



Jacqui Sinnott-Lacey
Chief Operating Officer

52 Derby Street
Ormskirk
West Lancashire
L39 2DF

26 May 2022

**TO: COUNCILLORS Y GAGEN, G DOWLING, C COUGHLAN, V CUMMINS,
FENNELL, N PRYCE-ROBERTS, J WILKIE AND A YATES**

Dear Councillor,

A meeting of the **CABINET** will be held in the **CABINET/COMMITTEE ROOM, 52 DERBY STREET, ORMSKIRK L39 2DF** on **TUESDAY, 7 JUNE 2022** at **7.00 PM** at which your attendance is requested.

Yours faithfully

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

Jacqui Sinnott-Lacey
Chief Operating Officer

AGENDA
(Open to the Public)

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

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

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

3. PUBLIC SPEAKING 1 - 6

Residents of West Lancashire, on giving notice, may address the meeting to make representations on any item on the agenda except where the public and press are to be excluded during consideration of the item. The deadline for submissions is 10.00am Friday 3 June 2022.

4. DECLARATIONS OF INTEREST 7 - 8

If a member requires advice on Declarations of Interest, he/she is advised to contact the Legal & Democratic Services Manager in advance of the meeting. (For the assistance of members a checklist for use in considering their position on any particular item is included at the end of this agenda sheet.)

5. MINUTES 9 - 12

To receive as a correct record, the minutes of the meeting of Cabinet held on Wednesday 4 April 2022.

6. CONFIRMATION OF PROCEDURAL MATTERS

1. To note the Leader has appointed Cabinet Working Groups for 2022/23 as circulated at the Annual Meeting on 18 May 2022 with the terms of reference now included in the Constitution.
2. To note the 'Proper Officer Provisions and Scheme of Delegation to Chief Officers' insofar as they are executive functions, and the Scheme of Delegation to Cabinet Members as set out in the Constitution.

7. MATTERS REQUIRING DECISIONS

7a **Leasehold Housing Management Policy 2022** 13 - 44
(Relevant Portfolio Holder: Councillor N Pryce-Roberts)

7b **Council Tax and NNDR Discretionary Funding Schemes** 45 - 88
(Relevant Portfolio Holder: Councillor A Yates)

7c **Corporate Performance Indicators Q4 2021-22** 89 - 118
(Relevant Portfolio Holder: Councillor A Yates)

8. EXCLUSION OF PRESS AND PUBLIC

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

(Note: No representations have been received about why the meeting should be open to the public during consideration of the following items of business).

PART 2 - NOT OPEN TO THE PUBLIC

9. MATTERS REQUIRING DECISIONS

- | | | |
|----|--|-----------|
| 9a | One-year trial for free parking in Ormskirk after 1pm on Mondays and Tuesdays in 2022/23
(Relevant Portfolio Holder: Councillor Ann Fennell) | 119 - 132 |
| 9b | Motorfest
(Relevant Portfolio Holder: Councillor A Yates) | 133 - 148 |

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**.

PUBLIC SPEAKING – PROTOCOL

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

1.0 Public Speaking

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

2.0 Deadline for submission

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

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

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

3.0 Scope

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

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

4.0 Number of items

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

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

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

5.0 At the Meeting

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

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

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

(Please see attached form.)



REQUEST FOR PUBLIC SPEAKING AT MEETINGS

MEETING & DATE

NAME

ADDRESS

Post Code

PHONE

Email

Please indicate if you will be in attendance at the meeting

YES/NO*

*delete as applicable

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

YES/NO*

*delete as applicable

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

NAME

PHONE

Email

Note: This page will not be published.

(P.T.O.)

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

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

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

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

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

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

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

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

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

'a connected person' means

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

'body exercising functions of a public nature' means

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

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

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

Agenda Item 5

CABINET

HELD: Wednesday, 6 April 2022

Start: 7.00 pm

Finish: 7.08 pm

PRESENT:

Councillors:

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

Officers:

Jacqui Sinnott-Lacey, Chief Operating Officer
Chris Twomey, Corporate Director of Transformation & Resources
Simon Kirby, Head of Wellbeing and Leisure
Lisa Windle, Head of Corporate & Customer Services
Kay Lovelady, Lega & Democratic Services Manager
James Pierce, Head of Finance, Procurement & Commercial Services
Tom Lynan Electoral Services Manager
Jennifer Lunn, Assistant Solicitor
Jill Ryan, Senior Member Services Officer

93 APOLOGIES

There were no apologies for absence received.

94 DECLARATIONS OF INTERESTS

There were no Declarations of Interest received.

95 **PUBLIC SPEAKING**

There were no items under this heading.

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

There were no items of special urgency.

97 **MINUTES**

RESOLVED: That the minutes of the Cabinet meeting held on Tuesday 8 March 2022 were received as a correct record and signed by the Leader.

98 **EXCLUSION OF PRESS AND PUBLIC**

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

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

99 **MATTERS REQUIRING DECISIONS**

Consideration was given to reports relating to the following matters requiring decisions and contained on pages 1960 - 1976 of the Book of Reports.

100 **LEISURE PROCUREMENT FUNDING STRATEGY**

Councillor Yvonne Gagen introduced the report of the Corporate Director of Place and Community which sought to approve the strategy for the use of CIL funding towards the development of the Ormskirk and Skelmersdale Wellbeing and Leisure Hub and the refurbishment of Burscough Racquets and Fitness Centre and to approve the receipt of funding from West Lancashire Community leisure Trust to support the investment in Burscough Racquets and Fitness Centre.

RESOLVED: A. That the Director of Place and Community and the Head of Finance, Procurement and Commercial Property, in consultation with the Portfolio Holder for Human Resources and Leisure and the Portfolio Holder for Resources and Transformation be granted delegated authority to utilise

funding as defined at paragraph 5.6 of the report to support the development of the Wellbeing and Leisure Hubs.

- B.** That the Director of Place and Community and the Head of Finance, Procurement and Commercial Property, in consultation with the Portfolio Holder for Human Resources and Leisure and the Portfolio Holder for Resources and Transformation be granted delegated authority to accept funding of £60,000 from West Lancashire Community Leisure Trust (WLCLT) to be spent specifically on improvement works at Burscough Racquets and Fitness Centre.

.....
Leader



LSC 1st June 2022

**EXECUTIVE OVERVIEW &
SCRUTINY COMMITTEE: 26th May
2022**

CABINET: 7th June 2022

Report of: Corporate Director of Transformation Housing and Resources

Relevant Portfolio Holder: Councillor Nicola Pryce- Roberts

Contact for further information: Name Mrs Jane Maguire (Extn.5003)

(E-mail: jane.maguire@westlancs.gov.uk)

SUBJECT: Leasehold Housing Management Policy 2022

Wards affected: Borough wide

1.0 PURPOSE OF THE REPORT

- 1.1 To recommend approval of the Leasehold Housing Management Policy 2022 (appendix 1)

2.0 RECOMMENDATIONS TO EXECUTIVE OVERVIEW & SCRUTINY COMMITTEE

- 2.1 That the Committee consider the Leasehold Housing Management Policy and that the agreed comments of Executive Overview and Scrutiny Committee be passed to Cabinet for consideration.

3.0 RECOMMENDATIONS TO CABINET

- 3.1 That Cabinet approve and agree to the implementation of the Leasehold Housing Management Policy 2022 (appendix 1)
- 3.2 That the Director of Transformation, Housing and Resources in consultation with the relevant Portfolio Holder be given delegated authority to implement, update and amend the policy after consultation, and then every 3 years or when there are legislative changes.
- 3.3 That the Director of Transformation, Housing and Resources in consultation with the relevant Portfolio Holder be given delegated authority to make any minor or

4.0 BACKGROUND

- 4.1 When a tenant purchases a flat under the Right to Buy, they enter into a legal agreement to become a Leaseholder. The Council currently has 455 Leaseholders who live in a flat. For these Leaseholders, as part of the purchase, the Leaseholder agrees to pay service charges towards the cost of the services provided.
- 4.2 The service charges vary depending on the property type and cover costs for the external repair, ground rent, upkeep of the structure of the building, insurance, communal heating, lighting, caretaking, ground maintenance and management charges. The Leaseholder is charged annually for the costs of the service.
- 4.3 A Leasehold property can be resold, remain in owner occupation, or be sublet. We currently have 35% of leaseholder property that is sublet.
- 4.4 The service has continually sought to improve delivery to achieve best practice and legislative requirements. The key objectives of the Leaseholder service is to ensure we:
- optimise income through service charges
 - provide transparent charges
 - comply with the terms of the leases and legislation
 - have a robust policy and processes for recharging for major investment work and recovering charges due
- 4.5 The Housing Quality Network (HQN) was commissioned in April 2021 to review the service, provide advice on the current approach, and identify improvement to deliver best practise. This has helped to formulate the basis of the Leasehold Housing Management Policy 2022

5.0 CURRENT POSITION

- 5.1 Leasehold Management is guided by a legal framework, lease agreements, case law, regulations, and sources of good practice. To recognise this and provide a focus for continual improvement we have developed a Leaseholder Policy.
- 5.2 The proposed Policy outlines the key guiding principles that we will follow to deliver services to current and new Leaseholders, notwithstanding the individual terms of each property lease and the legal framework.
- 5.3 The Policy supports delivery of good practice and will be supplemented with procedural guidance and be reviewed every three years.

6.0 SUSTAINABILITY IMPLICATIONS

- 6.1 By developing a Leasehold Housing Management Policy, the Council is providing a broad overview of services that meet the requirements of the lease and legislation, and it will ensure the service continues to meet best practice whilst providing robust documentation for business continuity.

7.0 FINANCIAL AND RESOURCE IMPLICATIONS

- 7.1 There are potential financial and resource implications arising from this policy in respect of creating a coding structure, transparent charges, dealing with the recovery of day to day and major works charges, and issuing estimates and actuals.
- 7.2 Leaseholder service charge income billed for 2022/23 is £282k, an average of £620 per leaseholder for the year. The total income collected is split and £216k pays for the services and the balance of £66k is added to the Leaseholder reserve fund. This money is held and used to offset major works on the external fabric of leaseholder properties as part of the Council's obligation to maintain our tenanted blocks.
- 7.3 Around 90% of 2021/22 leaseholder service charges were paid.
- 7.4 If we continue with the current approach to leaseholder service charges, the Council could expect at least £254k of 2022/23 service charges to be paid. This is a useful benchmark for assessing the financial value for money of any additional actions, through recovery work, though there are other non-financial considerations too, covered in paragraph 4.4.
- 7.5 We need to be mindful of the value for money implications to this work and so it is intended, that there will be a desk top pilot carried out on 10% of properties linked to service charge actuals and estimates. This will allow the Leasehold Services Manager along with the Finance team to establish working practices, understand if there is a requirement for additional resource and to ensure that changes to the process are cost effective and deliver value for money. However, we need to be mindful of the housing regulatory requirements, and that in any legal challenge, we need to evidence transparent service charges.
- 7.6 Whilst any financial gains are not quantifiable at this stage as we continually improve how we manage the service and administer charges, the Leasehold Services Manager along with the Finance team will collate and report as part of the local performance indicator process how our charges and recovery work compares with our peers.

8.0 RISK ASSESSMENT

- 8.1 The actions referred to in this report are covered by the scheme of delegation to officers and any necessary changes have been made in the relevant risk registers
- 8.2 The policy supports compliance with service charging and lease regulations.

8.3 In the current economic climate we will have Money advice and robust systems to support service charge payers, whilst ensuring we maximise transparent charges and so minimise financial risk

9.0 HEALTH AND WELLBEING IMPLICATIONS

9.1 Any financial impact related to charges and recovery within the Policy have been mitigated for Leaseholders through the provision of repayment options, and provision of budgeting support.

9.2 The policy ensures we have systems that supports the requirements for a property to be safe and compliant to current regulations, and so maintain the health and wellbeing of Leaseholders

•

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 2 to this report, the results of which have been considered in the recommendations contained within this report

Appendices

Appendix 1 – Leasehold Housing Management Policy 2022

Appendix 2 – Equality Impact assessment

West Lancashire Borough Council

Leasehold Housing Management Policy 2022

Introduction

This policy outlines West Lancashire Borough Council's (WLBC) approach to managing housing leaseholder properties, and the services we provide, including how we collect and raise service charges and how we ensure we offer quality and value for money

The principle aim of the policy is to ensure that leaseholders receive good quality, value for money services taking account of the terms of their leases. We will ensure that leaseholders receive timely and appropriate advice and information both generally and on request.

This Policy outlines the way we deal with day- to- day management of leasehold homes, including the collection of ground rent, service charges and other associated charges.

This Policy ensures that all leaseholders understand their obligations and what they can expect from WLBC.

It provides an overview of our landlord obligations, and how we will ensure that our leaseholders meet their obligation and ensure that where services are delivered that costs are recovered appropriately mitigating any financial loss to the Council.

We will use our discretion, with management approval, in the implementation of this policy and may at times take a decision outside, but within the spirit of the policy

1 Key Aims

- To provide high quality services which represent value for money
- To comply with all relevant legislation, regulatory guidance, and Codes of Practice, and to learn from good practice.
- To ensure that all leaseholders understand their rights and responsibilities.

