the controls and processes over the completeness and accuracy of the underlying information used to determine the estimate
- We have confirmed there were no significant changes in 2020/21 to the valuation method
- We are satisfied with the reasonableness of estimate of the net pension liability.

Assessment

- **Dark Purple** We disagree with the estimation process or judgements that underpin the estimate and consider the estimate to be potentially materially misstated
- **Blue** We consider the estimate is unlikely to be materially misstated however management's estimation process contains assumptions we consider optimistic
- **Grey** We consider the estimate is unlikely to be materially misstated however management's estimation process contains assumptions we consider cautious
- **Light Purple** We consider management's process is appropriate and key assumptions are neither optimistic or cautious

2. Financial Statements - key judgements and estimates


Significant judgement or estimate	Summary of management's approach	Audit Comments	Assessment
Provisions for NNDR appeals - £0.849m	The Council are responsible for repaying a proportion of successful rateable value appeals. Management has calculated a provision based upon the latest information about outstanding rates appeals provided by the Valuation Office Agency (VOA) and previous success rates.	<p>We examined the estimate, considering the:</p> <ul style="list-style-type: none"> • appropriateness of the underlying information used to determine the estimate • impact of any changes to the valuation method • consistency of the estimate and the reasonableness of the increase in the estimate • adequacy of disclosure of the estimate in the financial statements. <p>We were satisfied with the methodology for the calculation of the provision.</p>	●
Allowance for Impaired Debt £5.975m	The Council are responsible for calculating the allowance for impaired debt based upon the latest information about collectability of debt.	<p>We examined the estimate, considering the:</p> <ul style="list-style-type: none"> • appropriateness of the underlying information used to determine the estimate • impact of any changes to the valuation method • consistency of the estimate and the reasonableness of the increase in the estimate • adequacy of disclosure of the estimate in the financial statements. <p>We were satisfied with the methodology for the calculation of the allowance.</p>	●

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Assessment

- **Dark Purple** We disagree with the estimation process or judgements that underpin the estimate and consider the estimate to be potentially materially misstated
- **Blue** We consider the estimate is unlikely to be materially misstated however management's estimation process contains assumptions we consider optimistic
- **Grey** We consider the estimate is unlikely to be materially misstated however management's estimation process contains assumptions we consider cautious
- **Light Purple** We consider management's process is appropriate and key assumptions are neither optimistic or cautious

2. Financial Statements - key judgements and estimates

Significant judgement or estimate	Summary of management's approach	Audit Comments	Assessment
<p>Grants Income Recognition and Presentation - £46.283m</p> <p>The above figure does not account for Agency Grants as we are awaiting that detail from the Council. Note that Agency Grants do not currently have any memorandum disclosures within the draft financial statements.</p> <p>Due to the Covid-19 pandemic there has been a significant increase in the level of Covid related grant funding with associated complexity and management judgement required. This has comprised a mix of discretionary and non discretionary schemes.</p>	<p>Management take into account three main considerations in accounting for grants:</p> <ul style="list-style-type: none"> whether the authority is acting as the principal or agent and particularly whether it controls the goods or services before they transfer to the service recipient. Management's assessment needs to consider all relevant factors such as who bears credit risk and responsibility for any overpayments, who determines the amount, who sets the criteria for entitlement, who designs the scheme and whether there are discretionary elements. whether there are conditions outstanding (as distinct from restrictions) that would require the grant to be recognised as receipt in advance, otherwise grant should be recognised as income whether the grant is a specific or non-specific grant. General un-ringfenced grants are disclosed on the face of the CIES, whereas ringfenced grants are required to be credited to service revenue accounts. <p>There may be significant judgements over the accounting treatment. Different conclusions may be reached by authorities depending on how they have applied any discretion in administering the schemes.</p>	<p>We completed sample testing on grant income, considering;</p> <ul style="list-style-type: none"> whether the Council is acting as the principal or agent which would determine whether the authority recognises the grant at all the completeness and accuracy of the underlying information used to determine whether there are conditions outstanding (as distinct from restrictions) that would determine whether the grant be recognised as a receipt in advance or income the impact for grants received, whether the grant is specific or non specific grant (or whether it is a capital grant) - which impacts on where the grant is presented in the CIES. the adequacy of disclosure of judgement in the financial statements. <p>The Council assessed the major business support grant programmes administered during the financial year to determine whether the Council was acting as principal [where the Council had discretion over the amount of funding to award or the criteria for who could be awarded funding] or agent [passing money to businesses on behalf of government].</p> <p>In acting as principal, the Council carried forward any unspent balances on these grants to 2021-2022 as receipts in advance. Where the Council acts as an agent, any unspent balances are carried forward as a creditor.</p> <p>Testing of grants is still ongoing. A sample has been provided to the Council, awaiting documentation. Currently there is no memorandum disclosure note within the draft financial statements and the value is highly material and disclosure is suggested.</p> <p>As this work is ongoing, we will report the outcome in our final Audit Findings Report.</p>	

Assessment

-  **Dark Purple** We disagree with the estimation process or judgements that underpin the estimate and consider the estimate to be potentially materially misstated
-  **Blue** We consider the estimate is unlikely to be materially misstated however management's estimation process contains assumptions we consider optimistic
-  **Grey** We consider the estimate is unlikely to be materially misstated however management's estimation process contains assumptions we consider cautious
-  **Light Purple** We consider management's process is appropriate and key assumptions are neither optimistic or cautious

2. Financial Statements - key judgements and estimates

Significant judgement or estimate	Summary of management's approach	Audit Comments	Assessment
Minimum Revenue Provision - £0.617m	<p>The Council is responsible on an annual basis for determining the amount charged for the repayment of debt known as its Minimum Revenue Provision (MRP). The basis for the charge is set out in regulations and statutory guidance.</p> <p>The year end MRP charge was £0.617m, a net decrease of £2.019m from 2019/20. This is largely due to a voluntary provision of £2.3m made in 2019/20 to apply a capital receipt to reduce the borrowing requirement.</p>	<p>We have reviewed the Council's calculation of MRP and concluded that:</p> <ul style="list-style-type: none"> the Council's MRP has been calculated in line with the statutory guidance the Council's policy on MRP complies with statutory guidance. <p>The Council when reviewing the mapping for the 2020/21 draft financial statements noted that the capital financing note in the first draft had omitted £0.338m for the HRA MRP.</p> <p>The Council are including this in the final version of the financial statements and this adjustment is noted in Appendix C.</p> <p>Our work to assess the appropriateness of the level of MRP for the year is ongoing</p>	TBC

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Assessment

- **Dark Purple** We disagree with the estimation process or judgements that underpin the estimate and consider the estimate to be potentially materially misstated
- **Blue** We consider the estimate is unlikely to be materially misstated however management's estimation process contains assumptions we consider optimistic
- **Grey** We consider the estimate is unlikely to be materially misstated however management's estimation process contains assumptions we consider cautious
- **Light Purple** We consider management's process is appropriate and key assumptions are neither optimistic or cautious

2. Financial Statements - matters discussed with management.

This section provides commentary and a summary on the significant matters we discussed with management during the course of the audit. The issues may be raised in other parts of this report, but this section of our report brings together the key issues.

Significant matter	Commentary	Auditor view and management response
Late production and poor quality of the financial statements	<p>The draft 2020/21 financial statements were late, received for audit in November 2021. The audit began but there was a low level of engagement, a high number of queries and samples with inadequate or no responses, as well as a significant number of amendments identified. We withdrew from the audit in March 2022 with a view to return in July 2022 when the issues identified were rectified. In the mean-time the Council carried out a full review of the financial statements for 2020/21 and produced a revised version with material amendments. The Council were not ready to resume the audit in July 2022 as all queries had not been resolved and group accounts or Property, Plant and Equipment (PPE) updated valuations were not yet within the financial statements. A revised date of October 2022 was given to recommence the audit.</p> <p>The quality of version one of the financial statements submitted for audit was inadequate. Group accounts were not prepared, little consideration given to PPE valuations and the turnover of staff and capacity issues in the internal valuation team at the Council is proving a challenge for the audit which is still ongoing.</p>	<p>The response to the audit process has improved since resuming the audit in October 2022, but the number of material amendments in the financial statements is significant including a prior period adjustment when compared to version one. The Council have prepared their draft financial statements for 2021/22 on time and they were authorised for issue on 27 July 2022.</p> <p>Management response</p>
Prior Period Adjustment	<p>The Council has identified a number of issues within the 2019/20 accounts as a result of their re-mapping exercise of the 2020/21 financial statements, and therefore has made a prior period adjustment to amend for the material change in the classification of a grant.</p> <p>Our work on this is continuing as the PPA disclosure note produced has not included all elements of the PPA as recharges were also adjusted and these are material but currently not included in the PPA disclosure note.</p> <p>The Council have also amended non material items, this has led to further audit work on the restatement of figures.</p> <p>These amendments have impacted the main financial statements as well as the corresponding notes.</p>	<p>See appendix C for further details of the amendments made. Our work is ongoing and the PPA note will need to be revisited to include all relevant amendments.</p> <p>Management response</p>

2. Financial Statements - matters discussed with management.

Significant matter	Commentary	Auditor view and management response
Technical Review of the Accounts	<p>Due to the Council providing group accounts for the first time partnered with the fact that there are a significant amount of changes from version one to version three of the financial statements, we therefore required a technical review of the accounts.</p> <p>The technical review of the accounts identified a number of areas where amendments will be needed.</p>	<p>Work is ongoing and any further issues which are not noted in this report will be reported within the final Audit Findings Report.</p> <p>The Council will need to ensure the issues amended for in the 2020/21 financial statements as a result of the hot review are made in future sets of the financial statements.</p> <p>Management response</p>
Group Accounts	<p>When version one of the draft statement of accounts was provided to the audit team, the Council did not disclose group accounts. As on the information provided, the subsidiary was deemed to be qualitatively material, it was recommended that the Council consider whether group accounts were therefore required.</p> <p>The Council did not provide these group accounts until version three of the accounts which the audit team received in September 2022.</p> <p>This matter is detailed on page 11 of this report.</p>	<p>Work is ongoing and any further issues which are not noted in this report will be noted within the final Audit Findings Report.</p> <p>The Council should assess their boundary annually for inclusion of group accounts.</p> <p>Management response</p>

2. Financial Statements - matters discussed with management.

Significant matter	Commentary	Auditor view and management response
Other Land and Building valuations	<p>When version one of the draft financial statements was provided to the audit team there were no revaluations of other land and buildings included.</p> <p>As a result of our audit challenge the Council revisited this position and in the set of financial statements received in September £2.209m of valuations were added.</p> <p>The amount of discussions and additional meetings to get to this point has been significant and additional audit resource has been required.</p> <p>The work is ongoing as the evidence required from the Council in this area is significant in terms of being able to provide justification for all of the relevant assumptions.</p> <p>This matter is detailed on page 9 to this report.</p>	<p>Work is ongoing and any further issues which are not noted in this report will be noted within the final Audit Findings Report.</p> <p>The Council should carry out detailed assessments annually of whether the Other Land and Buildings valuations are materially correct.</p> <p>Management response</p>
Management override of controls	<p>We identified one instance where internal controls were bypassed and a significant control weakness was identified in the use of a login that was active for an employee that had left the Council.</p> <p>This is a significant weakness in internal control.</p> <p>This matter is detailed on page 8.</p>	<p>The Council should review their processes for the removal of leavers from IT systems and reinforce the IT policies in place to ensure an issue like this does not re-occur.</p> <p>Management response</p>

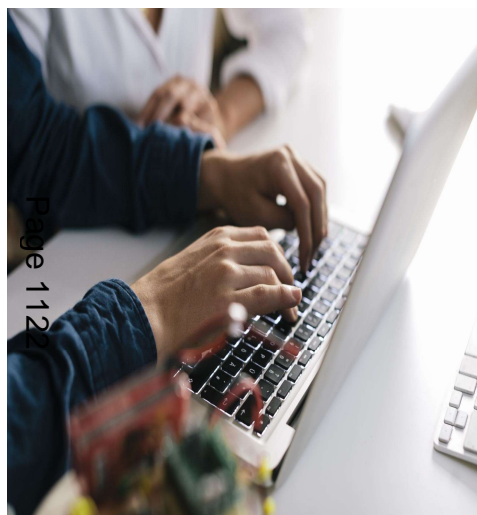
2. Financial Statements - other communication requirements

We set out below details of other matters which we, as auditors, are required by auditing standards and the Code to communicate to those charged with governance.

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Issue	Commentary
Matters in relation to fraud	We have previously discussed the risk of fraud with the Audit and Governance Committee. We have not been made aware of any incidents in the period and no other issues have been identified during the course of our audit procedures.
Matters in relation to related parties	We are not aware of any related parties or related party transactions which have not been disclosed. We identified that senior officers do not complete annual declaration of interests forms.
Matters in relation to laws and regulations	You have not made us aware of any significant incidences of non-compliance with relevant laws and regulations and we have not identified any incidences from our audit work.
Written representations	A letter of representation will be requested from the Council, including specific representations in respect of the Group upon the conclusion of our audit. We will also consider what additional representations we will require due to the findings within this Report.

2. Financial Statements - other communication requirements



Issue	Commentary
Confirmation requests from third parties	We requested from management permission to send confirmation requests for investments and bank confirmations. This permission was granted and the requests were sent. All of these requests were returned with positive confirmation.
Accounting practices	<p>We have evaluated the appropriateness of the Council's accounting policies, accounting estimates and financial statement disclosures.</p> <p>Within accounting policies the following issues were noted and amendments have been agreed by the Council:</p> <ul style="list-style-type: none"> • Employee Benefits - for post employments benefits additional disclosure about the accounting for the components of the movement in the net pension liability will be added • Financial Instruments - for interest and expected credit loss disclosure will be added • Accounting Standards issued but not yet adopted will be amended to ensure all are relevant • HRA will include details of the indices uplift within the disclosure <p>Our work on estimates has already been reported on pages 13 to 19 and is not repeated here also.</p> <p>With regard to financial disclosures, the amount of amendments are significant. This is in part to the Council's own review of the mapping for 2020/21, but also the issues relating to our audit work and challenge that has required amendments. In addition, the technical review of the financial statements has identified many amendments to disclosures.</p> <p>As already noted, due to the significance of the issues encountered in 2020/21 the issues identified will be incorporated into future financial statements, and because quality assurance processes have now significantly improved the Council it is envisaged that the Council will be able to respond positively in future years.</p>
Audit evidence and explanations/ significant difficulties	<p>As noted on page 3, the audit is still ongoing and there are many outstanding areas.</p> <p>There has been a number of problems that have been encountered when undertaking the audit as already set out in this report. Significant amounts of additional audit resource has been required due to the magnitude of the changes in the financial statements and the issues encountered.</p> <p>Our significant issues section on pages 21 to 22 sets out the key areas we have been discussing as part of the audit. As the audit is not yet complete, the final Audit Findings Report will update for any further issues.</p>

2. Financial Statements - other communication requirements



Our responsibility

As auditors, we are required to “obtain sufficient appropriate audit evidence about the appropriateness of management’s use of the going concern assumption in the preparation and presentation of the financial statements and to conclude whether there is a material uncertainty about the entity’s ability to continue as a going concern” (ISA [UK] 570).

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Issue	Commentary
<p>Going concern</p>	<p>In performing our work on going concern, we have had reference to Statement of Recommended Practice – Practice Note 10: Audit of financial statements of public sector bodies in the United Kingdom (Revised 2020). The Financial Reporting Council recognises that for particular sectors, it may be necessary to clarify how auditing standards are applied to an entity in a manner that is relevant and provides useful information to the users of financial statements in that sector. Practice Note 10 provides that clarification for audits of public sector bodies.</p> <p>Practice Note 10 sets out the following key principles for the consideration of going concern for public sector entities:</p> <ul style="list-style-type: none"> the use of the going concern basis of accounting is not a matter of significant focus of the auditor’s time and resources because the applicable financial reporting frameworks envisage that the going concern basis for accounting will apply where the entity’s services will continue to be delivered by the public sector. In such cases, a material uncertainty related to going concern is unlikely to exist, and so a straightforward and standardised approach for the consideration of going concern will often be appropriate for public sector entities for many public sector entities, the financial sustainability of the reporting entity and the services it provides is more likely to be of significant public interest than the application of the going concern basis of accounting. Our consideration of the Council’s financial sustainability is addressed by our value for money work, which is covered elsewhere in this report. <p>Practice Note 10 states that if the financial reporting framework provides for the adoption of the going concern basis of accounting on the basis of the anticipated continuation of the provision of a service in the future, the auditor applies the continued provision of service approach set out in Practice Note 10. The financial reporting framework adopted by the Council meets this criteria, and so we have applied the continued provision of service approach. In doing so, we have considered and evaluated:</p> <ul style="list-style-type: none"> the nature of the Council and the environment in which it operates the Council’s financial reporting framework the Council’s system of internal control for identifying events or conditions relevant to going concern management’s going concern assessment. <p>On the basis of this work, we have obtained sufficient appropriate audit evidence to enable us to conclude that:</p> <ul style="list-style-type: none"> a material uncertainty related to going concern has not been identified management’s use of the going concern basis of accounting in the preparation of the financial statements is appropriate. <p>Our assessment will be updated as part of our closing procedures and the Council will provide an updated going concern assessment. As a significant amount of time has elapsed since the first draft of the financial statements we have a duty as does the Council to assess going concern for 12 months past the date of audit sign off.</p>

2. Financial Statements - other responsibilities under the Code

Issue	Commentary
<p data-bbox="78 459 302 486">Other information</p> <p data-bbox="78 699 129 863" style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 1124</p>	<p data-bbox="338 459 1561 550">We are required to give an opinion on whether the other information published together with the audited financial statements including the Annual Governance Statement and Narrative Report, is materially inconsistent with the financial statements or our knowledge obtained in the audit or otherwise appears to be materially misstated.</p> <p data-bbox="338 558 1561 649">For the Annual Governance Statement our work is not yet complete as we are awaiting a response on the areas where additional disclosure is suggested. Therefore the reporting of any amendments to the Annual Governance Statement will be included in the final Audit Findings Report.</p> <p data-bbox="338 657 1561 716">Our work on the Narrative Statement is complete. The Council have agreed to changes in the following areas to add new disclosure or strengthen existing disclosure in the following areas:</p> <ul data-bbox="338 742 918 943" style="list-style-type: none"> • Organisational overview and external environment • Governance • Operational model • Risks and opportunities: now included • Strategy and resource allocation • Performance • Basis of preparation and presentation <p data-bbox="338 954 1561 1045">The Council should ensure that for both the Annual Governance Statement and the Narrative Statement that quality assurance processes are in place to ensure the disclosure is compliant with technical guidance to avoid the number of adjustments that have been required.</p>
<p data-bbox="78 1070 302 1161">Matters on which we report by exception</p>	<p data-bbox="338 1070 1561 1098">We are required to report on a number of matters by exception in a number of areas:</p> <ul data-bbox="338 1106 1561 1276" style="list-style-type: none"> • if the Annual Governance Statement does not comply with disclosure requirements set out in CIPFA/SOLACE guidance or is misleading or inconsistent with the information of which we are aware from our audit, • if we have applied any of our statutory powers or duties. • where we are not satisfied in respect of arrangements to secure value for money and have reported significant weaknesses. <p data-bbox="338 1284 1561 1311">As noted above our work on the Annual Governance Statement is not complete.</p> <p data-bbox="338 1319 1561 1378">We will consider the use of our statutory powers as part of concluding the audit when all issues are resolved. Note that the issues that impacted the ‘except for’ qualified conclusion in 2019/20 have re-occurred in 2020/21.</p> <p data-bbox="338 1386 1561 1477">Our value for money work has identified three significant weaknesses in the Council’s arrangements with four key recommendations. Our reporting of the VFM is on pages 27 to 30 and detailed in our Interim Auditor’s Annual Report where our conclusions are set out in further detail.</p>



2. Financial Statements - other responsibilities under the Code

Issue	Commentary
Specified procedures for Whole of Government Accounts	<p>We are required to carry out specified procedures (on behalf of the NAO) on the Whole of Government Accounts (WGA) consolidation pack under WGA group audit instructions.</p> <p>Please note that detailed work is not required as the Council does not exceed the threshold; however a return with reduced procedures will still need to be undertaken as part of the closing procedures of the audit.</p> <p>We will update in our final Audit Findings Report when this work is complete, as the Council will need to amend their WGA return to reflect the audited financial statements.</p>
Certification of the closure of the audit	<p>At his stage until all the outstanding work is complete and the audit opinion issued we will not be in a position to certify the closure of the audit.</p> <p>We will update in our final Audit Findings Report.</p>

3. Value for Money arrangements

Revised approach to Value for Money work for 2020/21

On 1 April 2020, the National Audit Office introduced a new Code of Audit Practice which comes into effect from audit year 2020/21. The Code introduced a revised approach to the audit of Value for Money. (VFM)

There are three main changes arising from the NAO's new approach:

- Page 1126 A new set of key criteria, covering financial sustainability, governance and improvements in economy, efficiency and effectiveness
- More extensive reporting, with a requirement on the auditor to produce a commentary on arrangements across all of the key criteria.
- Auditors undertaking sufficient analysis on the Council's VFM arrangements to arrive at far more sophisticated judgements on performance, as well as key recommendations on any significant weaknesses in arrangements identified during the audit.

The Code require auditors to consider whether the body has put in place proper arrangements to secure economy, efficiency and effectiveness in its use of resources. When reporting on these arrangements, the Code requires auditors to structure their commentary on arrangements under the three specified reporting criteria.



Improving economy, efficiency and effectiveness

Arrangements for improving the way the body delivers its services. This includes arrangements for understanding costs and delivering efficiencies and improving outcomes for service users.



Financial Sustainability

Arrangements for ensuring the body can continue to deliver services. This includes planning resources to ensure adequate finances and maintain sustainable levels of spending over the medium term (3-5 years)



Governance

Arrangements for ensuring that the body makes appropriate decisions in the right way. This includes arrangements for budget setting and management, risk management, and ensuring the body makes decisions based on appropriate information

Potential types of recommendations

A range of different recommendations could be made following the completion of work on the body's arrangements to secure economy, efficiency and effectiveness in its use of resources, which are as follows:



Statutory recommendation

Written recommendations to the body under Section 24 (Schedule 7) of the Local Audit and Accountability Act 2014. A recommendation under schedule 7 requires the body to discuss and respond publicly to the report.



Key recommendation

The Code of Audit Practice requires that where auditors identify significant weaknesses in arrangements to secure value for money they should make recommendations setting out the actions that should be taken by the body. We have defined these recommendations as 'key recommendations'.



Improvement recommendation

These recommendations, if implemented should improve the arrangements in place at the body, but are not made as a result of identifying significant weaknesses in the body's arrangements

3. VFM - our procedures and conclusions

We have substantially completed our VFM work however, we are not in a position to issue our final Auditor's Annual Report, but an interim Annual Audit Report will be presented to the Audit and Governance Committee on 31 January 2023.

As part of our work, we considered whether there were any risks of significant weakness in the Council's arrangements for securing economy, efficiency and effectiveness in its use of resources. We identified the risks set out in the table below. We have performed further procedures in respect of these risks and have completed this element of our VFM work. Our conclusions are detailed below. Our Annual Auditor's Report will make reference to these significant weakness in arrangements, as required by the Code.

Risk of significant weakness	Procedures undertaken	Conclusion	Outcome
Financial Sustainability	<p>We considered how the Council:</p> <ul style="list-style-type: none"> identifies all the significant financial pressures it is facing and builds these into its plans plans to bridge its funding gaps and identify achievable savings plans its finances to support the sustainable delivery of services in accordance with strategic and statutory priorities ensures its financial plan is consistent with other plans such as workforce, capital, investment and other operational planning identifies and manages risk to financial resilience, such as unplanned changes in demand and assumptions underlying its plans. 	<p>Overall, we are satisfied that the Council has appropriate arrangements in place to ensure it manages risks to its financial sustainability. We have not identified any risk of significant weakness, but we have identified one improvement recommendation.</p>	<p>An improvement recommendation is that the Council as a matter of priority should document plans for delivering savings to balance budget for 2023/24 and in future years of the Medium Term Financial Forecast (MTFF). The plan should be sufficiently detailed and subject to regular process of monitoring by the appropriate Committee.</p>

3. VFM - our procedures and conclusions

Risk of significant weakness	Procedures undertaken	Conclusion	Outcome
The arrangements for governance and improving economy, efficiency and effectiveness for the Council's company Tawd Valley Developments Limited	<p>We considered how the Council:</p> <ul style="list-style-type: none"> • uses financial and performance information to assess performance to identify areas for improvement • evaluates the services it provides to assess performance and identify areas for improvement • ensures it delivers its role within significant partnerships, engages with stakeholders, monitors performance against expectations and ensures action is taken where necessary to improve • ensures that it commissions or procures services in accordance with relevant legislation, professional standards and internal policies, and assesses whether it is realising the expected benefits. 	We are satisfied the Council has appropriate arrangements in place for the oversight of the Tawd Valley Developments Limited company, but we have identified one improvement recommendation.	An improvement recommendation is that the Council should continue to develop and agree a robust business case for the Tawd Valley Development Limited and define the performance indicators through which the Council will continue to review and evaluate performance of the subsidiary for the short, medium and long-term.
Late production and poor quality of the financial statements	As part of our work on governance we considered the Council's arrangements in place for the preparation of the financial statements including the response to the audit process.	The Council does not have satisfactory arrangements in place to prepare timely financial statements that are free from material error, and this is a significant weakness. We have raised one key recommendation in relation to this issue.	A key recommendation is that the Council must improve the timeliness of their financial statements preparation and ensure that effective quality review processes are in place to present draft financial statements that are in accordance with accounting standards and reporting requirements, and be free from material error.