2 Policy Statement

We will achieve our aims by:

- Treating leaseholders as valued customers by providing opportunities for leaseholder involvement, feedback and having an efficient complaints procedure.
- Communicating clearly with leaseholders by providing accurate, timely and understandable information and advice.
- Complying with requirements to consult leaseholders over the provision of services and in advance of any improvement or major repairs programs.
- Consulting with leaseholders over the development, monitoring and review of this policy and supporting policies.
- Taking a one team, one Council approach to leasehold management. Our property services and corporate services staff will take responsibility alongside the Income and Financial

Inclusion Team for the quality of services to leaseholders.

3 Lease Agreements

The rights and responsibilities of landlord and leaseholder are determined primarily by the terms of the lease and legislation, and in particular the Commonhold and Leasehold Reform Act 2002.

The lease is a binding contract that sets out the terms on which the Council allow the leaseholder to occupy the property. It sets out the respective rights and obligations of ourselves and the leaseholder. The lease is the main determining factor in relation to the way a property is managed and maintained.

We will ensure that any lease that is used is current and meets standard legal requirements and any requirements of Homes England. The lease will be reviewed every 3 years to take account of any changes required by Homes England and other case law particularly the First Tier Tribunal determinations.

3.1 Varying the Lease

We may consider varying a lease and consider requests from lessees to vary the terms of the lease for specific reasons. Variations are likely to be agreed where they are considered necessary and in the interest of both parties.

3.2 Breaches of Lease Conditions

Where a lessee breaches a condition(s) of their lease, we will request the leaseholder to remedy the breach. If the breach is not remedied, we may take enforcement action to ensure the breach is remedied, in most cases firstly via informal action, and if not successful, through formal action including legal remedies such as injunctions, possession action or forfeiture proceedings.

3.3 Assigning the lease

We will respond promptly to requests to assign a lease and will ensure any costs incurred are appropriate and reasonable.

3.4 Seeking landlord's permission

If a leaseholder requires our permission for something: typically to carry out an improvement, take in a lodger or sublet the property, we will respond promptly and ensure that any costs recharged are appropriate and reasonable.

4 Legal and regulatory frameworks

Leasehold Management is guided by a legal framework including case law, regulations, and sources of good practice. The primary legislation is the Commonhold and Leasehold Reform Act 2002. We will achieve our aims by working to the relevant legislation and guidance. We will ensure we follow best practice, and keep updated with any regulation and legislative guidance

The legislation relevant to the Leasehold Management Policy is complex and has been subject to change during the past years. The current key legislation includes:

The Landlord and Tenant Acts of 1985 and 1987
The Housing Act 1988
The Leasehold Reform, Housing and Urban Development Act 1993
The Housing Act 1996
The Commonhold and Leasehold Reform Act 2002.
The Housing Act 2004.

Other relevant legislation includes:

The Housing Act 1985 (as it affects the RTB, Preserved RTB and Right to Acquire)
The Property Misdescriptions Act 1991
The Consumer Protection Act 1987
The Law of Property Act 1925
The Unfair Terms in Contracts Regulations 1999.

The main documents and procedures associated with this policy are:

- leaseholder handbook
- right to buy procedures
- leaseholder arrears procedure
- S20 procedures (process for the right to consult on major works)

5 Key delivery of leaseholder policy and services

- The Income and Financial Inclusion Manager (IFM) has overall responsibility for the implementation of the Policy.
- Leaseholders will be directed to the service/team who have direct responsibility for the issue that is raised by leaseholders.
- For management issues the Leasehold Services Manager (LSM) will act as the main point of contact, providing support and training and ensuring all services work in close co-operation with each other to ensure a prompt and efficient service.
- Leasehold law and accompanying regulations and codes of practice are complex and subject to frequent change. The legal department of WLBC will provide the appropriate expertise to ensure that the policy and teams comply fully with legislation and are able to advise leaseholders accordingly.
- We will comply with all relevant legislation and the terms of individual leases whilst recognizing that legislation can take precedence over individual leases.

6 Information and Consultation

We will provide leaseholders with all relevant and necessary information including:

- A dedicated webpage
- An annual update which will include overall performance by WLBC and information about its activities in the communities where it works available on the website
- A Leaseholders' Handbook:

Every leaseholder will receive an individual service charge statement and we will make reasonable management and administration charges in accordance with the provisions of leases. We will aim to recoup actual costs wherever possible and will give leaseholders information on what the costs cover.

We will ensure that leaseholders are fully consulted in compliance with the Landlord and Tenant Act 1985 (s20) as amended by the Commonhold and Leasehold Reform Act 2002. This requires us to consult leaseholders on:

- Proposed major repairs or improvements for which they will be required to pay
- Proposed changes to contracts for long term services.

The consultation procedure will comply with the regulations and will give leaseholders the opportunity to comment on choices of contractor and the proposed works.

We shall make every effort to ensure that charges for works are reasonable and that the works are to a good standard.

In addition to the statutory requirement to consult, where possible, WLBC will consult and work with leaseholders to understand their needs and preferences, and to provide services that reflect this.

7 Insurance

The Council is required under the terms of its leases to provide a buildings insurance policy for its leasehold properties, the cost of which is recovered through the service charge. The Council will ensure value for money when obtaining buildings insurance so that leaseholders benefit from any cost savings.

8 Improvements & Repairs

WLBC is committed to maintaining its stock and has day to day, planned and cyclical programmes of repairs and improvements. When scoping works, decisions are based upon the long-term value for money in block maintenance regardless of the proportion of tenanted or leasehold properties.

All works undertaken will be in accordance with the terms of the lease and works which require Section 20 consultation will be dealt with in line with legislation.

9 Subletting

Leaseholders of properties bought under the Right to Buy can sub-let their property.

It is important that where leaseholders sub-let their property, the Council manage the arrangement to ensure that it gives due regard to other leaseholders/tenants in the building and that in the case of emergencies means the leaseholder can be contacted.

- This allows us to protect the interests of neighbours and other residents.
- Ensures that leaseholders know their responsibility as a landlord when they sub-let.
- Provides officers and leaseholders with a clear understanding of what is required so that the property can be properly managed for the benefit of the sub-letting leaseholder and their neighbours.

9.1 Sub-Letting information requirements

- Leaseholders will be required to supply details of their forwarding address and the details of their letting agent. This is to allow for contact in the case of emergencies for example leaks to neighbouring properties. This information will be stored and used when required.
- For leaseholders who sub-let we will advise about their responsibilities as landlord for meeting landlord and building compliance requirements eg gas servicing, energy performance certificate and any relevant statutory regulatory requirements for a landlord at the time.

9.2 Fees and charges

The Council will not charge a fee to those leaseholders who sub-let. By not charging a fee we believe that leaseholders will be encouraged to tell us they are sub-letting for the benefit of the Council and the residents of the area.

9.3 Uses of property

The property must not be used for short term lettings such as an Airbnb type arrangement as we may take legal action and re-charge the costs to the leaseholder. This is because our leases state that the property should only be used as a 'single private dwelling house'.

9.4 Storing of information

We will securely store details of leaseholders who are known to be sub-letting on the Council's relevant data system. The forwarding address and contact details will be used for all future correspondence. A review will be in place to ensure that we regularly contact all those sub-letting to ensure we have up-date details. We will also request that the Leaseholder supplies regular updates if there is a change in circumstances

10 Lease Extensions

Any agreement to extend a lease will comply with the relevant legislation, the Leasehold Reform, Housing and Urban Development Act 1993 (as amended), and good practice.

Should the legislation and guidance on extending leases change after the publication of this policy this document will be amended along with the website and handbook.

- a. Leaseholders have the statutory right to a lease extension providing they have owned their property for a minimum of 2 years. Whilst the legislation places restrictions on extending the lease depending on the type of property these restrictions do not apply to leasehold properties in management within WLBC.
- b. We will ensure that all leaseholders understand their rights to extend their lease through information in the handbook and on the website. We will also sign-post leaseholders to the Leasehold Advisory Service web-site www.lease-advice.org for further information on the process for extending a lease and the costs involved in the process.
- c. The statutory right to extending a lease is due to change following consultation. However, at the time of this policy, once the right to extend is exercised, the lease will be extended by a further 90 years with a 'peppercorn' (nil) ground rent.

- d. We will charge a reasonable fee for administering the process of the claim, and will follow the statutory process and adhere to the time scales provided for within the 'Act'.

11 Alterations/Improvements

We are supportive of leaseholders wishing to improve their homes.

Under the terms of the lease, leaseholders are required to obtain written consent from the Council to make any alterations or improvements.

The Council will be mindful of the extent to which any alteration or improvement impacts on other residents, the integrity of the building and the future management or the Council's repairing liabilities. Work should not commence until consent has been granted.

Leaseholders will not be given permission for any alterations or improvements that:-

- Make the property or part of the party dangerous or unstable.
 - Creates risk to the health and safety of others
 - Requires the purchase of land which is not defined within the leaseholder's lease agreement
 - Impacts on the structure or changes the appearance of the building or the shared or communal parts in any way.
 - Prevents light or air reaching other residents
 - Affects the legal right of other residents, for example right of way
 - Reduces access to other neighbouring properties
 - Invalidates the Council's building insurance
 - Makes maintaining the neighbouring properties more difficult or expensive
 - Is beyond the demise of the existing lease
- a. Any written consent given will be on the condition that the leaseholder has provided details of the proposed works and will be subject to meeting conditions, such as obtaining Planning Permission and/or Building Regulations.
- b. All requests to carry out an improvement must be in writing on our application form which is available on our website. The Council will aim to provide a response to the leaseholder within 30 days of receiving a completed application form either providing conditional consent or to refuse the application giving the reasons why.
- c. Retrospective permission for alterations is made where an improvement has been carried out and the leaseholder has failed to obtain consent beforehand. This may occur if a leaseholder wants to sell the property and the solicitor has identified that an alteration has been made to the property.
- d. The leaseholder will be required to make an application for Landlord's Consent (as a condition of the lease). In these circumstances the application will be administered by the same process as above although a higher administrative fee will be applied

When permission is refused

Where permission is refused this will be confirmed in writing with the reasons for the decision

- e. Where an application to carry out alterations or improvements has not been approved, and the development or conversion has already been carried out, the Council will require the leaseholder to re-instate the property or element back to its original condition at no cost to the Council. The Asset Management Team will be commissioned to confirm that the reinstatement has taken place and that it is to a satisfactory standard.

- f. Failure to re-instate the property or element to its original state, once instructed to do so by the Council, could result in a Court Order being sought against the leaseholder to do so and the possible forfeiture of the lease.
- g. A fee is charged for providing consent and where additional administration or inspections are carried out then a further fee may be charged. The fees ensure all costs incurred in issuing a License to Alter, Deed of Variation and solicitors' fees are adequately captured.

Where permission/consent is refused leaseholders will be advised of the Councils complaints process.

12 Service Charges

Service Charges are payable by Leaseholders to cover costs of services and to support the costs of delivering a service.

We aim to:

- develop a consistent approach to setting fair and reasonable service charges that cover the cost of the services delivered and which provide value for money
- ensure that all leaseholders are provided with details of the costs of services prior to purchase, together with details of how the charge is calculated.
- provide as accurate an assessment as possible of the service charge costs
- send individual leaseholders their service charges on time and in a clear format
- seek to procure services that achieve value for money and that are competitive
- provide leaseholders with as much notice as possible when exceptional charges are likely – exceptional charges being due to legislative changes
- operate a life-cycle cost based Advanced Payment Fund (APF) also known as a reserve fund charge to meet the costs of major work such as replacement of windows, roof, etc where the lease terms support this
- raise service charges in accordance with the lease agreement
- adhere to the legislation framework governing the operation of service charges and any good practice guidance
- recover all the reasonable costs of providing a service to leaseholders.

13 What is a Service Charge?

A service charge is a charge made to leaseholders by WLBC to cover the costs incurred in the upkeep of the communal parts of the property, for which all residents have a joint responsibility under the terms of their lease or share that responsibility with the Landlord WLBC.

Section 18 of the Landlord and Tenant Act 1985 defines a service charge as:
'an amount payable by a tenant of a dwelling as part of or in addition to rent (a) which is payable, directly or indirectly, for services, repairs, maintenance, improvements or insurance or the landlord's cost of management, and (b) the whole or part of which varies or may vary according to the relevant costs.'

Service charges are not limited to day-to-day services but can include costs for repairs and maintenance to the building, major works to the building or the communal areas of a block or estate. The following list provides an example of possible services, but is not exhaustive

:

- Caretaking
- Grounds maintenance
- Communal electricity supply
- Communal heating systems
- Door entry maintenance
- Fire risk assessments
- Responsive repairs to communal parts
- Management costs.
- Front doors (to meet fire regulation)
- Insurance

The lease sets out the leaseholder's obligations to pay service charges in addition to any other charges for example other costs, management fee, rent (where ground rent is charged). Service charges will be calculated as variable charges accompanied by statements of actual expenditure.

To ensure that we implement the service charges the Leaseholder Service Manager (LSM) and Income and Financial Manager (IFM) will work closely across teams to ensure that leaseholders pay for services that are of good quality and represent value for money. The LSM works closely with:

- The Finance Department in monitoring the expenditure and setting charges
- The Asset Management Team and Property services to ensure that WLBC's assets are maintained with quality and value for money as key considerations
- The Sundry debt team who bills, and recover the charges
- The Legal team who process enforcement work for non-payment of service charges

We will work closely with our leaseholders to ensure service charges are clearly explained, equitable, and in a format that takes account of individual leaseholders' needs and requirements.

The provision of services will only be considered where the lease allows, or we consider it to be reasonable and proportionate;

The following list provides an example of these services, but is not exhaustive

- Information on rights and responsibilities prior to sale.
- Monitoring service charge payments, offering various ways to pay and signposting to debt and money advice
- Liaising with solicitors and other interested parties, to provide information in relation to service charges and lease obligations
- To carry out estate inspections to monitor estate services and maintenance services
- To provide advice and support to leaseholders who experience Anti-Social Behaviour where they live.

14 Service Charges for Major Works

Where we propose works that will require the leaseholder to contribute more than £250 or propose to enter into an agreement for works or external services which will last for more than 12 months and will cost the leaseholder more than £100 in any 12-month accounting period, we will consult on the proposed works.

This will be in accordance with provisions of the Commonhold and Leasehold Reform Act 2002 (known as a Section 20 consultation).

Sometimes the First Tier Tribunal (Property Chamber) can agree that consultation is not required.

Advanced Payment Funds (APF)/ Reserve Funds

We support the use of APF/reserve funds were confirmed in the lease, this enables provision to be made for high-cost items of anticipated future expenditure. We will aim to review Reserve funds every **5 years**.

15 Calculating, and accounting for service charges

All service charges will be based on either actual or estimated costs of providing the service.

An annual schedule of estimated service charge costs will be drawn up for each block in advance of the start of each financial year, based on the actual costs of the previous full financial year, plus any assumed inflationary costs and any local knowledge.

We will maintain comprehensive accounting records for each leaseholder who receives chargeable services. We will aim to produce an annual summary of accounts for each property by the end of September each year. Where actual costs in any accounting year exceed the income for the same period, the balance will be separately invoiced to the leaseholder.

Where actual costs in any accounting year are less than the income for the same period, the balance is credited to the individuals service charge account. Should a leaseholder request it this may be credited to the reserve fund contribution for that property

16 Apportionment of service charges

The leases set out the obligations in respect of the provision of services, and generally outline how the costs of the services will be apportioned between residents. Where there is no specific apportionment required by the lease, this will normally be applied on a pro-rata basis, based on the number of properties receiving the service (ie an equal split).

17 Placing of service contracts and ordering of supplies

We will aim to ensure that all service contracts, whether provided internally or externally, are cost effective and represent good value for money. New contracts are routinely subjected to competitive tendering, under our contract and procurement guidelines.

Contracts will be reviewed regularly to ensure that standards of service and cost effectiveness is being maintained. When possible, contracts will be procured across the organisation, to obtain potential discounts through economies of scale. Where required by law, the Council will consult with leaseholders over long-term (partnering) contracts that would impact on service charges.

18 Budgetary control

We have transparent and clear processes for monitoring expenditure and budgets are reviewed on a quarterly basis to ensure that expenditure is within the estimated budget and that areas of concern are identified early on.

If there is an anticipated overspend, we will notify leaseholders of the reasons why and the amounts in question. This will support Leaseholder to reassess their personal finances and to plan to increase the amount they will have to pay.

For Leaseholders who may experience financial hardship the Council will provide Money Advice

and can signpost to other relevant agencies for support.

The budget scrutiny process includes a detailed analysis of expenditure to identify emerging trends that require greater consideration, for example repeated expenditure on a particular repair when a replacement of the element might prove more cost effective.

19 Capital financing and depreciation – flats only. (Advance payment fund (APF) or reserve fund

The Council collects a contribution to an APF (reserve fund) . These reserve funds are to assist in meeting the costs of periodic replacement or renewals of major/key facilities, eg window replacement, roof replacement, and for the future redecoration of internal and external common parts including materials and scaffolding.

The amount held in the fund is not returned to the leaseholder when the property is sold. It is held on account for the benefit of the property.

Contributions for the APF are collected as part of the annual service charge but are identified separately. The contributions are based on the estimated life cycle costings for each major element. This is considered a good practice approach.

Where leaseholders are not charged based on life cycle due to previous legacy charging processes, we will continue to work with them so that charges are calculated using this method taking a phased approach. Contributions are accounted for on an individual basis and are calculated at block level.

Leaseholders will be provided with a yearly statement of the reserve funds held in respect of their property. Contributions will be held in a sub account and will be reviewed on an annual basis.

Any major works require the Council to consult with residents prior to commencement of works. Where there are insufficient funds available in the APF (reserve fund) at the time works are due the Council will invoice within the required timescales the difference. We will offer repayment options for the balance

20 Authorisation and approvals

The service charge accounting procedure ensures that payment to contractors in respect of major works and services will be subject to the organisation's financial procedures in terms of authorisation and approval levels.

All blocks paying a service charge receive a service charge account that will be subject to scrutiny and an internal audit by the Council's management accountant to certify that the accounts are correct and in line with the terms of the lease.

21 Legal framework for service charges

We will adhere to statutory requirements in delivering and charging services to our leaseholders and follow the relevant legal and regulatory frameworks. Service charges will comply with the provisions set out in the Landlord and Tenant Acts 1985 and 1987 (as amended)

We will provide leaseholders with a notice of rights with demands for payment as required under the Commonhold and Leasehold Reform Act 2002. Estimated service charges for Right to Buy (RTB) are governed by the Housing Act 1985 as amended and are covered within the Right to Buy process.

22 Major Works repayment options

To support leaseholders where there is a balance owing for major works following the deduction of monies held in the reserve fund (APF advanced payment fund) for the property, we will offer repayment options.

The Council recognises that it can be difficult for some leaseholders to meet the costs of major works bills which are invoiced and so the payment option, is in addition to that specified in the lease.

We want all leaseholders to be aware of their financial and contractual responsibility to contribute to the costs of major works carried out to their property and to have flexible options which provide them with reassurance ahead of any demands for payment.

Providing payment options will ensure maximisation of income towards the cost of the major works and minimises hardship where costs are substantial.

Where leaseholders are unable to pay charges for major works, we will work with them to make sure they can pay over the shortest possible period that is appropriate to their financial circumstances.

23 Limitation on Major Works Charges for new Right to Buy leases

During the first five years of Right to Buy major works are limited to the amounts detailed in the offer notice issued prior to purchase.

- The offer notice would have contained details of possible works and an estimate of the cost.
- The limitation applies to the sum listed plus an allowance for inflation.
- The offer notice details the maximum that can be charged.
- Any major works done outside this five-year period are fully rechargeable

24 Recovery of Monies for Major Works

Standard payment method

The standard and preferred method will be for payment to be made in full in accordance with the lease agreement and within 30 days of invoice, which will be issued within the required timescales and within 18 months of the completion of the works.

Only resident leaseholders who occupy their property as their principal home will be able to enter into extended payment agreements with the Council for major works.

Non-resident landlords who do not occupy the property themselves as their principal home will be required to settle the invoice in full, in line with the terms of the lease.

All leaseholders who pay in full within 30 days of invoice for major works may be entitled to receive a 5% discount.

Repayment Options

Depending on the value of the cost of the works the council will offer occupying leaseholders the option to meet the costs of their major works invoice interest free via an instalment plan. This must be agreed in advance and a Direct Debit payment set up for a monthly payment.

Repayment terms:

- Interest free periods of up to 12 months on major works invoices up to £1,000
- Interest free periods of up to 24 months on major works invoices up to £2,000
- Interest free periods of up to 36 months on major works invoices up to £3,000
- Interest free periods of up to 60 months on major works invoices up to £6,000
- Interest free periods of up to 120 months on major works invoices up to and over £10,000

If payment is not made

Once a payment plan has been agreed leaseholders will be expected to keep to the terms with regular monthly payments until the charge has been cleared in full, within the agreed period.

If the leaseholder does not keep to the payment plan as agreed, the Council will recover the debt in accordance with its arrears procedure including:

- Recovery action through small claims court Money Claims online (MCOL)
- Apply interest on the original invoice
- Seeking mortgagee's capitalisation of the debt
- Seeking a charge on the property via the courts
- Seeking forfeiture of the lease (following a decision of the First Tier Tribunal)

25 Financial hardship

- a. Where a leaseholder claims financial hardship, during the consultation, at issue of the invoice or during a standard payment plan, the Council will undertake an assessment of financial circumstances, including the ability to pay based on the options outlined above or to obtain and sustainably repay a private loan.
- b. Where the assessment demonstrates that the leaseholder is financially unable to undertake one of the standard payment methods, the Council may consider offering payment over an additional 24 months extended term depending on the amount repayable. This will be dependent on the financial circumstances of individuals, based on a review of income and expenditure. We may signpost leaseholders to our partners to provide this advice.
- c. The Council may also consider offering payment over an extended term in the form of interest-bearing loans, depending on the amount repayable. This may be considered and will require the Leaseholder to meet the criteria as set out in the Housing (Service Charge

Loans) Regulations 1992. Although this would be less favourable and leaseholders will be encouraged to take up the Council's offer of interest free repayment terms.

Discretionary Service Charge Loan

The Council may consider the offer of a discretionary loan, to help spread the cost of the repair work for more than the 12 years. However, this would require the Council putting a charge on the property as a security against the loan and the ability to charge fees to the leaseholder for setting up the loan which would be added to the loan.

Discretionary Reduction of Charges (England) 2014

'The Social Landlords Discretionary Reduction of Service Charges Directions 2014' give all Councils the discretion to reduce service charge in respect of works of repair, maintenance or improvement in cases of extreme hardship. Under this Direction the Council may waive or reduce service charges by an amount it considers to be reasonable. This also applies to service charges already demanded or already paid to permit a refund.

The Council will follow a formal decision-making process when considering, this is available on request should this discretion be used.

Voluntary Charge on the Property

Where a **resident** leaseholder cannot reasonably undertake the terms of the payment options or council loans, the Council may also consider adding the charge to the title of the property. This will usually apply to older residents or those with disabilities or long-term illness whose income or employment capacity is limited on a long-term basis. This charge would be the full cost of the works, plus rolled up interest and any legal costs and disbursements in administering the charge process. This would mean that the leaseholder would not be required to pay anything for the works until such time as the property is sold. All arrangements will be subject to an administration fee that will be included in the total recharge amount.

Should a property be sold by the leaseholder before major works have been paid for in full, any amount outstanding on the invoice will be payable in full upon sale completion.

We will only consider a voluntary charge for resident leaseholders

The Head of Housing must approve any application for a voluntary charge.

26 Disputes

If a leaseholder disputes the major work invoice (either on the grounds of quality of the works or the reasonableness of the charge) we will respond in accordance with our complaint's procedure.

If this is not resolved to the leaseholder's satisfaction the leaseholder has the right to proceed with action at their own expense to the First Tier Tribunal.

27 Buybacks

Each case will be dealt with on its merits but at this present time generally, the Council will not consider buying back a property.

This decision will be reviewed annually so that if the Council consider it of benefit in the future to have a buy-back policy this can be amended.

Repurchase will be entirely at the discretion of the Council and is not available as an open option to leaseholders.

28 Income recovery and debt management

Maximising the recovery of income to the organisation is a key business priority. This policy sets out the Council's approach for maximising income, preventing, and managing arrears and highlighting the support available to customers through a range of interventions and signposting to the Council's partners.

The key aims to recover income are to:

- deliver an efficient and effective approach to income management and debt recovery.
- provide all staff members involved in income management with the right skills, capacity, and resources to recover monies due.
- deliver a fair and consistent approach that reflects a commitment to creating sustainable ownership and which balances prevention support and recovery.
- continually strive to understand and improve our performance.
- ensure income is collected consistently and effectively from our Leaseholders, through an agreed debt recovery process
- provide an accessible and accountable service to support customers in various ways to pay any money due/owed. This includes direct debit, bank transfer, standing order, card payment via telephone or online via the self-service portal.
- support our customers who may find themselves in hardship, this includes use of the 'Entitled To' toolkit on the website in addition to money advice, budgeting support, Housing Benefit advice and Universal Credit support. This is supplemented, with the provision of the Major Works Repayment Options.
- We will aim for service charge statements to be available in digital format and will aim to provide similar services that are offered to Council tenants in terms of current balance statements with all recovery letters where available

To prevent arrears the Council will focus on new customers, i.e. those who exercise their Right to Buy and purchasers of existing leasehold flats. Formal discussions regarding ongoing financial commitments as a homeowner will be integral to the Right to Buy procedure and the pre-sale enquiry documentation on re-sales will be robust in detailing future service charges.

Prospective purchasers will be fully advised of the Council's requirements that:

- Service charge payments are made consistently and regularly
- Whilst support will be provided, non-payment of service charges is taken very seriously, and could lead to legal action and the loss of the home.

29 Recovering debt

Prior to legal action we will contact customers in a range of ways, by letter, text messaging, email, and telephone.

In addition to the recovery through the Sundry debt team, the Financial Inclusion team will also be available to provide advice and support in cases of exceptional hardship.