3. VFM - our procedures and conclusions

Risk of significant weakness	Procedures undertaken	Conclusion	Outcome
Procurement	<p>We reviewed the internal audit reports to ascertain whether control weaknesses in procurement are systematic and reflective of procurement across the Council. We determined that further work would be required to ascertain the extent of the issue and whether this was reflective of broader issues with major procurement exercises.</p> <p>We have received the procurement documentation for a sample of contracts and this work is not yet fully concluded and remains ongoing. We will report the outcome of this work in our final Auditor's Annual Report.</p>	The Council does not have satisfactory arrangements in place to ensure all procurement procedures are followed, and this is a significant weakness. We have raised two key recommendations and one improvement recommendation in relation to this issue.	<p>The first key recommendation is that the Council should undertake a sample review of procurement activity that meets the threshold requiring competitive tender under financial regulations and contract procedure rules, from 2020/21 through to the present, to ascertain whether there were further examples of significant non-compliance with the Council's Contract Procedure Rules, Financial Regulations and OJEU procurement regulations.</p> <p>This should include all current major procurements meeting the tender threshold.</p> <p>Where any cases of non-compliance are found, assurance on the lawfulness of associated payments in regard to the Council's Contract Procedure Rules, Financial Regulations and OJEU procurement regulations should be obtained from Legal Services and reported to members along with and assessment of the exposure to risk.</p> <p>The second key recommendation is that the Council must fully address the fourteen recommendations set out in the procurement audit report as a matter of priority. Assurance must be provided to members on progress and mitigating actions taken to protect the Council while new processes embed. The Council should also consider how lessons learned can be recognised and embedded across the Council.</p>

It should be noted that there is an additional key recommendation not set out above as it has been identified via the work completed rather than in relation to a specific risk of significant weakness identified in planning. This relates to the independence of the internal audit function and is as follows:

The Council should ensure that the role of the Chief (Internal) Audit Executive maintains sufficient independence, from operational activities that may be subject to review. Consideration should also be given to restructuring the role to report directly into the Chief Executive and with unfettered access to the Chair of the Audit and Governance Committee in line with best practices and as recommended by the Public Section Internal Audit Standards (PSIAS).

Detail on all of the findings are set out in our Interim Auditor's Annual Report.

4. Other statutory powers and duties

We set out below details of other matters which we, as auditors, are required by the Act and the Code to communicate to those charged with governance.

Issue	Commentary
Other Statutory powers and duties	The use of other statutory powers and duties is being considered and will be reported as part of the final Audit Findings Report when all work has been complete.

5. Independence and ethics

We confirm that there are no significant facts or matters that impact on our independence as auditors that we are required or wish to draw to your attention. We have complied with the Financial Reporting Council's Ethical Standard and confirm that we, as a firm, and each covered person, are independent and are able to express an objective opinion on the financial statements

We confirm that we have implemented policies and procedures to meet the requirements of the Financial Reporting Council's Ethical Standard and we as a firm, and each covered person, confirm that we are independent and are able to express an objective opinion on the financial statements.

Further, we have complied with the requirements of the National Audit Office's Auditor Guidance Note 01 issued in May 2020 which sets out supplementary guidance on ethical requirements for auditors of local public bodies.

Details of fees charged are detailed in Appendix D

Transparency

Grant Thornton publishes an annual Transparency Report, which sets out details of the action we have taken over the past year to improve audit quality as well as the results of internal and external quality inspections. For more details see [Transparency report 2020 \(grantthornton.co.uk\)](https://www.grantthornton.co.uk/transparency-report-2020)

5. Independence and ethics

Audit and non-audit services

For the purposes of our audit we have made enquiries of all Grant Thornton UK LLP teams providing services to the group. The following non-audit services were identified which related to 2020/21, as well as the threats to our independence and safeguards that have been applied to mitigate these threats.

Service	Fees £	Threats identified	Safeguards
Audit related			
Certification of Housing capital receipts grant	4,000	Self-Interest (because this is a recurring fee)	The level of this recurring fee taken on its own is not considered a significant threat to independence as the fee for this work is £4,000 in comparison to the current fee for the audit of £153,884 and in particular relative to Grant Thornton UK LLP's turnover overall. Further, it is a fixed fee and there is no contingent element to it. These factors all mitigate the perceived self-interest threat to an acceptable level.
		Self review (because GT provides audit services)	To mitigate against the self review threat, the timing of certification work is done after the audit has completed, materiality of the amounts involved to our opinion and unlikelihood of material errors arising and the Council has informed management who will decide whether to amend returns for our findings and agree the accuracy of our reports on grants.
Certification of Housing Benefit Claim	19,000	Self-Interest (because this is a recurring fee)	The level of this recurring fee taken on its own is not considered a significant threat to independence as the fee for this work is £19,000 in comparison to the total current fee for the audit of £153,884 and in particular relative to Grant Thornton UK LLP's turnover overall. Further, it is a fixed fee and there is no contingent element to it. These factors all mitigate the perceived self-interest threat to an acceptable level.
		Self review (because GT provides audit services)	To mitigate against the self review threat, the timing of certification work is done after the audit has completed, materiality of the amounts involved to our opinion and unlikelihood of material errors arising and the Council has informed management who will decide whether to amend returns for our findings and agree the accuracy of our reports on grants.

These services are consistent with the group's policy on the allotment of non-audit work to your auditors. All services have been approved by the Audit and Governance Committee. None of the services provided are subject to contingent fees.

Appendices

A. Action plan – Audit of Financial Statements

We have identified ten recommendations for the group as a result of issues identified during the course of our audit. We have agreed our recommendations with management and we will report on progress on these recommendations during the course of the 2021/22 audit. The matters reported here are limited to those deficiencies that we have identified during the course of our audit and that we have concluded are of sufficient importance to merit being reported to you in accordance with auditing standards. As noted in this report out work is not yet fully concluded, so further actions may be noted in our final Audit Findings Report.

Assessment	Issue	Recommendations
Page 1134	<p>● Our work on Annual Governance Statement (AGS) identified that the AGS was incomplete with many sections still to complete.</p> <p>Work is still ongoing on the Annual Governance Statement and we are awaiting a response from the Council as there are areas of improvement required in disclosures. There is specified guidance that sets out the disclosure required which should form part of the quality assurance checks the Council performs on this statement.</p>	<p>Ensure that the Annual Governance Statement presented in the draft financial statements has been subject to adequate quality assurance arrangements and is in accordance with specified guidance.</p> <p>Management response</p>
	<p>● Our work on the Narrative Report identified multiple areas where the Council needed to improve disclosure to either add required disclosure or enhance existing disclosure.</p> <p>There is specified guidance that sets out the disclosure required which should form part of the quality assurance checks the Council performs on this statement.</p>	<p>Ensure that the Narrative Statement presented in the draft financial statements includes all required disclosure in accordance with specified guidance.</p> <p>Management response</p>
	<p>● Effective quality assurance processes were not in place for the production of the financial statements in 2020/21 as there were many errors and inconsistencies within the draft financial statements presented for audit.</p>	<p>Ensure that effective quality assurance processes are in place for the production of the draft financial statements and that they are subject to thorough review and stand back procedures prior to submission for audit</p> <p>Management response</p>

Controls

- High – Significant effect on financial statements
- Medium – Limited Effect on financial statements
- Low – Best practice

A. Action plan – Audit of Financial Statements

Assessment	Issue and risk	Recommendations
	<ul style="list-style-type: none"> Our work has identified an issue with the management override of controls. We identified that two journals were posted an employee login when the employee had left the organisation. The login was used by another employee at the Council. <p>This is a significant weakness in internal control. Our testing did not identify any issues with the nature of the two journals posted, but this represents a breach in expected protocols. The officer involved has since left the Council.</p> <p>The Council should ensure this does not happen in future and improve the timeliness of leavers IT access privileges removal.</p>	<p>When an employee leaves the authority, the user login should be removed in a timely manner.</p> <p>Management response</p>
Page 1135	<ul style="list-style-type: none"> The Council has a lack of formal instructions for the valuation undertaken in 2020/21. The impairment certificate provided for 2020/21 is not a final version. The Council's valuer has changed since the person who undertook the valuations. It has been difficult when discussing valuations to obtain the required responses and the lack of complete instructions or a final impairment certificate has added to the challenge. 	<p>It is fundamental that the instructions for valuation are formally documented by the Council whether it be an external or internal valuer. Any outputs such as the impairment certificate that shows the judgements must be a signed final version in order that judgements and conclusions are adequately evidenced.</p> <p>Management response</p>
	<ul style="list-style-type: none"> For both Investment Properties and other land and buildings when we issued our sample it became clear that due to staff turnover that the Council were struggling to evidence the valuations at the level we require. 	<p>The Council should undertake a quality assurance review of the evidence held for significant valuations to ensure the information to underpin all main assumptions can be adequately evidenced.</p> <p>Management response</p>

Controls

- High – Significant effect on financial statements
- Medium – Limited Effect on financial statements
- Low – Best practice

A. Action plan – Audit of Financial Statements

Assessment	Issue and risk	Recommendations
●	The PPE note within the financial statements reports an infrastructure balance of £1.230m. There is no depreciation in year and no cumulative depreciation. Although the charge of depreciation will not be material, it is important that the Council follows the accounting standards and CIPFA Code of Practice in how to account for infrastructure assets.	Review the accounting practice for the accounting for infrastructure and ensure the asset lives chosen are based on judgements that can be evidenced. Management response
●	Our work has identified that Senior Officers within the Council do not submit an annual declaration of interests. The most recent declarations are dated 2015 and submissions are only submitted as and when they are required.	Senior Officers to submit declarations of interest annually. Management response
●	When testing a sample of Grants Received in Advance, a sample of two Commuted Sums have been tested. The authority are unable to provide third party documentation, and made the audit team aware that for all Commuted Sums there is no supporting evidence. We note this in the adjustments section of our report also, the total value of commuted sums is not material.	The Council should carry out a full review of Grants Received in Advance and ensure that the Council review the accounting treatment going forward. Management response
●	Our work has identified through sample testing, that when a member of the Council is no longer in post, they can sometimes leave behind no trail of supporting evidence. On a number of occasions, the authority have been unable to provide sample evidence due the member of staff no longer being employed by the Council and additional work was required by the Council to evidence the sample items.	It is recommended that the Council make evidence readily available and ensure a formal handover is undertaken once a member of staff leaves. This will ensure that all data is available upon request. Management response

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Controls

- High – Significant effect on financial statements
- Medium – Limited Effect on financial statements
- Low – Best practice

B. Follow up of prior year recommendations

We identified the following issues in the audit of West Lancashire Borough Council's 2019/20 financial statements, which resulted in two recommendations being reported in our 2019/20 Audit findings report. We have followed up on the implementation of our recommendations and both are outstanding as the same issues have also occurred in 2020/21.

Assessment	Issue and risk previously communicated	Update on actions taken to address the issue
X	<p>Delayed publishing of the Draft Financial Statements</p> <p>The Council should review its arrangements for ensuring resilience within the finance team and its capacity to support the audit process.</p>	This issue has arisen in 2020/21 also.
X	<p>Fixed Asset Register and General Ledger</p> <p>The Council should consider the adequacy of its Fixed Asset Register as a tool for managing its property, plant and equipment and supporting adequate financial reporting.</p>	The same fixed asset register is in place and some difficulty with reconciliation experienced.