If customers fail to engage in payments or a payment plan, we will look take legal action to recover any debt owed.

30 Legal action

- The Council will always seek to assist the leaseholder and will seek legal action only as a last resort. We will seek to agree payment plans, but should all recovery efforts have been exhausted, action will be taken which may ultimately result in forfeiture of the lease.
- The legal team will support the escalation process that includes contacting the leaseholders mortgagee to request payment of the debt to avoid legal action being taken.
- Where there is no mortgagee or in circumstances where the mortgagee does not make payment of the debt the Council may obtain a county court money judgement and this cost will be passed on to the leaseholder.
- The Council may also take alternative action once the money judgement has been obtained for example where the leaseholders are in full time paid employment, and where appropriate we may seek to obtain an attachment of earnings order.

31 Major works debts

Major works charges are for larger repairs and maintenance works to communal areas and the fabric of the building, which might include roof works/replacement, window replacement to the block, brick or concrete repairs, redecoration, stair works and flooring, general works to communal areas, door entry systems and security etc

The Council recognises that it can be difficult for some leaseholders to meet the costs of major works bills and will offer payment options, in addition to those specified in the lease.

We will ensure that via the section 20 Consultation process of the costs of major works by means of a Notice of Proposals, so that these costs can be budgeted for and whilst we will annually increase the reserve fund (advanced payment fund) to meet these costs we recognise that when we invoice for the major works this is an estimate for the cost at that time, and so will provide leaseholders with options for payment as per 6.3 should they have insufficient funds in reserve.

Leaseholders will be provided with advice on how to pay the costs of major works with the invoice demand for payment.

A secondary account will be held for major works debts for reporting and income management purposes.

32 Performance Management

The Council continually strives to understand and improve performance. Leaseholder service charge collection will be monitored and recovery targets will be challenging, subject to regular review and contribute to ongoing improvement.

Leaseholders will be consulted should any changes be required on the following:

- The service charge accounting policy
- Any change in the provision of, or standard of, services
- Introduction of new services
- Removal of existing services
- Any proposed major works.

Where leaseholders have any positive or negative feedback with any aspect concerning the costs, charges or the actual service provided, the Council encourages feedback. This can be in any format, but preferably in writing. It will be acknowledged and responded to within 10 working days or sooner. Should a leaseholder be unhappy with our response, the issue may be progressed using:

WLBC's complaints procedure which is available on the website

The Independent Housing Ombudsman (IHO)– the IHO will not normally consider an issue until WLBC complaints procedure has been exhausted

First Tier Tribunal - Applications to the FTT can be made at any time without reference to WLBC.

Feedback about our service and the income management service, including comments, compliments and complaints, and meaningful satisfaction information is encouraged. Feedback will be used to help review and improve services.

33 Monitoring and Training

Regular monitoring will take place to ensure that we comply with this Policy. Updates will be made to the Management Team to enable it to monitor progress against agreed targets and performance indicators and to agree any remedial action or revisions to the policy or procedures.

Performance reporting will be co-ordinated by the Income and Financial Inclusion Manager who will develop performance indicators specifically for leasehold management in line with good practice.

The Leasehold Service Manager and Income and Financial Inclusion Manager will work closely with the neighbourhood teams/asset management, legal and sundry debt teams to monitor the service provision through agreed key performance indicators.

We will benchmark service quality and provision using benchmarking organisations such as Housemark and Housing Quality Network.

34 Equal opportunities and diversity

This policy takes account of the Council's equality statement

We recognise that people who provide and use our services come from diverse backgrounds and have different experiences and needs. We value this diversity and the ways in which it contributes to the richness of life and character of our community.

A full version of our statement is available on the website.

35 Review

The Leasehold Management Policy and accompanying procedures will be reviewed every 3 years by the Leasehold Service Manager along with the teams delivering the services.

This policy will be updated in response to changes in legislation, regulatory guidance, good practice or changes in other relevant Council policy

Major changes will be implemented after consultation with leaseholders.

Approved by: Fiona Graham Head of Housing
Effective date: June 2022
Review date: June 2025
Policy developed by: Jane Maguire/Legal services

Equality Impact Assessment Form



Directorate: Housing and Inclusion		Service: Income Management and Financial Inclusion	
Completed by: Jane Maguire		Date: 10/03/22	
Subject Title: Leasehold Housing Management Policy			
1. DESCRIPTION			
Is a policy or strategy being produced or revised:	Yes		
Is a service being designed, redesigned or cutback:	Yes		
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:	Yes		
Are recommendations being presented to senior managers and/or Councillors:	Yes		
Does the activity contribute to meeting our duties under the Equality Act 2010 and Public Sector Equality Duty (Eliminating unlawful discrimination/harassment, advancing equality of opportunity, fostering good relations):	Yes		
Details of the matter under consideration:	The implementation of a Leaseholder Policy		
<p><i>If you answered Yes to any of the above go straight to Section 3</i> <i>If you answered No to all the above please complete Section 2</i></p>			
2. RELEVANCE			
Does the work being carried out impact on service users, staff or Councillors (stakeholders):	Yes/No* <i>*delete as appropriate</i>		
If Yes , provide details of how this impacts on service users, staff or Councillors (stakeholders): <i>If you answered Yes go to Section 3</i>			
If you answered No to both Sections 1 and 2 provide details of why there is no impact on these three groups:			
3. EVIDENCE COLLECTION			
Who does the work being carried out impact on, i.e. who is/are the stakeholder(s)?	Leaseholders.		
If the work being carried out relates to a universal service, who needs or uses it most? (Is there any particular group affected more than others)?	The policy will be relevant to all Leaseholders of Council housing stock. Those who are subletting the property will be affected more than those who reside in the leasehold home.		

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?	The policy is relevant to owners of ex council homes.
What will the impact of the work being carried out be on usage/the stakeholders?	The policy has a positive impact as it ensures a fair consistent approach for transparent charges as well as providing repayment options.
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?	As part of implementation a consultation exercise will be carried out with all leaseholders.
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?	N/A.
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)?	The policy will have a positive impact providing transparent charges for day to day and major works and support those who may have financial difficulties repaying the charges
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	No negative impact has been found. If any negative impact is identified, the policy will be revised to mitigate where possible.

etc.).	
What actions do you plan to take to address any other issues above?	No actions planned
7. MONITORING AND REVIEWING	
When will this assessment be reviewed and who will review it?	This EIA will be reviewed when the policy is updated

Leaseholder Housing Management Policy 2022



➤ Broad principles for service delivery

➤ Support good practice and compliance with legislation

➤ Support a robust approach to maximise income recovery



Key Policy Themes

- Lease agreement & rights and obligations
- Information & consultation - S20 major works
- Insurance
- Improvements, Alterations & Repairs
- Subletting
- Lease extensions



Service Charges

- Key principles of charging
- Reserve fund provision
- Major works charges
- Repayment options and hardship support



Service Charge Recovery

- Key aims of recovery
- Provision of advice and support
- Payment options
- Legal action



Performance & Review

- Collection and recovery of income
- Benchmarking for service quality
- Review and improve



**EXECUTIVE OVERVIEW &
SCRUTINY COMMITTEE:
26 May 2022**

CABINET: 7 June 2022

Report of: Corporate Director of Transformation, Housing & Resources

Relevant Portfolio Holder: Councillor Adam Yates

**Contact for further information: Name (Extn.) Estelle Dobson
(E-mail: estelle.dobson@westlancs.gov.uk)**

SUBJECT: Council Tax and NNDR Discretionary Funding Schemes

Wards affected: Borough wide

1.0 PURPOSE OF THE REPORT

- 1.1 To provide an update following the agreement as part of the 2022/23 Budget Setting process to fund £260K to support the most vulnerable affected by rising energy costs, to approve the Borough Council's proposed **Local Council Tax Discretionary Energy Support Scheme Policy** as appended to this report.
- 1.2 To highlight recent Government announcements in respect of funding made available to support local Council Tax and Business Rate payers in meeting increased energy bills and the financial impact of Covid 19 and to note the Policies to underpin these Schemes, as appended to this Report.

2.0 RECOMMENDATIONS TO EXECUTIVE OVERVIEW & SCRUTINY COMMITTEE

- 2.1 That the Committee consider the content of the Policy to underpin implementation of the Borough Council's proposed Local Council Tax Discretionary Energy Support Scheme as appended to this report.
- 2.2 That the Committee note the Policy coverage to underpin the recently announced Government funded Schemes to support local Council Tax and Business Rate payers in meeting increased energy bills and the financial impact of Covid 19, as appended to this report, and that the agreed comments of the Executive Overview and Scrutiny Committee be passed to Cabinet for their consideration

3.0 RECOMMENDATIONS TO CABINET

- 3.1 That Cabinet, having regards to the content of this report and to the agreed comments of the Executive Overview & Scrutiny Committee, consider and approve the policies, as appended to this report.
 - 3.2 Following discussion with cross party members, it be agreed that the Local Council Tax Discretionary Energy Support Scheme launch be effective from the date of 1st September 2022
 - 3.3 That the Corporate Director of Transformation, Housing and Resources be given delegated authority to make any minor/inconsequential amendments to the Policies.
-

4.0 Background

- 4.1 On 3rd February 2022 the government announced a package of support known as the Energy Bills Rebate to help households with rising energy bills, this includes a single one-off grant of £150 to all eligible households in England in council tax bands A to D known as the Council Tax Rebate Mandatory Scheme. Within West Lancashire this will equate to circa 41,000 households being awarded the rebate should they meet the relevant criteria. Government have provided funding to the Council of £6m; all payments *will have to be made* prior to the 30th September 2022 which is the deadline for this scheme.
- 4.2 Also announced was a Discretionary funding for authorities. Government has determined that the Council can decide locally how best to make use of the discretionary funding to provide payments to other households who are energy bill payers but not covered by the mandatory Council Tax Rebate, known as the Discretionary Council Tax Rebate Scheme. Government have provided funding to the Council of £260,000; however, all payments *will have to be made* prior to the 30th November 2022 which is the deadline for this scheme.
- 4.3 In addition to the Central Government schemes, at Budget in February, £260,000 of funding (this is not to be confused with the allocation in 4.2) was approved for 2022/23 to further support the most vulnerable within the Borough affected by the increasing energy and fuel costs, known as the Local Council Tax Discretionary Energy Support Scheme. Prior to presenting report a meeting with party leaders was undertaken whereby considerations to launch the scheme in September 2022 was agreed, this is reflected in 3.2 recommendation
- 4.4 Central Government has provided the authority with funding to assist those ratepayers who businesses have been (and continue to be) affected by the pandemic but that are ineligible for existing support linked to business rates, known as the Covid-19 Additional Relief Fund (CARF). Whilst funding is provided by Central Government, it is for the Council to decide its own local scheme and determine in each individual case whether to grant this particular relief. Relief under the CARF scheme will only be available to reduce chargeable amounts in respect of the 2021/22 financial year. Government have provided funding to the Council of £2.2m; however, all payments will have to be made prior to the 30th September 2022 which is the deadline for this scheme

5.0 Current Position

- 5.1 A detailed Policy document has been *drafted* to support the implementation of the Borough Council funded Local Council Tax Discretionary Energy Support Scheme (£260K including any administration/resource costs).
- 5.2 Detailed Policy documents have been *drafted* to underpin the Government funded Schemes to support local Council Tax and Business Rate payers in meeting increased energy bills and the financial impact of Covid.

6.0 Issues

- 6.1 In order to support the delivery and payment of the Council Tax Mandatory & Discretionary Energy Rebate schemes to the right people, there is piece of system work that must be undertaken. Our software supplier Northgate have offered this additional software at a cost to all local authorities who have their core Revenues System already. This functionality has already been procured as part of this process see point 9.3

7.0 Implementation

- 7.1 Due to complexity and significant resources required to implement these Schemes, detailed Project Plan's for each are underway and at different stages. These will identify key milestones, tasks, dates and responsible Officers/Teams.

8.0 Sustainability Implications

- 8.1 The Policies appended to this report will support eligible Council Taxpayers in meeting increased energy, fuel, and other household bills that are likely to increase significantly in the coming months. In addition, the CARF scheme will also help eligible local NNDR (Business Rate) payers meet the recent impact of Covid 19 on their businesses and the local community.

9.0 Financial and Resource Implications

- 9.1 Additional administrative resources will be required to administer these Schemes – this will include the appointment of temporary agency staff to assist in the application and assessment processes, additional overtime to engage existing staff to set up and implement these schemes through to payment and cross organisational working, involving several different WLBC Services e.g., Business Support Grants Team. These costs are being monitored but will be covered through the government allocation mentioned in 9.2 below therefore not impacting the local £260,000 budget agreed.
- 9.2 An interim allocation of £62k down payment has been provided by Government to support the early set-up costs related to the implementation of the Council Tax Energy Rebate Scheme. This payment has been made based on initial

assessment of activities by Local Authorities related to the purchase of scheme specific software and an element of direct staffing costs for the delivery of the main scheme. A wider, more detailed assessment of the full range of new burdens costs incurred as a result of delivering the rebate scheme will be undertaken by Government over the coming months.