Assessment

- ✓ Action completed
- X Not yet addressed

C. Audit Adjustments – Prior period 2019/20

Prior Period Adjustment Amendments

The table below provides details of the changes identified by the Authority in respect to the prior year (2019/20) which have been made within version 3 of the financial statements.

We are required to report all non trivial misstatements to those charged with governance, whether or not the accounts have been adjusted by management.

Disclosure amendments identified	Auditor Comment
<p>MIRS – The Council has amended prior year figures as follows:</p> <ul style="list-style-type: none"> The opening balance as at 31 March 2019 for 'Earmarked General Fund Reserves', version one states this figure as £13.509m whilst version three states the figure as £9.275m. This is a difference of £4.234m due to a reclassification from Capital Grants. This is shown in the PPA note 41 in version three of the accounts. The Code of Practice requires Community Infrastructure Levy (CIL) to be recognised as income in the Comprehensive Income and Expenditure Statement, but has yet to be applied to fund infrastructure. The opening balance on the CIL of £4.234m is transferred to Capital Grants Unapplied to apply this as the previous financial statements did not classify the balance correctly. The below movements have also been made in order to recognize the CIL as income, so it represents capital resources not yet utilised. For 'General Fund Balances' under the category 'Adjustments between accounting basis and funding basis under regulations (note 6), version one states £5.876m whilst version three states this figure as £3.507m, resulting in a difference of £2.368m due to the reclassification from Capital Grants. This is shown in the PPA Note 41 in version three of the accounts. For 'General Fund Balances', under the category 'Transfers to/from Earmarked Reserves' version one of the accounts states this figure as -£2.033m whilst version three states £0.334k, resulting in a difference of £2.368m due to reclassification from Capital Grants. This is shown in the PPA Note 41 in version three of the accounts. From version one to version three of the accounts, there has been a movement of £6.601m from Capital Grants Unapplied, to Earmarked General Funds Reserve. This is the summation of the movement in opening balances and the additional £2.368m as stated above. 	<p>This has been reflected in the prior period adjustment disclosure in Note 41.</p> <p>From our audit work performed we are satisfied with the basis of the adjustments undertaken. The primary reason is the change in classification of where the Community Infrastructure Grant was disclosed.</p>
<p>Income & Expenditure Statement – The Council has amended prior year figures as follows:</p> <ul style="list-style-type: none"> Cost of Services: The Gross cost in version one of the accounts is £75.752m whereas in version three this is £75.989m, resulting in a difference of £0.237m. The Gross income in version one of the accounts is £60.980m and in version three the figure is £58.545m, resulting in a difference of £2.435m. The Net cost in version one of the accounts is £14.772m whereas in version three it is £17.444m, resulting in a difference of £2.673m. This is due to changes in 'Growth and Development' of £2.566m and 'Wellbeing and Leisure' of £0.107m. The in-year receipts of £2.566m is being moved from the 'Growth and Development line of Net Cost of Services to Taxation & Non-Specific Grant Income & Expenditure in the CIES and reversed to Capital Grants Unapplied through the MiRS. The movement of £0.107m for 'Wellbeing and Leisure relates to an error identified by the Council within Financing & Investment Income & Expenditure figure that has been corrected. Surplus or Deficit on Provision of Services: The Gross cost in version one of the accounts is £101.245m whereas in version three this is £81.745m, resulting in a difference of £19.500m. The Gross income in version one of the accounts is £98.646m and in version three the figure is £79.146m, resulting in a difference of £19,500k. The Net cost in version one of the accounts is £2.599m and it has not changed in version three. This is due to a decrease of £6.346m in Other Operating Expenditure within both Gross Cost and Income albeit no change in Net cost. We have currently not confirmed why this is. For Financing & Investment Income gross cost has decreased by £0.107m, gross income as remained the same and Gross cost has decreased by £0.107k, this is due to the error identified by the Council which moved this amount from here to 'Wellbeing and Leisure within cost of services. Then finally, Taxation & non specific grant income & expenditure has decreased by £2.565m. This is due to the adjustment made as stated above. 	<p>This has been reflected in the prior period adjustment disclosure in Note 41.</p> <p>This has not been reflected in the prior period adjustment note. It is recommended that further detail should be included in the accounts as to why this amendment has been made.</p> <p>Our work is ongoing in this area.</p>

C. Audit Adjustments – Prior period 2019/20

Disclosure amendments identified

Auditor Comment

Balance Sheet – The Council has amended prior year figures, this is seen from the differences between version one and three of the accounts, as noted below:

In version one of the accounts, the figure for ‘Current assets’ is £31.731m whereas in version three this is £28.591m. This results in a difference of £0.85m due to a change in Short Term Debtors.

In version one of the accounts, the figure for ‘Current Liabilities’ is -£13.074m whereas in version three this is -£13.429m. This results in a difference of £0.355m due to a change in creditors. This is shown in the PPA note 41 in the version three accounts.

In version one of the accounts, the figure for ‘Long Term Liabilities’ is -£148.996m whereas in version three this is -£149.492m. This results in a difference of £0.496m which is due to amendments in Grants in Advance.

The above changes have been made due to the remapping of cash received in advance from debtors to creditors and due to the Council’s share of land sales sites increase debtors and grants and contributions in advance. Our work on this area is complete.

This has been reflected in the prior period adjustment note.

From our audit work performed we are satisfied with the basis of the adjustments undertaken.

Cash Flow Statement - The Council has amended prior year figures, this is seen from the differences between version one and three of the accounts, this is seen below:

In version one of the accounts, the figure for ‘Net cash flows for Operating Activities’ is £8.588m whereas in version three it is £4.924m, resulting in a difference of £3.664m.

In version one of the accounts, the figure for ‘Net cash flows for Investing Activities’ is -£7.063m whereas in version three it is -£3.409m, resulting in a difference of £-3.654m. Likewise, ‘Net cash flows for financing activities’ is £-0.597k whereas in version three is £-0.587k a difference of £0.001m. This sums to £3.664m and these changes have been made due to accounting for the CIL.

This has been reflected in the prior period adjustment note.

From our audit work performed we are satisfied with the basis of the adjustments undertaken.

Expenditure and Funding Analysis - The Council has amended prior year figures, this is seen from the differences between version one and three of the accounts, this is seen below:

- Net Cost of Services: The figure for ‘Net Expenditure Chargeable to the General Fund & HRA’ in version three of the accounts is £13.254m whereas in version one the figure is as £18.503m, resulting in a difference of £5.249m. The figure for ‘Adjustments between the Funding and Accounting Basis’ in version three of the accounts is £4.190m whereas in version one the figure is as £-3.731m, resulting in a difference of £-7.921m. The figure for ‘Net expenditure in Comprehensive Income and Expenditure’ in version three of the accounts is £17.444m whereas in version one of the accounts it is £11.772m. This results in a difference of £5.672m. These are not shown in the PPA note 41.
- Surplus or Deficit: The figure for ‘Net Expenditure Chargeable to the General Fund & HRA’ in version three of the accounts is £1.324m whereas in version one the figure is as £-1.043m, resulting in a difference of £-2.367m. The figure for ‘Adjustments between the Funding and Accounting Basis’ in version three of the accounts is £1.275m whereas in version one the figure is as £-3.642m, resulting in a difference of £2.367m. The figure for ‘Net expenditure in Comprehensive Income and Expenditure’ in version three of the accounts is £2.599m, whereas in version one of the accounts it is £2.599m. This results in a difference of nil. These are not shown in the PPA note 41.
- Closing balances & reserves: The figure for ‘Net Expenditure Chargeable to the General Fund & HRA’ in version three of the accounts is £-13.121m whereas in version one the figure is as £-19.723m, resulting in a difference of £-6.602m.
- Our work is ongoing in this area.

This has not been reflected in the prior period adjustment note. It is recommended that further detail should be included in the accounts as to why this amendment has been made.

Our work is ongoing in this area.

C. Audit Adjustments – Prior period 2019/20

Disclosure amendments identified

Auditor Comment

Note 6 Adjustments between accounting and funding bases under regulations - The Council has amended prior year figures, this is seen from the differences between version one and three of the accounts, this is seen below:

- Total Adjustments to Revenue Resources: The figure for the 'General fund balance' in version three of the accounts is £6.441m whereas in version one, it is £9.130m. This is a difference of £2.689m as shown in PPA note 41. The figure for 'Capital grants unapplied' in version three of the accounts is £2.566m whereas in version one, it is -£0.240m. This is a difference of £2.806m as shown in PPA note 41. The figure for 'Movement in unusable reserves' in version three of the accounts is -£18.966m whereas in version one it is -£18.848m. This is a difference of £0.118m as shown in PPA note 41.
- Total Adjustments between revenue and capital resources: The figure for the 'General fund balance' in version three of the accounts is -£2.934m whereas in version one, it is -£3.133m. This is a difference of -£0.199m as shown in PPA note 41. The figure for 'Capital receipts reserve' in version three of the accounts is £3.061m whereas in version one, it is £5.427m. This is a difference of £2.366m as shown in PPA note 41. The figure for 'Movement in unusable reserves' in version three of the accounts is -£8.793m whereas in version one it is -£6.625m. This is a difference of -£2.168m as shown in PPA note 41.
- Total Adjustments to Capital Resources: The figure for the 'General fund balance' in version three of the accounts is 0 whereas in version one, it is -£0.121m. This is a difference of -£0.121m as shown in PPA note 41. The figure for 'Capital receipts reserve' in version three of the accounts is £5.207m whereas in version one, it is -£7.573m. This is a difference of -£2.366m as shown in PPA note 41. The figure for 'Mov.t in unusable reserves' in version three of the accounts is £8.916m whereas in version one it is £10.965m. This is a difference of £2.049m as shown in PPA note 41.

The differences made are to account for the CIL, however, it is also noted that £0.121m recognized in Taxation & non specific grant income & expenditure and £0.24m applied from the Capital Grants Unapplied reserve have also been adjusted between the two rows.

This has been reflected in the prior period adjustment note.

From our audit work performed we are satisfied with the basis of the adjustments undertaken.

Note 7 transfers to and from earmarked reserves - The Council has amended prior year figures, this is seen from the differences between version one and three of the accounts, this is seen below:

The balance at 31/03/2019 for version three is £12.865m and in version one it is £17.099m. This is a difference of £4.234m. The movement in year in version three is -£1.324m and in version one it is £1.045m. This is a difference of £2.369m. This is because this line within the accounts included the CIL and has subsequently been removed from the note.

This has been reflected in the prior period adjustment note.

From our audit work performed we are satisfied with the basis of the adjustments undertaken.

Note 9 Financing and Investment income and expenditure - The Council has amended prior year figures, this is seen from the differences between version one and three of the accounts, this is seen below:

The figure for the 2019/20 total in version three of the accounts is £2.775m whereas in version one it is £2.882m. This is an increase of £0.107m. This is shown in PPA note 41 and the difference is due to an amendment in interest payables due to amending for the CIL.

This has been reflected in the prior period adjustment note.

From our audit work performed we are satisfied with the basis of the adjustments undertaken.

Note 10 Taxation and non specific grant income - The Council has amended prior year figures, this is seen from the differences between version one and three of the accounts, this is seen below:

The total has been amended from £15.362m as per version one to £17.927m in version three. This is an increase of £2.565m. This is due to an amendment of Capital Grants and Contributions due to amending for the CIL.

This has been reflected in the prior period adjustment note.

From our audit work performed we are satisfied with the basis of the adjustments undertaken.

C. Audit Adjustments – Prior period 2019/20

Disclosure amendments identified

Auditor Comment

Note 16 Financial instruments - The Council has amended prior year figures, this is seen from the differences between version one and three of the accounts, this is seen below:

- **Financial Assets:** The total for 'carrying value' in version three of the accounts is £18.742m whereas in version one it is £24.698m. This is a difference of £5.956m. The total for 'fair value' in version three of the accounts is £18.242m whereas in version one it is £24.698m. This is a difference of £6.456m These changes are shown in note 41 PPA adjustments and is due to changes in debtors and fair value as a result of the CIL.
- **Financial Liabilities:** The total for 'carrying value' in version three of the accounts is £95.123m whereas in version one it is £94.335m. This is a difference of £-0.788m. The total for 'fair value' in version three of the accounts is £111,951k whereas in version one it is £118.148m. This is a difference of £6.197m. These changes are shown in note 41 PPA adjustments and is due to changes in investments/cash and fair value as a result of the CIL.