- 9.3 Specialist external consultancy support to assist in Scheme and Policy Design has been procured @ 5 days @ £675.00 per day + VAT = **£3,375.00 + VAT**. This cost will be covered from allocation mentioned in 9.2.
- 9.4 Additional system functionality has been procured at a cost of **£7,325.00**. This cost will be covered from allocation 9.2.

10.0 Risk Assessment

- 10.1 The recommendations contained in this report present an opportunity to support local Council Taxpayers and local NNDR payers who have been deemed to be significantly impacted by the current rise in energy, fuel and other household bills and also local businesses that are deemed to have been significantly impacted by the Covid 19 Pandemic.
- 10.2 One risk worth flagging is the administrative impact on delivering the Government schemes in the allocated timescales, this is above and beyond usual practice. Government have set the timescales for implementation and delivery of 3 of these schemes. Failure to deliver within the timescales noted in points 4.1/4.2/4.4 could result in non-compliance to spend the allocated funds and the underspend being returned to Central Government. This would have a negative impact on our residents and businesses.
- 10.3 There is also a risk of not having enough funds to cover the demands of the discretionary schemes both local and government, however every effort is being made to apply a priority system in ensuring we manage effectively and assess the greatest vulnerability.

11.0 Health and Wellbeing Implications

- 11.1 The delivery of the proposed schemes will provide a positive impact on health and wellbeing. It is anticipated that the successful achievement of these policies will *maximise positive and minimise negative impacts in the following areas:*
- Improvements to major health issues
 - Supporting residents' mental health
 - Cold homes
 - Anti-poverty
 - Financial Inclusion strategy
 - Supporting Businesses within the Borough

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 considered in the Recommendations contained within this report

Appendices

1. WLBC Council Tax Discretionary Energy Support Scheme – Policy Document



West Lancashire
S13A1C 2022 FINAL

2. Government Council Tax Energy Rebate Scheme CT Bands A-D - Policy Document



West Lancs -
Council Tax Rebate I

3. Government Council Tax Energy Rebate Discretionary Scheme - Policy Document



West Lancs
Discretionary Council

4. Government NNDR CARF Scheme - Policy Document



West Lancs NDR
CARF DRR Policy FIN

5. Equality Impact Assessment

Equality Impact Assessment Form	
Directorate: Transformation & Resources	Service: Revenues and Benefits
Completed by: Estelle Dobson	Date: 15.3.22
Subject Title:	
1. DESCRIPTION	
Is a policy or strategy being produced or revised?	Yes <i>*delete as appropriate</i>
Is a service being designed, redesigned or cutback:	Yes
Is a commissioning plan or contract specification being developed?	No*
Is a budget being set or funding allocated:	Yes
Is a programme or project being planned?	Yes
Are recommendations being presented to senior managers and/or Councillors:	Yes
Does the activity contribute to meeting our duties under the Equality Act 2010 and Public Sector Equality Duty (Eliminating unlawful discrimination/harassment, advancing equality of opportunity, fostering good relations)?	Yes
Details of the matter under consideration:	A number of Discretionary Schemes both Borough Council and Central Government funded have been announced/agreed and Policy to underpin these Discretions requires decision and adoption to progress payment to eligible Council Tax and NNDR payers
<i>If you answered Yes to any of the above go straight to Section 3</i> <i>If you answered No to all the above, please complete Section 2</i>	
2. RELEVANCE	
Does the work being carried out impact on service users, staff or Councillors (stakeholders):	Yes/No* <i>*delete as appropriate</i>
If yes , provide details of how these impact on service users, staff or Councillors (stakeholders):	
<i>If you answered Yes go to Section 3</i>	



<p>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></p>	
<p>3. EVIDENCE COLLECTION</p>	
<p>Who does the work being carried out impact on, i.e. who is/are the stakeholder(s)?</p>	<p>Local Council Tax and NNDR payers</p>
<p>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)?</p>	<p>Yes</p>
<p>Which of the protected characteristics are most relevant to the work being carried out?</p> <p>Age Gender Disability Race and Culture Sexual Orientation Religion or Belief Gender Reassignment Marriage and Civil Partnership Pregnancy and Maternity</p>	<p style="text-align: right;"><i>*delete as appropriate</i></p> <p>No No* No* No* No* No* No* No* No*</p>
<p>4. DATA ANALYSIS</p>	
<p>In relation to the work being carried out, and the service/function in question, who is actually or currently using the service and why?</p>	<p>The service/discretionary scheme is not yet set up and running</p>
<p>What will the impact of the work being carried out be on usage/the stakeholders?</p>	<p>Support their ability to meeting rising energy, fuel, other household bills and the impact of the Covid 19 pandemic</p>
<p>What are people's views about the services? Are some customers more satisfied than others, and if so, what are the reasons? Can these be affected by the proposals?</p>	<p>n/a</p>
<p>What sources of data including consultation results have you used to analyse the impact of the work being carried out on users/stakeholders with protected characteristics?</p>	<p>Existing data contained within the Northgate Revenues computer system</p>
<p>If any further data/consultation is needed and is to be gathered, please specify:</p>	
<p>5. IMPACT OF DECISIONS</p>	
<p>In what way will the changes impact on people</p>	<p>n/a</p>

with particular protected characteristics (either positively or negatively or in terms of disproportionate impact)?	
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.).	
What actions do you plan to take to address any other issues above?	<i>If no actions are planned state no actions</i>
7. MONITORING AND REVIEWING	
When will this assessment be reviewed and who will review it?	October 2022 – Revenues Manager



**West Lancashire Borough Council
Council Tax S13A(1)(C) Local Government
Finance Act 1992 Policy
2022/23**

Contents

1.0	Introduction.....	3
2.0	Legislation.....	3
3.0	Finance	4
4.0	The Council Tax Discretionary Relief Scheme.....	4
5.0	The Flood Recovery Framework.....	5
6.0	Applications for S13A (1) (c) in other cases.....	7
7.0	Delegated Powers.....	7
8.0	Notification.....	8
9.0	Review of Decisions.....	8
10.0	Duration of Reduction	8
11.0	Changes in circumstances and misrepresentation	9

1.0 Introduction

- 1.1 The following policy outlines the Council's approach to granting discretionary reductions in liability for Council Tax under S13A(1)(c) of the Local Government Finance Act 1992 (as amended). The Council has the ability to reduce the liability for Council Tax in relation to individual cases or class(es) of cases that it may determine where national discounts and exemptions cannot be applied.
- 1.2 This policy is basically divided into three main areas namely:
- (a) **The Council Tax Discretionary Support Payment** – this part of the policy covers the decision of the Council to assist taxpayers who are experiencing ongoing financial hardship during the 2022/23 financial year only;
 - (b) **The Flood Recovery Framework** – this part of the policy covers situations outlined by Central Government where any parts of the Council's area were to be designated as a designated flood area; and
 - (c) **Granting of reductions in Council Tax liability in all other circumstances** - this part of the policy applies to all other circumstances where an application is made to the Council for a reduction in Council Tax liability under S13A(1)(c) of the Local Government Finance Act 1992 other than in respect of (a) and (b) above.

2.0 Legislation

- 2.1 The relevant legislation (S13 of the Local Government Finance Act 1992 as amended by the Local Government Finance Act 2012), states the following:

Reductions by billing authority

(1) The amount of council tax which a person is liable to pay in respect of any chargeable dwelling and any day (as determined in accordance with sections 10 to 13);

- (a) In the case of a dwelling situated in the area of a billing authority in England, is to be reduced to the extent, if any, required by the authority's council tax reduction scheme;
- (b) *Not applicable*
- (c) **in any case, may be reduced to such extent (or, if the amount has been reduced under paragraph (a) or (b), such further extent) as the billing authority for the area in which the dwelling is situated thinks fit.**

- 2.2 The provisions stated in (c) above, allows the Council to reduce the Council Tax liability for any taxpayer in addition to any application for Council Tax Reduction under the Council's scheme. This is a general power that has always been available to the Council.

3.0 Finance

- 3.1 Any amounts granted under S13A(1)(c) are normally financed through the Council's general fund and do not form part of the collection fund. In certain circumstances, Central Government provides funding directly to the Council to compensate for specific events and in the case of severe flooding. Where this is available, the Council will look to use **all** funding provided.
- 3.2 Any additional assistance, outside of the funding, would fall to be paid by the Council itself.

4.0 The Council Tax Discretionary Relief Scheme

- 4.1 The Council has allocated a budget of £260k for the financial year 2022-23 to assist all Council Taxpayers who are experiencing severe financial difficulties due to the on-going costs of living.
- 4.2 All households who are liable for Council Tax may receive a reduction of up to £150 (subject to the overall level of their liability), where they can prove to the Council that they are experiencing severe financial difficulties due to the ongoing costs of living and / or due to the increases in energy costs.
- 4.3 Only one amount shall be granted per eligible taxpayer irrespective of the number of persons in the household.
- 4.4 The effective date of this scheme shall be 1st April 2022. To receive a reduction, the eligibility criteria stated below must be met in full on that date.
- 4.5 It has been decided that an application will be required in each case and the following criteria will need to be met in full:
- (a) The premises must be shown as a chargeable dwelling on the Borough Council's Council Tax Valuation list at 1st April 2022;
 - (b) The chargeable dwelling must be considered the taxpayer's sole or main residence;
 - (c) The taxpayer must be the liable person as defined by section 6 of the Local Government Finance Act 1992;
 - (d) The dwelling must not be exempt from Council Tax;
 - (e) The dwelling must not be unoccupied or deemed by the Council to be a second home;
 - (f) The taxpayer must be liable for an amount of Council Tax on that date;
 - (g) The Council Tax liable person will be required to make an application for discretionary relief and will need to provide evidence that they are:
 - (i) in receipt of a means tested benefit including Income Support; Income Based Jobseeker's Allowance; Income Related

- Employment and Support Allowance; Universal Credit; Housing Benefit; Council Tax Support; or Working Tax Credit; **or**
- (ii) on a low income and have capital of no more than £16,000; and / or
 - (iii) The household is experiencing severe financial hardship.

- 4.6 As the funding available to the Council is limited, the Council reserves the right to amend or terminate the scheme where funding is exhausted.
- 4.7 In all cases, where an application is made, the Council may require evidence from the liable person to establish that the criteria is met in full. Application forms will be available on the Council's website.
- 4.8 Any changes to the Valuation List (in terms of either the Council Tax band or the inclusion of a chargeable dwelling) after the effective date, including changes backdated to this date, will be ignored for the purposes of eligibility.
- 4.9 Where a reduction has been awarded to the 2022-23 financial year and the Council is made aware that Council Tax liability ceased either on or before 31st March 2022, the reduction shall be reclaimed.
- 4.10 Where a reduction has been awarded under this scheme for the 2022-23 financial year, there shall be no reduction or increase in the amount awarded if the Council Tax liability increases or decreases on or after 1st April 2022, except where the liability is reduced to nil for the financial year, at which time the reduction shall be reclaimed.
- 4.11 The reduction shall be credited directly to the taxpayer's Council Tax account and will be used to reduce the Council Tax liability for the financial year 2022-23 only. Where there is no Council Tax liability for 2022-23 no reduction shall be made.
- 4.12 In the case of persons who are jointly and severally liable for Council Tax on a chargeable dwelling, only one reduction shall be awarded.

5.0 The Flood Recovery Framework

- 5.1 In a severe weather event with significant wide area impacts, local authorities may need central support to help their communities and businesses return to normal. Building on these principles, a core package of business and community recovery support has been developed by Central Government to serve as a framework for flood recovery funding when needed.
- 5.2 It will be for Government Ministers to determine when this support will be made available. Weather incidents with localised impacts will not usually trigger a recovery support package.

- 5.3 In relation to Council Tax, Central Government have developed a Council Tax discount package that is available under S13A (1) (c).

Who is eligible for a council tax discount?

- 5.4 Where the scheme is activated following severe weather, MHCLG will refund eligible local authorities for granting discounts in the following circumstances:
- (a) 100% discount for a minimum of 3 months, or while anyone is unable to return home if longer, for **primary residences** whereas a result of the relevant weather event:
- Flood water entered into the habitable areas; or,
 - Flood water did not enter into the habitable areas, but the local authority regards that the residence was otherwise considered **unliveable** for any period of time. **AND**
- (b) 100% council tax discount on temporary accommodation for anyone unable to return to their home, in parallel with the discount on their primary residence where applicable.
- 5.5 Second homes and empty homes will **not** be eligible.
- 5.6 Instances where households might be considered **unliveable** could include:
- where access to the property is severely restricted (e.g. upper floor flats with no access);
 - key services such as sewerage, draining, and electricity are severely affected;
 - the adverse weather has resulted in other significant damage to the property such that it would be, or would have been, advisable for residents to vacate the premises for any period of time, regardless of whether they do vacate or not;
 - flooded gardens or garages will **not** usually render a household eligible but there may be exceptions where it could be demonstrated that such instances mean effectively that the property is unliveable.
- 5.7 It will be for the Council to determine eligibility under the scheme.

Properties affected by multiple instances of flooding

- 5.8 Residences impacted in multiple flood events will not be precluded from repeat support where this is made available by Government in respect of separate weather events.
- 5.9 Where the scheme is activated for two separate instances of flooding within 3 months of each other, the two discount periods will run concurrently. For example, if the second flood event occurred after 2 months, flooded

properties already receiving support could be eligible for another 3 months' discount, making the total period of reimbursement 5 months.