This has been reflected in the prior period adjustment note.

From our audit work performed we are satisfied with the basis of the adjustments undertaken.

Note 18 Debtors - The Council has amended prior year figures, this is seen from the differences between version one and three of the accounts, this is seen below:

The total in version three of the accounts is £7.179m whereas in version one of the accounts, it is £6.329m. This is a difference of £-0.85m and is due to amendments in central government bodies and other debtors as a result of the CIL. This has been shown in PPA note 41.

This has been reflected in the prior period adjustment note.

From our audit work performed we are satisfied with the basis of the adjustments undertaken.

Note 20 Creditors - The Council has amended prior year figures, this is seen from the differences between version one and three of the accounts, this is seen below:

The total in version three of the accounts is £13.429m whereas in version one of the accounts, it is £13.074m. This is a difference of £-0.355m and is due to amendments in other creditors as a result of the CIL.

This has been reflected in the prior period adjustment note.

From our audit work performed we are satisfied with the basis of the adjustments undertaken.

Note 24 Cash Flow statement operating activities - The Council has amended prior year figures, this is seen from the differences between version one and three of the accounts, this is seen below:

The 'Non cash movements' figure in version three of the accounts is £-10.322m whereas in version one, it is £-6.381m. This is a difference of £3.941m and is due to an amendment in 'Capital grants for non-current assets charged through revenue'. As per the PPA note, this is due to the amendments made to account for the CIL, however £1.375m relates to REFCUS grants recognized in the Cost of Services omitted from the note, this has been identified by the Council.

This has been reflected in the prior period adjustment note.

From our audit work performed we are satisfied with the basis of the adjustments undertaken.

Note 25 Cash Flow statement investing activities - The Council has amended prior year figures, this is seen from the differences between version one and three of the accounts, this is seen below:

The 'Net cash flows from investing activities' figure in version three of the accounts is £-3.409m whereas in version one, it is £-7.063. This is a difference of £3.654m and is due to amendments in 'Other receipts from investing activities and purchase of PPE'.

This has been reflected in the prior period adjustment note. From our audit work performed we are satisfied with the basis of the adjustments undertaken.

Note 26 Cash flow statement financing activities - The Council has amended prior year figures, this is seen from the differences between version one and three of the accounts, this is seen below:

The 'Net cash flows from financing activities' figure in version three of the accounts is £-0.587m whereas in version one, it is £-0.598m. This is a difference of £0.001m and is due to an amendment in cash payments for the reduction of outstanding liabilities.

This has been reflected in the prior period adjustment note.

From our audit work performed we are satisfied with the basis of the adjustments undertaken

C. Audit Adjustments – Prior period 2019/20

Disclosure amendments identified

Auditor Comment

Note 30 Officer Remuneration - In Version 1 of the accounts, the table for Note 30 - Officer Remuneration shows a column for the Remuneration bands: £50,000-£54,999, £55,000-£59,999, £60,000-£64,999, £65,000-£69,999 and then the total. The figures for number of employees for 2019/20 totalled 21 however the amounts shown within these remuneration bands didn't sum to the total presented. Within Version 3 of the accounts, the same table then had additional remuneration bands included: £70,000- £74,999, £85,000-£89,999, £95,000-£99,999, £110,000-£114,999. The number of employees for the remuneration bands then totalled the same number as the total presented.

This has not been reflected in the prior period adjustment note. It is recommended that further detail should be included in the accounts as to why this amendment has been made.

Our work is ongoing in this area.

Note 32 Grant Income - The Council has amended prior year figures, this is seen from the differences between version one and three of the accounts, this is seen below:
The 'Total government grants & contributions' figure in version three of the accounts is £5.888m whereas in version one, it is £3.201m. This is a difference of £-2.687m and is due to an addition of capital grants and contributions. The Council have provided a note below Note 32 to state that the 2019/20 figures have been restated to reflect capital grants applied from the Capital Grants Unapplied Reserve and Capital Grants recognized in the CIES.

This has not been reflected in the prior period adjustment note, however a note has been added below Note 32 to state reasons for the adjustment.

Our work is ongoing in this area.

Grants and Contributions Received in Advance: The total figure in version three of the accounts is £7.039m whereas in version one, it is £6.543m. This is a difference of £-0.496m and is due to an increase in Homes England grant income.

This has been reflected in the prior period adjustment note. From our audit work performed we are satisfied with the basis of the adjustments undertaken.

Note 34 Capital Expenditure and Capital Financing - The Council has amended prior year figures, this is seen from the differences between version one and three of the accounts, this is seen below:
The Opening Capital Financing Requirement as per version three is £104.922m whereas at version one this is £104.868m a difference of £0.054m. From version three to version one of the accounts, there has been a £0.198m difference in 'Government grants and other contributions', a £3.271m difference in 'Major Repairs Reserve', a £-2.365m difference in 'Capital Receipts Reserve – developments', a £-3.469m difference in 'Direct Revenue Contributions' and a £2.366m in 'Minimum Revenue Provision'. These net to nil as they are a reclassification of capital expenditure and financing. The 'Closing Capital Financing Requirement' figure in version three of the accounts is £102.685m whereas in version one, it is £102.632m. This is a difference of £-0.053m. This has not been shown in PPA note, however, the Council have provided a note below Note 34 to state that the 2019/20 figures have been restated to reflect capital grants applied from the Capital Grants Unapplied Reserve and Capital Grants recognised in the CIES.

This has not been reflected in the prior period adjustment note, however a note has been added below Note 34 to state reasons for the adjustment.

Our work is ongoing in this area.

Housing Revenue Accounts - The Council has amended prior year figures, this is seen from the differences between version one and three of the accounts, this is seen below:
The 'Total Expenditure' figure in version three of the accounts is -£20.920m whereas in version one, it is -£20.823m. This is a difference of -£0.097m and is due to an credit made towards 'Supervision and management' costs and this amount debited to Income under 'Contributions towards expenditure'. This has not been shown in PPA note 41.

This has not been reflected in the prior period adjustment note. It is recommended that further detail should be included in the accounts as to why this amendment has been made.

Our work is ongoing in this area.

Note 11 Sources of Funding for HRA Capital Expenditure - Within Version 1, the amount for Capital Receipts for 2019/20 under note 11 'Sources of Funding for HRA Capital Expenditure' is £1.058m. Within Version 3, this amount is £1.162m, an increase of £0.104m.

C. Audit Adjustments – 2020/21 primary statements



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Impact of adjustments made from version one to version three of the accounts.

The table below provides details of adjustments identified during the 2020/21 audit which have been identified by the Council and amended for version three of the financial statements that impact primary statements.

Detail

Income and Expenditure Statement – The Council has amended the accounts from version one to three due to errors they identified within version one. The net impact of this was that the 'Total Comprehensive Income and Expenditure has been amended from version one which was -£10.808m to -£12.723m, this is a decrease of £1.915m. This is due to the following amendments.

Cost of Services – Gross Cost as at version one is £80.958m this has increased to £81.663m as at version three, this is an increase of £0.705m. **Gross Income** has decreased from £68.661m as at version one to £66.164m as at version three this is a decrease of £2.497m. The net impact is an increase of £3.302m. This is due to amendments made within the service lines. Both Gross Cost and Gross Income has been substantively tested as at values stated within version three and we are satisfied with this amendment.

Surplus (-) or Deficit on Provision of Services – Gross Cost as at version one is £99.288m this has decreased to £89.385m as at version three, this is a decrease of £9.903m. This is mainly due to the amount of £8.898m for 'Taxation and non specific grant income and expenditure' Gross Cost not included as at version three. **Gross income** has decreased from £97.507m as at version one to £87.452m as at version three, this is a decrease of £10.055m. The net impact is an increase of £0.152m. This is due to a decrease in 'Financing and Investment income & expenditure income' Net Cost of £0.139m, this is due to the sub categories 'Gains and losses on trading accounts' and 'Other' decreasing by this amount.

Other Comprehensive Income and Expenditure as at version one is -£12.589m whereas as at version three it is -£14.656m, this is due to the 'Surplus (-) or deficit on revaluation of non current assets decreasing by £2.067m, this is because the Council did not provide valuations for Other Land and Buildings in version one of the accounts. Work is ongoing on the testing of valuations.

MIRS – The Council has amended the accounts, the balance as at 31 March 2021 was £106.115m as at version one and has increased to £108.031m as at version three, this is an increase of £1.916m. This is due to the following amendments:

- The total comprehensive income and expenditure for 'Fund Balances General' has decreased by £0.151m which has meant the 'Usable Reserves total' has subsequently decreased by £0.152m. 'Unusable Reserves' has increased by £2.067m. Therefore, the net impact as per Council Reserves total is an increase of £1.915m.
- Adjustments between accounting basis and funding basis under regulations has decreased by £2.830m for 'General Fund Balances' which has been reclassified by decreasing the 'Capital Receipts Reserve' by £0.134m, increasing the 'Unapplied Capital Grants' by £2.707m, decreasing the 'Usable Reserves' by £0.256m and increasing the 'Unusable Reserves' by £0.256m.
- The Transfers to/from Earmarked Reserves had a decrease of £2.707m in 'Fund Earmarked Reserves' which was transferred to 'General Fund Balances', creating an increase of £2.707m.

Work on the MIRS has been completed and no issues have been raised on version three of the values provided. The consistency checker has been completed by the Council and the MiRS is consistent with other areas in the draft SoA. The reasons why the movements have been linked to the income and expenditure and balance sheet adjustments identified and our work is ongoing in this area.

C. Audit Adjustments – 2020/21 primary statements

Detail

Balance Sheet – The Council has amended the accounts within the Balance Sheet from version one to version three as follows:

- Long Term Assets have increased by £2.209m, this is due to an increase within Property, Plant and Equipment. This is in mainly due to the Council not providing valuations in version one of the accounts. Our work on valuations is ongoing.
- Current Assets have increased by £0.305m, this is due to an increase in Short Term Debtors. This is due to a remapping of cash lodgments account to creditors resulting in an increase in the balance of debtors as this was a contra asset. This has been substantively tested and no issues have been noted.
- Current Liabilities have decreased by £0.581m this is due to a decrease in Short Term Creditors. This is due to a cash lodgment account recoded from debtors, a journal adjustment and an insertion of a new creditor. Work has been carried out on these adjustments and no issues have been identified.

The above has resulted in the change in net assets to be an increase of £1.933m. Total reserves has also decreased by £1.933m. This is split between usable reserves which has a £0.133m increase and unusable reserves which has decreased by £2.066m.

Cash Flow Statement – The Council has amended the accounts from version one to version three by the following:

- Net (surplus) or deficit on the provision of services was -£1.781m as at version one and -£1.933m as at version three this is a decrease of £0.152m.
- Adjustments for non-cash movements (note 24) was £19.942m as at version one and £20.421m as at version three, this is an increase of £0.479m.
- Adjustments for items that are investing or financing activities (note 24) was -£4.023m as at version one and -£8.654m as at version three, this is a decrease of £4.631m.

Work has been carried out on the above changes and these changes have been fed through the accounts and no issues have been identified.

C. Audit Adjustments – 2020/21 disclosure notes already amended by the authority

We are required to report all non trivial misstatements to those charged with governance, whether or not the accounts have been adjusted by management.

Misclassification and disclosure changes from Version One to Version Three of the Draft Financial Statements.

The table below provides details of misclassification and disclosure changes identified during the audit which have been made in the third set of financial statements presented for audit

Disclosure amendments identified	Adjusted?
Note 7 Transfers to and from Earmarked reserves – The Council has amended the accounts from £28.610m as at version one to £19.302m as at version three this is a decrease of £9.308m, this is due to the Council removing the line Capital Reserves as it is amalgamated within another total within version three.	yes
Note 9 Financing and Investment Income and Expenditure – The Council has amended the accounts from £4.297m as at version one to £4.158m as at version three, this is a decrease of £0.139m. This is due to the ‘Gains and losses on trading accounts’ value decreasing from £0.0026m to 0k and the ‘Other’ value decreasing from £0.114m to nil.	yes
Note 10 Taxation and Non-Specific Grant Income – The Council has amended the accounts from £15.937m as at version one to £18.848m as at version three, this is an increase of £2.911m. This is due to a £0.012m decrease in Council Tax Income, a £0.012m increase in non-ring-fenced government grants and a £2.911m increase in Capital grants and contributions. These movements have occurred due to income that related to non-ring fenced general COVID grants were classified as other income/fees and charges in version 1 of the accounts, as well as applied Community Infrastructure and capital grants. These have been reclassified which has resulted in the grant income balance increasing.	yes

C. Audit Adjustments – 2020/21 disclosure notes already amended by the authority

Disclosure amendments identified

Adjusted?