Funding

5.10 In such cases, Central Government will make payment to the Council via a Section 31 grant.

The Council's Policy in respect of the Flood Recovery Framework

5.11 The Council shall operate the scheme strictly in accordance with Central Government guidelines.

6.0 Applications for S13A (1) (c) in other cases

6.1 Where the Council receives an application for a reduction in liability in any other case (other than listed above), all applications will be treated on their individual merits.

6.2 In such cases, the Council will require the applicant (where appropriate) to:

- Make a formal application for Council Tax Reduction in an appropriate format;
- Consider potential changes in payment methods and payment arrangements;
- Assist the Council to minimise liability by ensuring that all discounts, exemptions and reductions are properly granted;
- Maximise their income through the application for other welfare benefits;
- Have taken all reasonable steps to resolve their situation prior to application;
- Provide evidence of exceptional financial hardship or exceptional personal circumstance that would merit a reduction in the Council Tax liability; and
- Not have access to assets, capital or other financial remedy that could be used to meet the Council Tax liability;

6.3 Non-essential outgoings, determined by the Council, will not be taken into account when determining their application.

6.4 The circumstances affecting the ability to meet Council Tax liability must not be intentional by the applicant and must be deemed to be out of the applicant's individual control.

7.0 Delegated Powers

7.1 This S13A(1)(c) policy has been approved by the Council. However, the Head of Corporate and Customer Services is authorised to make technical scheme

amendments to ensure it meets the criteria set by the Council and, for certain defined schemes, Central Government guidance.

8.0 Notification

- 8.1 In all cases of the Council Tax Discretionary Relief scheme for 2022-23, all eligible taxpayers will be notified of the decision to apply any reduction as soon as possible after it has been made and any award will be by means of a reduction being applied to the relevant Council Tax account.
- 8.2 In all other cases, the Council will issue a written decision letter to the applicant within one month of the request or as soon as practicable thereafter. This will include:
- the level of the award, if relevant;
 - full reasons for the decision;
 - how it will be paid; and
 - information about how to ask for a review of the decision.

9.0 Review of Decisions

- 9.1 Notwithstanding any reductions applied automatically to the Council Tax account, where any application is refused, the applicant will be notified that they can ask for the decision to be reviewed. Any request for a review must be made, in writing or by email, within one month of the decision letter.
- 9.2 The Exchequer Services Manager shall undertake the review and shall respond within two months and will have regard to any further evidence supplied.
- 9.3 If the applicant is dissatisfied with the outcome of the review, they can, within two months of the Council's reply, appeal to the independent Valuation Tribunal Service to consider their case.

10.0 Duration of Reduction

- 10.1 The duration of any award will depend of the circumstances of each case. However, in all cases the following principles will apply:
- (a) Where the reduction is applied under a Central Government Scheme, the reduction shall be applied to the Council Tax account for the period specified in Government guidance;
 - (b) In all other cases,
 - (i) the application for the reduction can only relate to the current Council Tax financial year in which the application is made unless the delay was due to an exceptional circumstance; and
 - (ii) If an application is successful, the award period will be specific to the applicant's circumstances, but it cannot exceed a period greater than

the financial year it has been awarded in or exceed the total Council Tax charge for that period.

11.0 Changes in circumstances and misrepresentation

- 11.1 A reduction in liability under S13A(1)(c) can be recovered if it has been made as a result of misrepresentation or failure to disclose a material fact, either fraudulently or otherwise. It can also be recovered as a result of the subsequent application of a national discount or adjustment in banding by the Valuation Office Agency
- 11.2 Changes of circumstances that subsequently negate the need for a reduction in liability under this policy will be recovered by the Council. Where this occurs, the Council shall notify the taxpayer accordingly.
- 11.3 Reductions in liability are not transferable following a change in address.
- 11.4 The Council reserves the right to recover any reductions in liability as a result of a change in legislation or regulation.
- 11.5 The Council is mindful that it is important to protect public funds and, as such, will take action to prosecute any case where the applicant acts fraudulently in applying for a reduction in Council Tax liability.



The Council Tax Rebate Scheme 2022-23

Contents

Definitions	3
1.0 Purpose of the scheme and background.....	4
2.0 Funding.....	4
3.0 Eligibility criteria	4
Effective date	5
Alterations to liability or the Council Tax Band.....	5
Eligibility Disputes.....	5
4.0 How the Council Tax Rebate will be paid	6
Direct Debit payers	6
Where the Council does not hold current a direct debit instruction for an eligible household ..	6
5.0 Provision of information to the Council	7
6.0 Scheme of Delegation.....	7
7.0 Notification of Decisions.....	7
8.0 Reviews of Decisions	7
9.0 Taxation and the provision of information to Her Majesty’s Revenue and Customs (HMRC)	8
10.0 Managing the risk of fraud	8
11.0 Recovery of amounts incorrectly paid.....	8
12.0 Data Protection and use of data.....	8

Definitions

The following definitions are used within this document:

‘Chargeable Dwelling’; means any dwelling that appears on the Council’s Council Tax Valuation List on 1 April 2022;

‘Council Tax Exemption or Exempt Dwelling’; means any chargeable dwelling which is determined by the Council as exempt from Council Tax as prescribed by the Council Tax (Exempt Dwellings) Order 1992 as amended;

‘Council Tax Rebate Scheme or Mandatory Scheme’; means the scheme announced by the Secretary of State for Levelling Up, Housing and Communities on 3 February 2022 as part of a package of support for rising energy costs;

‘Council Tax Payer or Liable Person’ means the liable person determined by the Council as being responsible for Council Tax under section 6 of the Local Government Finance Act 1992;

‘Council Tax Reduction (or Support)’ means any entitlement awarded under section 13A 1(A) of the Local Government Finance Act 1992;

‘Discretionary Scheme’; means the scheme determined by the Council in line with the guidance issued by the Department for Levelling Up, Housing and Communities announced on 3 February 2022;

‘Effective Date ; means the effective date of this scheme. The effective date shall be the situation as at the end of the day on 1 April 2022

‘Empty Dwelling (or premises)’ means any dwelling that is not deemed to be the sole or main residence of a person and are substantially unfurnished;

‘Liability for Owner’; means any dwelling determined to fall within the Council Tax (Liability for Owners) Regulations 1992, for example, House in Multiple Occupation or Residential Care homes;

‘Second Home’ means any dwelling not deemed to be the sole or main residence of the liable person and which is furnished as defined by the Council Tax (Prescribed Class of Dwellings) (England) Regulations 2003 as amended; and

‘Sole or main residence’ means the dwelling determined by the Council to be the sole or main residence of a person.

1.0 Purpose of the scheme and background.

- 1.1 The purpose of this policy is to determine eligibility for a Council Tax Rebate under the mandatory scheme as set out by the Secretary of State for Levelling Up, Housing and Communities on 3rd February 2022. This scheme together with the Council's associated Discretionary Fund are part of a package of support for households in respect of rising energy costs.
- 1.2 The Government has also issued statements on a discount on electricity bills to be paid later in the Autumn. It should be noted that this is not part of the responsibility of local authorities and is separate from the Council Tax Rebate Scheme.
- 1.3 The Council Tax Rebate Scheme is effectively in two parts, the mandatory scheme which is covered within this policy and which is largely determined by Central Government, and the Discretionary scheme which forms parts of a separate policy which has been agreed by the Council.
- 1.4 This Council Tax Rebate Scheme is designed to provide single one-off grant of £150 to all eligible households who meet the criteria shown within Section 3.

2.0 Funding

- 2.1 Government has provided funding to the Council; however, all payments will have to be made prior to the 30 September 2022 which is the deadline for this scheme.

3.0 Eligibility criteria

- 3.1 To provide some immediate relief to households experiencing rising energy costs, while targeting those most likely to require support, Government expects the Council to provide a £150 one-off payment to a liable Council Tax payer (or a person who would otherwise be liable where the dwelling is exempt) for every household that occupies a property which meets all of the following criteria on 1 April 2022:
 - (a) The chargeable dwelling is valued in Council Tax bands A to D. This includes property that is valued in band E but has an alternative valuation band of band D, as a result of the disabled band reduction scheme (Reduction for disabilities);
 - (b) It is someone's sole or main residence; or
 - (c) is a chargeable dwelling which receives an exemption under classes N (other than HMOs for council tax purposes), S, U or W.
- 3.2 The above list is not exhaustive and the Council will use its judgement in consideration of the aims of the scheme, which is to support households with domestic energy costs.
- 3.3 The scheme will **not** cover any premises which are armed forces accommodation. The Ministry of Defence will be in touch with residents in those premises that are currently exempt under Class O.

- 3.4 For the sake of clarity, a property that meets all the criteria but has a nil Council Tax liability as a result of Council Tax Reduction will be eligible. However, a premises which is no one's sole or main residence, a second home or an unoccupied premises will not be eligible.
- 3.5 For the purpose of the Council Tax Rebate scheme, a household is a person or group of persons occupying a single dwelling, as defined in section 3 of the Local Government Finance Act 1992.

Effective date

- 3.6 The effective date for this scheme is 1 April 2022. The Council will determine eligibility based on the position at the end of that day.

Alterations to liability or the Council Tax Band

- 3.7 Where the Council has reason to believe that the information they hold about the valuation list, liable taxpayer(s) or residents' circumstances in respect of 1 April 2022 is inaccurate, it will withhold the payment and take reasonable steps to determine the correct information.
- 3.8 Where records relating to the liable taxpayer(s) or the residents' circumstances in respect of 1 April 2022 are retrospectively updated, the Councils will take reasonable steps to either pay the Council Tax Rebate or potentially reclaim any payment made.
- 3.9 In any case, where the Council Tax band of the chargeable dwelling is amended retrospectively after 1 April 2022, for example where a successful appeal is made to the Valuation Office Agency (VOA) that concluded after this date, the Council is not required either to pay any Council Tax Rebate or to reclaim any payment made.
- 3.10 The Council will however make an exception where a property is a new build and awaiting an official banding from the VOA. In these cases, eligibility will be determined based on the official band subsequently allocated by the VOA, where this has an effective date before or on 1 April 2022.
- 3.11 Where a review, proposal, or appeal pre-dating the Government's announcement of the scheme on 3 February 2022 is successful after 1 April 2022 and, as a result, a property would have been eligible for the Council Tax Rebate, the Council *may* accept applications under its discretionary scheme.

Eligibility Disputes

- 3.12 Government has stated that it is for the Council to determine eligibility for the Council Tax Rebate and, as such, the decision of the Council in this matter will be final. Should any taxpayer feel aggrieved by any decision, then matters will be dealt with through the Council's complaints procedure. Full details are available on the Council's website.

4.0 How the Council Tax Rebate will be paid

- 4.1 Where the Council determines that all of the eligibility criteria are met in full, a single one-off payment of £150 will be made to the household. It should be noted that **only one payment** will be made per household, regardless of the number of occupants or liable Council Taxpayers.
- 4.2 Government has stated that only one mandatory payment should be made to a household and therefore if, for whatever reason a household receives more than one payment (for example if they move to another Council area), then the payment will be reclaimed.

Direct Debit payers

- 4.3 Where the Council holds a current direct debit instruction for a liable Council Taxpayer of an eligible household, payment will be made using the bank account details held. Payments will be made as soon as practicable.
- 4.4 The Council is required to verify that the bank details held are those of the eligible household and where multiple residents of an eligible household are jointly and severally liable for Council Tax, the full payment will be made to the account for which the direct debit is held only. Payment of the rebate, however, is for the benefit of the household as a whole.
- 4.5 No payment will be made where the name on the bank details does not match a liable party. Should the Council require additional information in order to establish the correct person to receive the payment, it is expected that the household provides all necessary details as soon as possible. Further details of how this request will be made and responsibilities to supply such information are detailed below.
- 4.6 It should be noted that the rebate will be paid on the assumption that the person receiving the payment is the liable Council Taxpayer (or would have been if the property were not exempt) and that the property meets the criteria on 1 April 2022 as defined with section 3 above.

Where the Council does not hold current a direct debit instruction for an eligible household

- 4.7 Where the Council does not hold a current direct debit instruction for an eligible household, it will make reasonable efforts to contact the household and obtain the necessary bank details.
- 4.8 Where the Council is unsuccessful in contacting the household but where it is of the opinion that the household meets the eligibility criteria, the Council Tax Rebate will be credited to the Council Tax account.

4.9 In all cases, the Council must ensure that payments are made correctly and where appropriate, require households to verify that they are eligible for the payment. Where no such verification can be made or where a household fails to respond to the Council's request, no payment whatsoever shall be made.

5.0 Provision of information to the Council

5.1 Residents, owners and managing agents should note that the Council has powers available to it under Regulation 3 (1) (c) of the Council Tax (Administration and Enforcement) Regulations 1992, to request such information to determine the correct liable person for Council Tax purposes. Government has stated that these powers may also be used for Council Tax Rebate purposes.

5.2 Failure to respond to such a request, without a reasonable excuse, within 21 days could lead to penalties being imposed. The Council therefore encourages all such persons to provide any requested information as soon as possible.

6.0 Scheme of Delegation

6.1 The Council has approved this scheme. The Council's Section 151 Officer is authorised to make technical policy amendments to ensure the scheme meets the criteria set by the Government and the Council.

7.0 Notification of Decisions

7.1 All Council Tax Rebate payments shall be made by the Revenues and Benefits Service.

7.2 All decisions made shall be notified to the liable person either in writing or by email.

8.0 Reviews of Decisions

8.1 The Council will operate an internal review process and will accept a taxpayer's request for a review of its decision.

8.2 All such requests must be made in writing to the Council and should state the reasons why the taxpayer is aggrieved with the decision of the Council. New information may be submitted at this stage to support the taxpayer's review

8.3 The case will be reconsidered by a senior officer as soon as practicable, and the taxpayer informed in writing or by email of the decision. That decision shall be final.

9.0 Taxation and the provision of information to Her Majesty's Revenue and Customs (HMRC)

9.1 The Council does not accept any responsibility in relation to a taxpayer's HMRC tax liabilities and all taxpayers should make their own enquiries to establish any tax position.

10.0 Managing the risk of fraud

10.1 The Council will not accept deliberate manipulation of this policy or fraud. Any person caught falsifying information to gain a Council Tax Rebate will face prosecution and any amount awarded will be recovered from them.

11.0 Recovery of amounts incorrectly paid

11.1 If it is established that **any** Council Tax Rebate has been made incorrectly due to error, misrepresentation or incorrect information provided to the Council by a taxpayer or any other person, the Council will look to recover the amount in full.

12.0 Data Protection and use of data

12.1 All information and data provided by applicants shall be dealt with in accordance with the Council's Data Protection policy and Privacy Notices which are available on the Council's website.



The Discretionary Council Tax Rebate Scheme 2022-23

Contents

Definitions	3
1.0 Purpose of the scheme and background.....	4
2.0 Funding.....	4
3.0 Eligibility criteria and awards.....	4
Basic eligibility.....	Error! Bookmark not defined.
Awards	Error! Bookmark not defined.
Effective date	4
Alterations to liability or the Council Tax Band.....	5
Eligibility Disputes.....	5
4.0 How the Council Tax Rebate will be paid	5
Direct Debit payers	5
Where the Council does not hold current a direct debit instruction for an eligible household ..	6
5.0 Provision of information to the Council	6
6.0 Scheme of Delegation.....	6
7.0 Notification of Decisions.....	6
8.0 Reviews of Decisions	7
9.0 Taxation and the provision of information to Her Majesty’s Revenue and Customs (HMRC)	7
10.0 Managing the risk of fraud	7
11.0 Recovery of amounts incorrectly paid.....	7
12.0 Data Protection and use of data.....	7

Definitions

The following definitions are used within this document:

‘Chargeable Dwelling’; means any dwelling that appears on the Council’s Council Tax Valuation List on 1 April 2022;

‘Council Tax Exemption or Exempt Dwelling’; means any chargeable dwelling which is determined by the Council as exempt from Council Tax as prescribed by the Council Tax (Exempt Dwellings) Order 1992 as amended;

‘Council Tax Rebate Scheme or Mandatory Scheme’; means the scheme announced by the Secretary of State for Levelling Up, Housing and Communities on 3 February 2022 as part of a package of support for rising energy costs;

‘Council Tax Payer or Liable Person’ means the liable person determined by the Council as being responsible for Council Tax under section 6 of the Local Government Finance Act 1992;

‘Council Tax Reduction (or Support)’ means any entitlement awarded under section 13A 1(A) of the Local Government Finance Act 1992;

‘Discretionary Scheme or Fund’; means the scheme determined by the Council in line with the guidance issued by the Department for Levelling Up, Housing and Communities announced on 3 February 2022;

‘Effective Date ; means the effective date of this scheme. The effective date shall be the situation as at the end of the day on 1 April 2022

‘Empty Dwelling (or premises)’ means any dwelling that is not deemed to be the sole or main residence of a person and are substantially unfurnished;

‘Liability for Owner’; means any dwelling determined to fall within the Council Tax (Liability for Owners) Regulations 1992, for example, House in Multiple Occupation or Residential Care homes;

‘Mandatory Scheme’; means the scheme determined by Government in line with the guidance issued by the Department for Levelling Up, Housing and Communities announced on 3 February 2022;

‘Second Home’ means any dwelling not deemed to be the sole or main residence of the liable person and which is furnished as defined by the Council Tax (Prescribed Class of Dwellings) (England) Regulations 2003 as amended; and

‘Sole or main residence’ means the dwelling determined by the Council to be the sole or main residence of a person.

1.0 Purpose of the scheme and background.

- 1.1 The purpose of this policy is to determine eligibility for a payment under the Council's Discretionary Council Tax Rebate scheme (the 'Discretionary Scheme').
- 1.2 The scheme has been designed based on general guidance issued by the Secretary of State for Levelling Up, Housing and Communities on 3rd February 2022. However, it is separate to the mandatory Council Tax Rebate scheme which is largely determined by Government
- 1.3 The Council's Discretionary Scheme is part of a package of support for households in respect of rising energy costs.
- 1.4 Government has determined that Councils can decide locally how best to make use of the discretionary funding to provide payments to other households who are energy bill payers but not covered by the mandatory Council Tax Rebate. However, Government has stated that occupants of class M (student halls) are unlikely to be eligible for discretionary support, unless they are exposed to rising energy prices in a similar way to other households and discretionary support should **not** be offered to occupants of property in exemption class O, where the Ministry of Defence will provide cost of living support.

2.0 Funding

- 2.1 Government has provided funding to the Council; however, all payments will have to be made prior to the 30 November 2022 which is the deadline for this scheme.

3.0 Eligibility criteria and awards

- 3.1 The Council has decided that the payments will be made provided the household has their sole or main residence in a dwelling and the following conditions are met:
 - (a) A single one off payment of £150 will be awarded to any household who resides in a dwelling with a Council Tax band E to H **and** in receipt of Council Tax Reduction (Support); and
 - (b) A single top- up amount (to be determined) will be awarded to any household who resides in a dwelling with a Council Tax band A to D **and** in receipt of Council Tax Reduction (Support). It should be noted that this will be in addition to any mandatory Council Tax Rebate scheme payment.
- 3.2 For the purpose of the discretionary scheme, a household is a person or group of persons occupying a single dwelling, as defined in section 3 of the Local Government Finance Act 1992. No award will be made for any unoccupied premises or second homes.

Effective date

- 3.3 The effective date for this scheme is 1 April 2022. The Council will determine eligibility based on the position at the end of that day.

Alterations to liability or the Council Tax Band

- 3.4 Where the Council has reason to believe that the information they hold about the valuation list, liable taxpayer(s) or residents' circumstances in respect of 1 April 2022 is inaccurate, it will withhold the payment and take reasonable steps to determine the correct information.
- 3.5 Where records relating to the liable taxpayer(s) or the residents' circumstances in respect of 1 April 2022 are retrospectively updated, the Councils will take reasonable steps to either pay the discretionary award or potentially reclaim any payment made.
- 3.6 In any case, where the Council Tax band of the chargeable dwelling is amended retrospectively after 1 April 2022, for example where a successful appeal is made to the Valuation Office Agency (VOA) that concluded after this date, the Council is not required either to pay any discretionary award or to reclaim any payment made.

Eligibility Disputes

- 3.7 The decision of the Council on any eligibility matter will be final. Should any tax payer feel aggrieved by any decision, then matters will be dealt with through the Council's complaints procedure. Full details are available on the Council's website.

4.0 How the Council Tax Rebate will be paid

- 4.1 Where the Council determines that all of the eligibility criteria are met in full, payment will be made to the household as defined within section 3 above. It should be noted that **only one discretionary payment** will be made per household, regardless of the number of occupants or liable Council Taxpayers.

Direct Debit payers

- 4.2 Where the Council holds a current direct debit instruction for a liable Council Taxpayer of an eligible household, payment will be made using the bank account details held. Payments will be made as soon as practicable.
- 4.3 The Council is required to verify that the bank details held are those of the eligible household and where multiple residents of an eligible household are jointly and severally liable for Council Tax, the full payment will be made to the account for which the direct debit is held only. Payment of the award, however, is for the benefit of the household as a whole.
- 4.4 No payment will be made where the name on the bank details does not match a liable party. Should the Council require additional information in order to establish the correct person to receive the payment, it is expected that the household provides all necessary details as soon as possible. Further details of how this request will be made and responsibilities to supply such information are detailed below.

- 4.5 It should be noted that the award will be paid on the assumption that the person receiving the payment is the liable Council Taxpayer (or would have been if the property were not exempt) and that the property meets the criteria on 1 April 2022 as defined with section 3 above.

Where the Council does not hold current a direct debit instruction for an eligible household

- 4.6 Where the Council does not hold a current direct debit instruction for an eligible household, it will make reasonable efforts to contact the household and obtain the necessary bank details.
- 4.7 Where the Council is unsuccessful in contacting the household but where it is of the opinion that the household meets the eligibility criteria, the discretionary award will be credited to the Council Tax account.
- 4.8 In all cases, the Council must ensure that payments are made correctly and where appropriate, require households to verify that that they are eligible for the payment. Where no such verification can be made or where a household fails to respond to the Council's request, no payment whatsoever shall be made.

5.0 Provision of information to the Council

- 5.1 Residents, owners and managing agents should note that the Council has powers available to it under Regulation 3 (1) (c) of the Council Tax (Administration and Enforcement) Regulations 1992, to request such information to determine the correct liable person for Council Tax purposes. Government has stated that these powers may also be used for Council Tax Rebate purposes.
- 5.2 Failure to respond to such a request, without a reasonable excuse, within 21 days could lead to penalties being imposed. The Council therefore encourages all such persons to provide any requested information as soon as possible.

6.0 Scheme of Delegation

- 6.1 The Council has approved this scheme. The Council's Section 151 Officer is authorised to make technical policy amendments to ensure the scheme meets the criteria set by the Government and the Council.

7.0 Notification of Decisions

- 7.1 All Council Tax Rebate payments shall be made by the Revenues and Benefits Service.
- 7.2 All decisions made shall be notified to the liable person either in writing or by email.

8.0 Reviews of Decisions

- 8.1 The Council will operate an internal review process and will accept a taxpayer's request for a review of its decision.
- 8.2 All such requests must be made in writing to the Council and should state the reasons why the taxpayer is aggrieved with the decision of the Council. New information may be submitted at this stage to support the taxpayer's review
- 8.3 The case will be reconsidered by a senior officer as soon as practicable, and the taxpayer informed in writing or by email of the decision. That decision shall be final.

9.0 Taxation and the provision of information to Her Majesty's Revenue and Customs (HMRC)

- 9.1 The Council does not accept any responsibility in relation to a taxpayer's HMRC tax liabilities and all taxpayers should make their own enquiries to establish any tax position.

10.0 Managing the risk of fraud

- 10.1 The Council will not accept deliberate manipulation of this policy or fraud. Any person caught falsifying information to gain a discretion payment will face prosecution and any amount awarded will be recovered from them.

11.0 Recovery of amounts incorrectly paid

- 11.1 If it is established that **any** payment has been made incorrectly due to error, misrepresentation or incorrect information provided to the Council by a taxpayer or any other person, the Council will look to recover the amount in full.

12.0 Data Protection and use of data

- 12.1 All information and data provided by applicants shall be dealt with in accordance with the Council's Data Protection policy and Privacy Notices which are available on the Council's website.



Policy for the granting of COVID-19 Additional Relief Fund Discretionary Non-Domestic Rate Relief

Contents

1.0	Purpose of the Policy.....	3
2.0	Discretionary Relief – Legislative Background.....	4
	Introduction	4
3.0	Eligibility for discretionary relief under the COVID-19 Additional Relief Fund (CARF) scheme	4
4.0	Discretionary Relief to be awarded under the COVID-19 Additional Relief Fund.	5
5.0	Excluded hereditaments.....	6
6.0	Subsidy Control	6
7.0	Effect on the Council’s Finances	7
8.0	Administration of Discretionary Relief	8
	Applications and Evidence.....	8
	Granting of relief	8
	Variation of a decision.....	9
9.0	Scheme of Delegation	9
	Granting, Varying, Reviewing and Revocation of Relief	9
	Reviews	10
	Disputes.....	10
10.0	Reporting changes in circumstances	10
11.0	Fraud	10

1.0 Purpose of the Policy

- 1.1 The purpose of this policy is to determine the level of discretionary relief payable under the Council's COVID-19 Additional Relief Fund (CARF) scheme.
- 1.2 Central Government has provided the authority with funding to assist those ratepayers who businesses have been (and continue to be) affected by the pandemic but that are ineligible for existing support linked to business rates.
- 1.3 The Government has not changed the legislation relating to the business rates reliefs available to properties. Instead, the Government will, in line with the eligibility criteria set out in this policy, reimburse local authorities where relief is granted using discretionary relief powers under section 47 of the Local Government Finance Act 1988.
- 1.4 Whilst funding is provided by Central Government, it is for the Council to decide its own local scheme and determine in each individual case whether to grant this particular relief.
- 1.5 Relief under the CARF scheme will only be available to reduce chargeable amounts in respect of the 2021/22 financial year.
- 1.6 This document outlines the following areas:
 - Details of the criteria for receiving Discretionary Reliefs under the COVID-19 Additional Relief Fund (CARF) scheme;
 - The Council's policy for the granting the relief;
 - General guidance on granting and administering the reliefs and awards;
 - Subsidy Controls applicable; and
 - The Council's Scheme of Delegation.
- 1.7 Where ratepayers apply for relief they will be granted (or not granted) relief under the COVID-19 Additional Relief Fund (CARF) scheme in line with the following policy.