Note 11a Property Plant and Equipment – The Council has amended the Net Book Value as at 31 March 2021 from £232.374m as per version one of the accounts to £234.584m as at version three, this is an increase of £2.209m. This is due to the following:

- Additions have increased by £0.143m this is due to a decrease in Council Dwellings of £0.040m and an increase of assets under construction of £0.183m.
- Revaluations increase/decrease through Revaluation Reserve has increased by £2.066m this is due to an increase within Other Land and Buildings. This is due to the Council not providing revaluations within version one of the accounts. This is a result of our audit challenge that revaluations were revisited.
- Other movements in cost of valuation have decreased by £0.892m. This is due to a decrease within Other Land and Buildings this has then been debited to Other movements in depreciation and Impairment.

yes

Note 16 Financial Instruments – The Council has amended the accounts for Financial assets, the total classed as Financial Instruments as at version one for Carrying Value was £24.698m and the amount as at version three is £26.811m, this is an increase of £2.113m. For Fair Value, the value as at version one is £24.698m and as at version three is £26.111m however, the valuer as at version one has been incorrectly summed and should have stated £23.998m. Therefore, the movement is an increase of £2.113m, this is due to the movement of £2.113m for amortised cost.

The Council has amended the accounts for Financial liabilities, the total classed as Financial Instruments as at version one for the Carrying Amount was £96.656m as at version three this is £97.237m, this is an increase of £0.581m. This is due to Amortised Cost within Current Financial Liabilities increasing by £0.581m. The total classed as Financial Instruments as at version one for Fair Value was £134.529m and the amount as at version three is £122.102m this is a decrease of £12.427m. This is due to a decrease in total financial liabilities of £0.581m and an increase of £13.008m within not classed as financial instruments.

yes

Note 18 Debtors – The Council has amended the accounts from £19.174m to £19.479m an increase of £0.305m for Debtors. However, within the note, there has been a reclassification between Other Local Authorities and Other Debtors, and this movement changed the mix of the note by £5.012m. This was due to incorrect items originally included within the other local authorities category in version 1 of the draft accounts when they should have been within other debtors.

yes

Note 20 Creditors – The Council has amended the accounts by a decrease of £0.581m. This is due to an increase in Other Creditors relating to a Cash Lodgments Account recoded from debtors, a journal adjustment, and the insertion of a new creditor.

yes

Note 21 Provisions – Although the bottom-line has not changed, the Council has reclassified £0.108m from within ‘Amounts Used’ and moved this to within ‘Additional Provisions made.’

yes

Note 23 Unusable Reserves – The Council has amended the accounts from £72.637m as at version one to £74.703m as at version three of the accounts, this is an increase of £2.066m. This is due to the increase made wholly within the Revaluation Reserve due to the increase in the ‘Surplus non-current or deficit on the revaluation of assets not posted to the Surplus or Deficit on the Provision of Services’.

yes

Although the bottom-line has not changed, the Council has reclassified the value of £0.396m for the ‘Application of grants to capital financing from the capital grants unapplied account’ and debited £0.272m to ‘Capital grants and contributions credited to the Comprehensive Income and Expenditure Statement’ and £0.124m to ‘Capital expenditure charged against the General Fund and HRA balances’.

C. Audit Adjustments – 2020/21 disclosure notes already amended by the authority

Disclosure amendments identified

Adjusted?

Note 24 Cash Flow Statement Operating Activities – The Council has amended the accounts from £19.942m to £20.421m this is an increase of £0.479m. However, within the note there has been a reclassification of the following items:

- Change in Creditors has increased by £1.873m
- Change in Debtors has decreased by £1.146m
- Carrying amount of non-current assets sold or disposed increased by £0.005m.
- Other non-cash items charged to the deficit on the provision of services has increased by £0.249m

As well as this, the capital grants for non-current assets charged through revenue has decreased by £4.631m leading the non-cash movements to decrease by this amount also.

yes

Note 25 Cash Flow Statement Investing Activities – The Council has amended the accounts from -£0.039m to £4.164m, this is an increase of £4.303m. This is due to a decrease in the purchase of property plant and equipment of £0.093m and Other Receipts from Investing Activities increasing by £4.396m.

yes

Note 27 Expenditure and Income Analysed by Nature – The Council have amended the total expenditure value from £99.288m as at version one of the accounts to £89.385m as at version three. This is a decrease of £9.903m. This is due to the following movements:

- Employee benefit expenses has increased by £0.073m
- Other Services Expenses has increased by £3.645m
- Support Service Recharges decreased by £16.869m
- Depreciation, amortisation and impairment increased by £1.014m
- Revenue Expenditure Funded from Capital was debited into this note as at version three therefore increasing the balance by £2.536m.
- Interest payments increased by £1.469m.
- Disposal of Assets decreased by £1.771m.

The Council has amended the total income value from £97.507m as at version one of the accounts to £87.452m as at version three. This is a decrease of £10.055m. This is due to the following movements:

- Fees, charges and other income' has decreased by £9.795m
- Interest and investment' income has increased by £2.311m
- Income from Council tax and NDR has decreased by £8.711m
- Government Grants and Contributions has increased by £7.911m.

In total, the value for 'Surplus or Deficit on Provision of Services' has increased by £0.152m.

yes

Note 31 External Audit Costs – The Council have amended the total audit fee value from £0.082m as at version one to £0.116m as at version three, this is an increase of £0.034m. This is due to the following amendments:

- Fees payable in relation to the audit of the accounts and inspection fees has decreased by £0.029m. This is the scale fee published by PSAA within the audit plan.
- Fees relating prior year has increased by £0.063m, this was identified by the audit team as at version one of the accounts, the Council has subsequently amended before providing version three.

To note, the external audit fee will be amended again by the Council when the fee is finalised, see Appendix D.

yes

C. Audit Adjustments - 2020/21 disclosure notes already amended by the authority

Disclosure amendments identified

Adjusted?

Note 32 Grant Income – The Council has amended the total for non ring-fenced government grants from £6.783m as at version one to £11.995m as at version three, this is an increase of £5.212m. This is due to the Council debiting Capital Grants and Contributions of £5.200m to Grant Income and there has also been an increase of £0.012m from S31 Business Rates & Council tax grants.

yes

The total amount credited to services increased from £31.590m as at version one to £34.288m as at version three, this is an increase of £2.698m. This is due to the following:

- An increase of £0.079m in 'Capital Grants',
- An increase of £4.485m in the 'Corona Virus Grant'
- A decrease of £1.708m in 'Other Grants and Contributions'.

Note 34 Capital Expenditure and Capital Financing – The Council has amended the closing capital financing requirement from £103.959m as at version one of the accounts to £104.327m as at version three, this is an increase of £0.368m. This is due to the following:

yes

- Assets under construction increased by £0.183m
- Government Grants and Other Contributions decreased by £0.124m.
- A new line for 'Major Repairs Reserve' was added in version 3 which equated to £3.386m
- Removal of a line from version 1, 'Capital Receipts Reserve – developments' which equated to £0.470m
- Direct revenue contributions increased by £3.510m
- Minimum revenue position decreased by £0.368m – the Council omitted the HRA debt repayment within version one.

The Council have amended the change in capital financing requirement from £1.327m as at version one to £1.642m as at version three this is an increase of £0.315m. This is due to the following:

- The increase in underlying need to borrow decreased by £0.434m
- From version one of this section, 'movement in other long-term liabilities', 'voluntary set aside' and 'minimum revenue provision' were removed in version three, these summed to £0.749m.

To note, in version one of the accounts, the Council incorrectly displayed change in capital financing requirement as -£1.327m instead of £1.327m.

Housing Revenue Account - From Version one to Version three of the accounts, the total expenditure for 2020/21 has decreased from -£24.815m as at version one to -£25.299m as at version three this is a decrease of £0.485m due to the line in the note being separated with a new line within income, 'Contributions towards expenditure' which has meant the total income has then increased by £0.485m and the 'Supervision and management' line within expenditure has decreased by £0.485m.

The reclassification is due to the way the HRA statement has been prepared - every detail code is allocated to one category in the HRA statement; 5065 is supervision & Management. The costs on 6471/5065 were identified as supervision and management after the had closed the ledger a manual adjustment was made to the HRA statement. The costs are primarily electrical testing, along with some response and void repairs.

C. Audit Adjustments - 2020/21 disclosure notes already amended by the authority

Disclosure amendments identified

Adjusted?

Collection Fund Statement - In Version one of the accounts, 'Contributions to previous year deficits' was £0.946m for Council tax and the 'income due in year' had a balance of £69.645m however within version three of the account, the 'income due in year' has been debited £0.946m to make a balance of £70.591m where contributions in previous years deficits have been credited £0.946m, making the balance nil. This is because the £0.946m was an initial error and relates to Council tax hardship payment that is a GF item and not a collection fund item. This was incorrectly included within 'Contributions to previous year deficits' within version one of the accounts. There is also a decrease of £3.196m in the closing fund balance which is simply due to the incorrect summation of totals.

yes

C. Audit Adjustments – agreed but not yet amended for 2020/21

Misclassification and disclosure changes

The table below provides details of misclassification and disclosure changes identified during the audit which have been agreed but are not yet reflected in any revised financial statements. Therefore they are analysed separately as to not confuse with all the items that the Council has changed between version 1 and version 3 of the financial statements.

Disclosure omission	Auditor recommendations	Adjusted?
<p>Note 11a – Capital Commitments – The disclosure currently reads the following ‘At 31st March 2021 the Council had entered into a number of contracts for the construction or enhancement of non current assets in future years budgeted to cost £12.182m . Similar commitments as at 31st March 2020 were £2.008m . The entirety of this commitment relates to Council Dwellings works including, window replacement, roofing, structural £10.546m.</p>	<p>It is recommended that this is amended to ‘At 31st March 2021 the Council had entered into a number of contracts for the construction or enhancement of non-current assets in future years budgeted to cost £12.182m. Similar commitments as at 31st March 2020 were £2.008m. The largest commitment relates to works at Skelmersdale Town Centre of £10.546m.’</p>	<p>Agreed but not yet adjusted</p>
<p>Note 31 – External Audit Costs – The prior year audit fee of £0.0067m has not been disclosed separately.</p> <p>The current year audit fee will need to be changed to reflect the final fee</p>	<p>It is recommended that the prior year audit fee is disclosed separately to the correct fee.</p>	<p>Agreed but not yet adjusted</p>
<p>Accounting policies – The accounting policy on HRA valuation does not include the indices uplift within the disclosure</p>	<p>It is recommended that the indices uplift is included within the accounting policy disclosure in relation to HRA valuation.</p>	<p>Agreed but not yet adjusted</p>
<p>Accounting policies – The accounting policy on Employee benefits – for post employment benefits, the policy lacks key details about the accounting for the components of the movement in the net pension liability.</p>	<p>It is recommended that the accounting policy includes more detail about the components of the movement in the net pension liability.</p>	<p>Agreed but not yet adjusted</p>

C. Audit Adjustments – agreed but not yet amended for 2020/21

Disclosure omission	Auditor recommendations	Adjusted?
Accounting policies – The accounting policy on Financial Instruments - there is no mention of the accounting for interest, or of ECL.	It is recommended that the accounting policy include more detail for interest and expected credit loss.	Agreed but not yet adjusted
Accounting policies – The accounting policy on Accounting Standards issued but not yet adopted - Refers to amendments to the Code for 2020/21 – that is not relevant to this disclosure. The items referred here are already in effect and reflected in the Code for 2020/21.	It is recommended that the accounting policy is updated to reflect the correct disclosures.	Agreed but not yet adjusted

C. Audit Adjustments – unadjusted misstatements 2020/21

Impact of unadjusted misstatements

The table below provides details of adjustments identified during the 2020/21 audit which have not been made within the final set of financial statements. The Audit and Governance Committee is required to approve management's proposed treatment of all items recorded within the table below.

Detail	Comprehensive Income and Expenditure Statement £'000	Statement of Financial Position £'000	Reason for not adjusting
Two PPE additions when tested were incorrect. For one the work was not carried out and for another there was no evidence to support the payment as the officer involved had left the Council. The total value of both items was £0.06m. Based upon an extrapolation over the population of the additions sample, PPE additions may be overstated by £0.699m.	699	(699)	Matter immaterial to the results of the Council and its financial position at the year-end.
From testing a sample of invoices to confirm completeness over expenditure, it was found that one item had been over-accrued for £0.254m. As this is not work on a specific balance within the financial statements we are unable to extrapolate.	(254)	254	Matter immaterial to the results of the Council and its financial position at the year-end
When testing a sample of creditors, it was found that one item had been over-accrued for £0.029m. Based upon an extrapolation over the population of the creditors sample, creditors may be overstated by £0.204m.	(204)	204	Matter immaterial to the results of the Council and its financial position at the year-end
When testing a sample of Grants Received in Advance, a sample of two Commuted Sums have been tested. The authority are unable to provide third party documentation, and made the audit team aware that for all Commuted Sums there is no supporting evidence.	144	144	Matter immaterial to the results of the Council and its financial position at the year-end
Overall impact	£385	(£385)	



C. Audit Adjustments – prior year unadjusted misstatements 2019/20

Impact of prior year unadjusted misstatements

The table below provides details of adjustments identified during the prior year audit which had not been made within the final set of 2019/20 financial statements. Note that none of the issues identified below in 2019/20 impact the 2020/21 audit as we carry out work on revaluations annually, so the issues are replaced with any findings relating to 2020/21.

Detail	Comprehensive Income and Expenditure Statement £'000	Statement of Financial Position £' 000	Impact on total net expenditure £'000	Reason for not adjusting
The Council has carried out a full review of the valuation of investment properties 2019/20. These are valued at 1 April 2019. The Code states that “The fair value of investment property shall reflect conditions at the end of reporting period” that is, 31 March 2019. We have used indices to assess the reasonableness of managements estimate that suggested on average the Council’s investment properties were overvalued by around £0.406m.	-406	-406	-406	Matter immaterial to the results of the Council and its financial position at the year-end.
Overall impact	-£406	-£406	-£406	

Detail	Comprehensive Income and Expenditure Statement £'000	Statement of Financial Position £' 000	Impact on total net expenditure £'000	Reason for not adjusting
The Council has not revalued operational land buildings but has used local data to determine whether the estimate of value at the year-end is materiality correct As part of our work, we have used indices to assess the reasonableness of managements estimate that suggested on average the Council’s operational land buildings are undervalued by £0.485m.	485	485	485	Matter immaterial to the results of the Council and its financial position at the year-end.
Overall impact	£485	£485	£485	



D. Fees

Please see below our fees to date charged for the audit and provision of non-audit services.

Audit fees	Proposed fee	Final fee
Council Audit	£153,884	[TBC]
Total audit fees (excluding VAT)	£153,884	[TBC]

Non-audit fees for other services	Proposed fee	Final fee
Certification of Housing Benefit Claim	£19,000	£19,000
Certification of Housing capital receipts grant	£4,000	£4,000
Total non-audit fees (excluding VAT)	£23,000	£23,000

The initial fee for the audit is that informed to you in the Audit Plan in July 2021, this was £62,844. It was then discussed with the S151 Officer that an additional £42,000 will be added. We advised the Committee in our progress reports of May, July and October 2022 that the delay in producing the financial statements on time, and the other issues noted in that update report would impact the audit fee for the 2020/21 year and that there would again be a substantial increase.

Due to the issues identified as part of our value for money work (3 significant weaknesses), there has been significant additional work needed to investigate and report on these issues that also has an impact on the fee.. We have needed to bring in specialist colleagues to complete the work which is a cost to the audit.

In addition, the issues noted within this Report about the extra work required to revisit the financial statements that changed materially and to revisit all work undertaken to date has led to additional delays. The amount of meetings and correspondence to progress this audit is also time intensive.

Due to the issues noted above, there will be a further increase on top of that of £49,000. This brings the total fee to date to £153,884.

The final fee is 'to be confirmed', as depending on the outcome of the Council's valuation work and other outstanding areas there may be more fee.

We will update in our final Audit Findings Report the final proposed audit fee. Any increase in audit fees will need to be approved by Public Sector Audit Appointments (PSAA).





COUNCIL: 5 April 2023

Report of: Corporate Director of Transformation, Housing & Resources

Relevant Portfolio Holder: Councillor N Pryce-Roberts

Contact for further information: Alan Leicester (alan.leicester@westlancs.gov.uk)

SUBJECT: HRA - DAMP AND MOULD STRATEGY

Wards affected: Borough wide

1.0 PURPOSE OF THE REPORT

1.1 To seek approval of the newly developed Housing - Damp and Mould Strategy.

2.0 RECOMMENDATIONS TO COUNCIL

2.1 That Council approves the Damp and Mould Strategy attached at Appendix A.

2.2 That delegated authority is granted to the Head of Housing Services to make amendments to the strategy, in consultation with the portfolio holder, to address newly arising issues and to incorporate amendments following wider consultation.

2.3 That delegated authority is granted to the Head of Housing Services to make minor, inconsequential amendments to the Damp & Mould Strategy.

3.0 BACKGROUND

3.1 Officers have identified the need to produce and implement a Damp and Mould Strategy to address issues raised nationally by the Regulator of Social Housing and the Housing Ombudsman.

4.0 CURRENT POSITION

4.1 Officers have produced a strategy to formalise our approach to managing mould and dampness issues within the Council's retained housing stock, this is included as appendix A.

- 4.2 The strategy outlines the causes of dampness, the regulatory and legislative framework, how we will invest in our homes to minimise dampness issues, and our approach in dealing with dampness and mould issues when they occur. It also details how we will ensure awareness of dampness issues is maintained and enhanced. In addition, the strategy addresses how the Council will monitor and report on its performance.
- 4.3 The Strategy is designed to provide details of the overarching position in respect of the Council's response to Damp and Mould issues. In addition to the Damp & Mould Strategy, a Damp & Mould Policy is currently being developed which will be brought back to Council for approval at a later date.

5.0 ONGOING WORK SUMMARY

- 5.1 Our surveyor partners, Savills, have recently completed surveys on 4,839 our properties. This puts the Council in a good position to understand future investment requirements but also the extent of damp and mould issues within our stock. We are continuing work to achieve 100% survey coverage.
- 5.2 Work is ongoing to address damp and mould issues that have already been identified, either through the stock condition surveys or via reports made by tenants or our staff.
- 5.3 In addition, at the time of writing this report officers were in the process of contacting all tenants either directly or in writing asking them to report any damp and mould issues and to make them aware of how to report them in the future.
- 5.4 A working group has been put in place involving officers from across teams. The group have developed an action plan and a work tracker to address issues of mould and damp. The group meets regularly to monitor progress against the agreed actions and agrees additional actions as necessary. A written update was provided to Cabinet on 7th March 2023 outlining the actions already taken and planned to combat issues of damp and mould in council homes.

6.0 CONSULTATION

- 6.1 During the development of the imminent Damp and Mould Policy consultation will be carried out with customers and any feedback on the strategy will also be taken into consideration and appropriate amendments made.

7.0 SUSTAINABILITY IMPLICATIONS

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

8.0 FINANCIAL AND RESOURCE IMPLICATIONS

- 8.1 There are financial / resource implications arising from this report in respect to delivering the strategy. Specific HRA budgets have been approved for 2023/4 and 2024/5 to support this work.

9.0 RISK ASSESSMENT

- 9.1 The strategy provides a robust framework for managing the risks associated with damp and mould in Council owned homes. It will ensure a responsive customer focussed service is provided and reduce complaints or disrepair claims.
- 9.2 Failure to have a strategy in place would potentially been seen as weakness by the Regulator of Social Housing. A comprehensive strategy will help provide the regulator assurance that our approach is robust and effective.

9.0 HEALTH AND WELLBEING IMPLICATIONS

- 9.1 The strategy will help ensure that the Councils Housing stock provides a safe and healthy place to live, thus promoting good health and wellbeing and enabling people to flourish. The strategy will also potentially prevent and tackle the causes of ill health.

Background Documents

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

Equality Impact Assessment

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 however one will be produced as part of the introduction of the Damp and Mould Policy

Appendices

Appendix A – Damp and Mould Strategy 2023 - 2025



West Lancashire Borough Council

Damp, Mould and Condensation Strategy 2023-2025

- 1.0 Introduction**
- 2.0 Scope**
- 3.0 What Causes Damp?**
- 4.0 Regulatory, Legislative and Contractual Environment**
- 5.0 National View of Damp and Mould in Social Housing**
- 6.0 WLBC Position**
- 7.0 Investment in Our Homes**
- 8.0 Our Approach to Dealing with Damp and Mould**
- 9.0 Competency and Awareness**
- 10.0 Resources to Support the Strategy**
- 11.0 Listening to and Understanding Our Customers**
- 12.0 Performance, Reporting and Accountability**
- 13.0 Monitoring and Review**

1.0 Introduction

- 1.1. WLBC owns and manages around 5,900 social housing properties across the borough.
- 1.2. Making sure our tenants can live safely and comfortably in their homes is central to providing them with high quality housing services. This strategy and its supporting policy and operational processes aim to ensure that our approach to managing damp and mould helps protect tenants' safety and wellbeing and enables the council to fulfil its regulatory and legislative requirements.
- 1.3. Our overall response to the impacts of damp mould and condensation are based around;
 - Preventing the occurrence of damp through good knowledge of damp and mould in our homes and through good general maintenance;
 - Practical advice to tenants to help avoid/prevent the incidence of damp;
 - Financial and budgeting advice and support to tenants to help them combat fuel poverty;
 - Providing easy ways for tenants to report concerns about damp in their home;
 - Prompt investigation and intervention of reports of damp;
 - Swift remedial action where damp is found, prioritising cases where necessary to protect vulnerable people;
 - Ongoing monitoring of known and treated damp properties; and
 - Ongoing, adequate resourcing and other support for all activities associated with this strategy, so that the impact of damp on tenants can be minimised and managed appropriately where it happens.

2. Scope

- 2.1. This strategy relates only to the council's approach towards the management of damp reports in the social housing that it owns and manages. The council has other responsibilities in relation to damp in other housing tenures and those responsibilities are not covered in this document.
- 2.2. Other social landlords operating in West Lancashire will have their own approaches to the management of damp and tenants of other social landlords should approach their landlord for advice if they think they have damp or mould in their home.

3. What Causes Damp?

3.1. Damp, mould and condensation can occur in homes due to a number of reasons. The most common causes of damp, mould and condensation are as follows:

- Cold bridging - This can be caused for instance by insulation not fully extending into the eaves of a roof or window reveal, as well as poorly installed cavity wall insulation;
- Type and location of radiators - Damp can occur when radiators are located on internal walls, leaving external walls cold. Radiators could also be too low in heat output to adequately heat a room;
- Blocked, broken or covered ventilation – For example, blocked air bricks and malfunctioning window vents;
- Poor, malfunctioning or no air extraction in kitchens and bathrooms;
- Bridging damp – This can occur when moisture travels into the property from outside and is generally due to problems with damp membranes and blocked cavities, or where ground levels are above the damp membrane;
- Penetrating damp from render systems: This could be due to the render's age, the render mix being too dense, or poor brickwork pointing;
- Leaking or overflowing guttering – Where the gutter is damaged or needs clearing;
- Leaking roofs - For example when tiles are damaged or missing.;
- Unvented and non-condensing tumble dryers - These can produce excessive amounts of water vapour inside the house, encouraging condensation;
- Inadequate ventilation - This is the primary cause of excessive humidity, particularly when bathing, within the home: However drying clothes on radiators, cooking with lids off pans and even tropical fish tanks all add to the moisture levels within a property; and
- Fuel poverty - This is becoming a major factor in the increase of damp, mould and condensation problems when tenants are unable to adequately heat their home.

4. Regulatory, Legislative and Contractual Environment

4.1. The council has obligations relating to how it deals with damp, mould and condensation that come from several sources;

4.1.1. The Regulator of Social Housing

4.1.2. The Regulator of Social Housing expects all registered social landlords to meet its Standards. The Regulator's standards relevant to this strategy are:

- The Home Standard – Primarily, this standard requires the council to maintain its homes so that they meet (or exceed in some

instances) and continue to meet the government's Decent Homes Standard; provide cost-effective repairs and maintenance service to homes; meet all applicable statutory requirements that provide for the health and safety of the occupants in their homes; and that they ensure a planned approach to repairs and maintenance of homes and communal areas.

- The Tenant Involvement and Empowerment Standard – This standard exists to ensure that all tenants are treated with fairness and respect and have opportunities to influence and be involved in for instance, the development of policy and strategic priorities; decision making about how services are delivered; scrutinise and comment on their landlord's performance and be involved in the management of repair and maintenance services.

4.1.3. Where these standards are not met, the Regulator of Social Housing will publish regulatory Notices and regulatory Judgements where appropriate.

4.1.4. The Law as it Applies to Landlords

4.1.5. There are several pieces of legislation that all landlords must adhere to in order to provide compliant accommodation and which include provisions that relate to the management of damp and mould;

- Landlord and Tenant Act (1985) (LTA) - Under section 11 of the LTA, landlords have an obligation to "keep in repair the structure and exterior of the dwelling-house and keep in repair and proper working order the installations in the dwelling house for the supply of water, gas, electricity, sanitation, space heating and hot water". This is a continuing obligation to keep up the standard of repair throughout the lifetime of the tenancy. It also requires the landlord to put the premises into repair if it was not in good repair at the start of the tenancy. Due to the duty they owe to tenants, once landlord is put on notice, they must repair the defect to the property which is resulting in damp.
- Environmental Protection Act (1990) (EPA) - Any council tenant is entitled to take action directly where affected by a statutory nuisance. In this context, that would be in relation to any premises in such a state as to be prejudicial to health or a nuisance. The process involves serving a notice and if not complied with, an application can be made to the Magistrates' Court for an Order to abate the nuisance, prohibit its recurrence and/or requiring the Council (as landlord) to undertake remedial work. The Courts can impose a fine and breach of any Order is an offence. The Court

can also require compensation to be paid for personal injury loss or damage for a limited period. If dissatisfied, action could be taken by way of judicial review or complaint to the Ombudsman.

- Housing Act 2004 (HA) The Health and Safety Rating System (HHSRS) for rented homes was introduced under the above Act as a risk-based evaluation tool to help local authorities identify and protect against potential risks and hazards to health and safety, arising from any deficiencies identified in dwellings. This assessment method focuses on the hazards that are present in housing and means a higher burden can be placed upon landlords generally to minimise or avoid potential hazards and to review conditions regularly including to rectify damp and mould in properties.
- Defective Premises Act (1972) (DPA) - Under section 4(1) of the DPA, a duty of care is imposed on landlords to ensure that users of their properties are reasonably safe from damage or personal injury attributable to a relevant defect. A tenant may be able to claim compensation if their home has been severely damaged or they have suffered adverse health effects due to the condition of the premises. (E.g. Due to the existence of damp and mould).

4.1.6. The Housing Ombudsman Service

4.1.7. The first Housing Ombudsman Service was set up by the Housing Act 1996 and exists today to resolve disputes involving members of the scheme (which include social landlords). Disputes leading to complaints often relate to the services tenants feel they have been given by their landlord. The Housing Ombudsman's decisions on disputes are binding.

4.1.8. The Council's Tenancy Agreement

4.1.9. The Council's tenancy agreement (Section 6) contains the council's contractual obligations to keep its homes in accordance with obligations arising from s11 of the Landlord and Tenant Act 1985.

5. National View on Damp and Mould in Social Housing

5.1. The Regulator of Social Housing issued its initial findings (in February 2023) following a request to all larger registered providers of social housing asking them to advise on the extent of damp and mould in tenant's homes and their approach to tackling it. This included local authorities and housing associations who together own and manage over 4 million homes in England.

- 5.2. The Regulator has stated that it will continue to explore the extent and severity of damp in social housing and will intervene where it has concerns, taking appropriate regulatory action where it finds providers are not compliant with its standards.

6. WLBC Position

- 6.1. The council responded to the Regulator's above request for information. The Regulator has responded to the council's return and has not indicated that it will be making any further, more detailed intervention of the council's position on damp and mould in its homes.
- 6.2. The council advised the Regulator that it is currently undertaking a 100% stock condition survey - through independent specialists, Savills. The survey process includes an inspection for damp or mould issues.
- 6.3. The council advised the Regulator of the extent of damp so far identified in the stock and our actions in dealing with this. The Regulator was also advised of the approach that has been taken where Savills have not yet been able to gain access to carry out the stock condition survey, that is, we are reviewing all contacts relating to repairs and requests for rehousing where an issue of damp or mould has been mentioned, to ensure they have been resolved.
- 6.4. Our repairs contractor and its operatives have also been instructed to report any issues of damp/mould/condensation to us. This will again result in an inspection being carried out by our surveyors to order appropriate work.

7. Investment in Our Homes

- 7.1. Our 2019-2024 Asset Management Strategy sets out how we intend to invest in our homes, so they remain financially viable and an attractive housing option for people wishing to live in West Lancashire. We will shortly be reviewing and updating our Asset Management Strategy in the light of the new stock data received from Savills and the matters outlined below.
- 7.2. As the stock condition information referred to above is received from Savills, we will be analysing its content and determining how future investment needs may need to be re-assessed, given the passage of time since that policy was approved; the investment that has been made in homes over that time and also the effects of that same time on the overall condition of homes.
- 7.3. Additionally, new asset management challenges have emerged over that time that will need to be catered for. These include increased investment to support the council's journey towards 'zero carbon', the requirement to move all homes to EPC 'C' by 2030, and also a greater focus around compliance generally, but fire safety in particular, following the Grenfell disaster and the subsequent introduction of the Building Safety Act 2022.

- 7.4. The incidence of damp and mould within the council's homes and the challenge this creates as the council continues to maintain the fabric of its homes is a requirement that the new Asset Management Strategy will need to tackle.
- 7.5. Some of this will be dealt with through repairs, but prevention is the best solution, and the new Asset Management Strategy will, amongst other objectives, seek to ensure that programmes of work improve the council's homes, ensuring they are energy-efficient and well insulated which will help combat the incidence of damp and mould.

8. Our Approach to Dealing with Damp

8.1. Our approach is developed around the following key elements;

- **Prevent** – We will invest in our homes so they are energy-efficient and well insulated and so they are protected from damp caused by property-related conditions;
- **Inform** – We will provide our customers with advice and support to help them on financial matters and energy usage to help combat fuel poverty. We will offer support and information on how customers can play their part in preventing damp, mould and condensation occurring, dealing with each situation on a case-by-case basis in an empathetic and supportive way;
- **Identify** – Through knowledge of our housing stock gained via periodic surveys, staff knowledge, contractor reporting, analysis of data, tenant awareness and by responding to damp reports from our customers, we will continue to identify damp and mould and build our knowledge of damp and mould in our homes. We also plan to pilot new technologies with our partners that will help us prevent, identify and monitor damp in the future;
- **Act** – Where our investigations have identified the existence of damp, we will prioritise cases where appropriate and take prompt action to apply the best solution(s) to deal with each occurrence of damp or mould that we identify. This may include initial responses (e.g. Mould Washes) and longer-term solutions such as remedial repairs, upgrading insulation, improving heating and, where appropriate, addressing the cause(s) through planned investment;
- **Resolve** – We will ensure that the solutions we apply work and we will continue to monitor the success of those solutions and refine our approach as necessary until the damp has been eliminated. We will also advise our tenants of the cause of the damp and of any actions on their part that will help to prevent its re-occurrence;
- **Monitor** – Where we have identified a damp problem, we will keep in touch with tenants and will monitor the situation (again through new

technology where possible) until it is reasonable to conclude that the damp has been eliminated and should not return; and

- **Review** – We will periodically review our Damp and Mould policy and where necessary our Damp and Mould Strategy to ensure that our approach remains effective and to ensure we keep pace with developments in the treatment and management of damp and mould. We will also learn from our experiences of dealing with damp in our homes and from any feedback or complaints regarding our handling of damp and mould related issues.

8.2. Prioritisation of damp cases and reports. We know that damp can affect anybody, but it may be more harmful to some vulnerable customers, or people with certain medical conditions. Our processes will be sensitive to the different needs and vulnerabilities of our customers, and we will prioritise our response to damp accordingly to protect tenants who may be more vulnerable to the effects of damp and mould.

9. Competency & Awareness

9.1. We will ensure that we remain knowledgeable about damp and mould and competent in dealing with it. We will do this through;

9.2. Training – We will ensure that all relevant staff, have sufficient technical understanding of damp and mould to support the council's approach towards resolving damp. This includes non-technical staff, so that all staff are aware of damp so they can recognise and report it.

9.3. Access to specialist technical advice – When appropriate, we will have access to retained specialist technical advice so that the council is fully supported where a deeper degree of technical expertise is required to help us identify and/or solve damp and mould issues.

9.4. Co-operation/collaboration – We will have a Damp and Mould Strategy Group which includes staff from relevant sections of the council to ensure that a joined-up approach to dealing with damp and mould exists.

9.5. Leadership – The council's Strategy to manage damp and mould will be led by the Head of Housing through the Damp Strategy Group. However, all relevant staff will be made aware of the importance of identifying and tackling damp and mould through training and information being made available as part of this Strategy.

9.6. Best Practice – The council will ensure that it is always aware of contemporary best practice in the response to and management of damp and mould in social housing through engaging with peer organisations and its supply chain. We will endeavour to ensure that any new approaches or

innovations in the management of damp are implemented as part of the council's approach.

- 9.7. Horizon Scanning – Key staff will have a responsibility to ensure that they are aware of emerging developments or legislation affecting the management of damp and mould and will make sure that the council is appropriately prepared to amend its approach or adopt new practices where required.
- 9.8. The Housing Ombudsman, The Regulator of Social Housing and other relevant bodies – The council will ensure that it is always aware of the position of the Housing Ombudsman and the Regulator of Social Housing in relation to damp and mould and will ensure that any necessary changes to practices and processes are made. Additionally, the council will be aware of any the views/requirements of any specialist bodies that may advise statutory bodies or play a role supporting the general approach to damp and mould management.
- 9.9. Peer Groups – Senior staff in Housing will establish relationships with peers in other local and national social housing organisations so that the effectiveness of the council's approaches can benefit from shared best practice.
- 9.10. Third party auditing – In addition to the council's in-house internal audit processes, it will periodically engage the use of an independent specialist company to audit its approach to damp and mould management.

10. Resources to Support the Strategy

- 10.1. The council considers managing damp and mould to be a priority and will ensure that all necessary resources will be made available to ensure that the approach contained in this Strategy and its supporting policy can be delivered. This relates to the costs of;
 - The staffing resources necessary to deliver the requirements of the strategy and policy;
 - Day-to-day repairs and other immediate solutions to deal with individual cases of damp and mould;
 - Planned investment – via the Asset Management Strategy – to prevent the development of damp and mould problems in the future;
 - IT systems or support that may be required to manage damp and mould processes;
 - Specialist advice on damp identification/resolution, or to support legal matters;
 - Customer liaison, so that customers can influence policy and practice;
 - Technology to monitor damp and mould as this is explored;
 - Literature and other communications required to ensure tenants are informed on damp and mould; and

- Independent specialist auditors to ensure the council's approach is robust.

11. Listening to and Understanding Our Customers

- 11.1. Our customers will be consulted on the Damp and Mould Policy that accompanies this Strategy. This will ensure that customers have a voice on how we manage damp and mould. We will enable customers to see our policies, understand our processes and scrutinise our performance on damp and mould management.
- 11.2. Through our approach to customer liaison, we will further develop an understanding of our customers that helps us shape our service around their needs. This will include collecting data on customers and using this data to make sure that our services meet their needs.
- 11.3. This will help us target services better, where there are issues of vulnerability and where customers may be experiencing financial difficulties that could affect their ability to heat their home adequately, making them more susceptible to damp conditions occurring.

12. Performance, Reporting & Accountability

- 12.1. We will regularly report our performance on damp and mould to Corporate Management Team, to Councillors via the relevant committee and to relevant customer group(s) as defined by our Customer Engagement approach.
- 12.2. The performance indicators we will monitor our performance against are;
 - Number of cases reported by month;
 - Number of active cases as a percentage of total properties.
 - Number of concluded cases;
 - Average time to carry out a survey following reporting, against the KPI target;
 - Average time to carry out remedial works, against the KPI target;
 - Number of cases in legal proceedings;
 - Total number of active Category 1 (Severe cases)
- 12.3. The Head of Housing is the officer accountable for the delivery of this strategy.

13. Monitoring & Review

- 13.1. We will continually monitor the impact of this Strategy, reporting every six months to the Corporate Management Team and annually to the relevant committee of the council.

13.2. This Strategy will be reviewed in 2025.

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