2.0 Discretionary Relief – Legislative Background

Introduction

- 2.1 The original purpose of discretionary relief was to provide assistance where the property does not qualify for mandatory relief, or to ‘top’ up cases where ratepayers already receive mandatory relief.
- 2.2 Over recent years and particularly since 2011, the discretionary relief provisions have been amended to allow authorities the flexibility to provide more assistance to businesses and organisations.
- 2.3 The range of bodies, which are eligible for discretionary rate relief, is wide and not all of the criteria laid down by the legislation will be applicable in each case.
- 2.4 The Council will expect all businesses provide such information and evidence as required in order to determine whether relief should be awarded.
- 2.5 There is no statutory appeal process or Tribunal against any decision made by the Council although, as with any decision of a public authority, decisions can be reviewed by Judicial Review. The authority will however, upon request, review decisions made. Details of the internal review process are given within this policy.
- 2.6 The decision to grant or not to grant discretionary relief is a matter purely for the Council.

3.0 Eligibility for discretionary relief under the COVID-19 Additional Relief Fund (CARF) scheme

- 3.1 Whilst the Council has determined its own scheme, the Department for Levelling Up, Housing and Communities has stated that, in order for the Council to receive the allocated funding, it must:
 - (a) **not** award relief to ratepayers who for the same period of the relief either are or would have been eligible for the Expanded Retail Discount (covering Retail, Hospitality and Leisure), the Nursery Discount or the Airport and Ground Operations Support Scheme (AGOSS);
 - (b) **not** award relief to a hereditament for a period when it is unoccupied (other than hereditaments which have become closed temporarily due to the government’s advice on COVID-19, which should be treated as occupied for the purposes of this relief), and
 - (c) direct their support towards ratepayers who have been adversely affected by the pandemic and have been unable to adequately adapt to that impact.

- 3.2 In line with section 47(8) of the Local Government Finance Act 1988, the Council must not grant any relief to itself or to either local or major precepting authorities.
- 3.3 The relief will be applied after mandatory reliefs and other discretionary reliefs funded by section 31 grants have been applied, excluding those where the Council has provided relief using its wider discretionary relief powers introduced by the Localism Act 2011 which are not funded by section 31 grants.
- 3.4 Where any reduction or remission is granted to a ratepayer under S49 Local Government Finance Act 1988 (where hardship is proven to the Council), then there will be no requirement to grant CARF Discretionary Rate Relief for that amount.
- 3.5 In certain cases, the order in which relief is granted is specified. Mandatory relief shall be granted in all cases where the relevant criteria are met irrespective of whether discretionary relief can be granted or not.

4.0 Discretionary Relief to be awarded under the COVID-19 Additional Relief Fund.

- 4.1 Over the past few years, a number of schemes (such as the COVID-19 Additional Relief Fund) have been led by Central Government but without specific legislative changes.
- 4.2 The Council is keen to support such initiatives especially where they are designed to help local businesses and will look to maximise both the reliefs given as well as maximise any grants receivable.
- 4.3 In view of this, the Council has decided that where a ratepayer meets **all** of the relevant criteria, relief will be 14.25% of the 2021/22 liability **after** any other reliefs and reductions have been applied.
- 4.4 The criteria for the COVID-19 Additional Relief Fund are as follows:
- (a) the ratepayer is **not** eligible (or would not be eligible) for the Expanded Retail Discount (covering Retail, Hospitality and Leisure), the Nursery Discount or the Airport and Ground Operations Support Scheme (AGOSS);
 - (b) the ratepayer is not entitled to either Small Business Rate Relief or Rural Rate Relief granted at 100%;
 - (c) the ratepayer is **not** entitled to mandatory relief (80%) and discretionary (top up) of 20% which is funded through business rates retention;
 - (d) the hereditament is treated as occupied by the Council;
 - (e) the ratepayer confirms that they have been adversely affected by the pandemic and have been unable to adequately adapt to that impact;

- (f) the ratepayer is **not** subject to Subsidy Control as defined within section 6; and
- (g) the hereditament is not excluded under the section 5 below

5.0 Excluded hereditaments

5.1 The Council has decided that the hereditaments / ratepayers listed below will be excluded from relief under the Council's COVID-19 Additional Relief Fund (CARF) scheme:

- Health sector & hospitals;
- Advertising rights;
- Car parks;
- Bus stations;
- Universities and colleges,
- Electricity generation and supply,
- Gas supply,
- Crematoria
- Schools,
- Public administration buildings and similar hereditaments
- Libraries; and
- Police and Fire Stations.

6.0 Subsidy Control

6.1 The Council's COVID-19 Additional Relief Fund (CARF) scheme is subject to the subsidies chapter within the UK-EU Trade and Cooperation Agreement (TCA). However, for CARF there is an exemption for subsidies under the value of approximately £2,243,000 per economic actor (broadly speaking, for example, a holding company and its subsidiaries).

6.2 This allowance comprises 325,000 Special Drawing Rights (at current exchange rates about £343,000) for Small Amounts of Financial Assistance and a further £1,900,000 for COVID-19 related subsidy.

6.3 Therefore, to be awarded CARF the ratepayer must not have claimed over the period 2019/20 to 2021/22 more than £2,243,000 from schemes which fell within the Small Amounts of Financial Assistance or COVID-19 related allowances.

6.4 Any COVID-19 business grants a ratepayer has received from local government generally and the 2019/20 Retail Relief should count towards this limit, but the ratepayer should not count any Extended Retail Discount they have received since 1 April 2020.

6.5 Further details of subsidy control can be found at:

<https://www.gov.uk/government/publications/covid-19-additional-relief-fund-carf-local-authority-guidance>

- 6.6 The ratepayer will need to indicate to the Council:
- if they have not to date received any subsidy which fell within the Small Amounts of Financial Assistance or COVID-19 related allowances; or
 - if the ratepayer has received other such subsidies, they will be required to provide the name and total value of those subsidies.
- 6.7 A ratepayer must not apply for CARF if they have already exceeded the £2,243,000 allowance. However, the Council will still consider applications for support under the CARF scheme if they have reached this limit provided you can evidence that they:
- (a) Intend to use the support to fund uncovered fixed costs (costs not covered by profits for insurance etc) during the period of COVID-19. Economic actors may claim for up to 70% of their uncovered costs (although this 70% limit does not apply to small businesses with less than 50 employees and less than £9 million turnover where the limit is instead 90%); and
 - (b) Have shown a decline in turnover of at least 30% within the April 2020 to March 2021 period, compared to the same 2019 to 2020 period.
- 6.8 The ratepayer may claim up to a further £10 million of additional allowance (on top of the £2,243,000) if they meet the above tests and they have not claimed any other support from the additional allowance up to an aggregate £10 million limit (such as from the COVID-19 business grants).
- 6.9 Government and the Council will not tolerate any business falsifying their records or providing false evidence to gain this relief including claiming support above these thresholds.
- 6.10 A ratepayer who falsely applies for any relief or provides false information or makes false representation in order to gain relief may be guilty of fraud under the Fraud Act 2006.

7.0 Effect on the Council's Finances

- 7.1 As Central Government leads this initiative, funding will be provided through section 31 of the Local Government Act 2003. This is not automatic and Central Government will look to the Council to adopt the recommended approach when granting in these areas.
- 7.2 In order to guarantee funding, the Council will ensure that the criteria in this policy are met in full

8.0 Administration of Discretionary Relief

8.1 The following section outlines the procedures followed by officers in granting, amending, or cancelling discretionary relief and reduction. This is essentially laid down by legislation¹

Applications and Evidence

8.2 The Council will specify how (and if) applications are to be made and received. This may vary from time to time.

8.3 Where appropriate, ratepayers are required to provide such evidence necessary to allow the Council to make a decision. Where insufficient information is provided, then no relief will be granted. In some cases, it may be necessary for officers to visit premises and we would expect ratepayers claiming relief to facilitate this where necessary.

8.4 **The Council will provide this service and provide guidance free of charge. Ratepayers are encouraged to approach the Council direct and NOT pay for such services through third parties. Applications will be accepted from ratepayers only.**

Granting of relief

8.5 In all cases, the Council will notify the ratepayer of decisions made.

8.6 Where an application (if required) is successful, then the following will be notified to them in writing:

- The amount of relief granted and the date from which it has been granted;
- If relief has been granted for a specified period, the date on which it will end.
- The new chargeable amount;
- The details of any planned review dates and the notice that will be given in advance of a change to the level of relief granted; and
- A requirement that the applicant should notify the Council of any change in circumstances that may affect entitlement to relief.

8.7 Where relief is not granted, then the following information is provided, again in writing:

- An explanation of the decision within the context of the Council's statutory duty; and
- An explanation of the appeal rights (see below).

¹ The Non-Domestic Rating (Discretionary Relief) Regulations 1989

8.8 Discretionary relief is to be granted from the beginning of the financial year in which the decision is made or when liability begins whichever is the later. Since 1997 decisions can be made up to 6 months after the end of the financial year for which the application was made. In such cases, the Council *may* backdate its decision. Given the timing of this relief, awards will only be made for the 2021/22 financial year.

Variation of a decision

8.9 Variations in any decision will be notified to ratepayers as soon as practicable and will take effect as follows:

- Where the amount is to be increased due to a change in rate charge (excluding rateable value increases) or a change in the Council's decision which increases the award – this will apply from a date determined by the Council as appropriate;
- Where the amount is to increase for any other reason, it will take effect at the expiry of a financial year unless it is granted for a fixed period;
- Where the amount is to be reduced due to a reduction in the rate charge or liability including any reduction in rateable value, awarding of another relief or exemption this will apply from the date of the decrease in rate charge; and
- Where the amount is to be reduced for any other reason, it will take effect from a date determined by the Council as appropriate;

8.10 A decision may be revoked at any time and a one-year period of notice will be given and the change will take effect at the expiry of a financial year. However, the Council will terminate the relief at any time the ratepayer fails to meet **any** of the relevant eligibility criteria.

9.0 Scheme of Delegation

Granting, Varying, Reviewing and Revocation of Relief

9.1 All powers in relation to reliefs are given under the Local Government Finance Act 1988, the Local Government and Rating Act 1997, the Local Government Act 2003 and the Localism Act 2011. However section 223 of the Local Government Act 1992 allows for delegation of decisions by the Council to Cabinet, Committees, Sub-Committees or Officers.

9.2 The Council's scheme of delegation allows for the Head of Corporate and Customer Services to award, revise or revoke any discretionary relief applications. However, any application which is considered to be of a significant nature, will be subject to consultation with the Council's Section 151 Officer, prior to final determination.

- 9.3 Applications that are refused will, on request, be reconsidered if additional supporting information is provided or the refusal is subsequently considered to be based on a misinterpretation of the application.

Reviews

- 9.4 The policy for granting relief will be reviewed annually or where there is a substantial change to the legislation or funding rules. At such time, a revised policy will be brought before the relevant committee of the Council.

Disputes

- 9.5 Where the Council receives a dispute from the ratepayer regarding the granting, non-granting or the amount of any discretionary relief, the case will be reviewed by the Exchequer Services Manager. Where a decision is revised then the ratepayer shall be informed, likewise if the original decision is upheld.
- 9.6 Where the ratepayer wishes to appeal the decision of the Exchequer Services Manager, the case will be considered by the Council's Section 151 Officer whose decision on behalf of the Council will be final.
- 9.7 Ultimately the formal appeal process for the ratepayer is Judicial Review although the Council will endeavour to explain any decision fully and openly with the ratepayer.

10.0 Reporting changes in circumstances

- 10.1 Where any award is granted to a ratepayer, the Council will require any changes in circumstances which may affect the relief, to be reported as soon as possible or in any event within 21 days of the change. This will be important where the change would result in the amount of the award being reduced or cancelled e.g., where the premises comes unoccupied or is used for a purpose other than that determined by the Council as eligible for relief.
- 10.2 Where a change of circumstances is reported which would cease or revise eligibility, the relief will, if appropriate, be revised or cancelled as appropriate. Where any award is to be reduced, the Council will look to recover the amount from the date the change of circumstances occurred.

11.0 Fraud

- 11.1 Where a ratepayer falsely applies for any relief, or where the ratepayer provides false information, makes false representation, or deliberately withholds information in order to gain relief, prosecutions will be considered under the Fraud Act 2006.



CABINET: 7 JUNE 2022

**CORPORATE & ENVIRONMENTAL
OVERVIEW & SCRUTINY COMMITTEE:
9 JUNE 2022**

Report of: Corporate Director of Housing, Transformation and Resources

Relevant Portfolio Holder: Councillor A Yates

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

SUBJECT: COUNCIL PERFORMANCE DELIVERY PLAN – Q4 2021/22

Wards affected: Borough wide

1.0 PURPOSE OF THE REPORT

1.1 To present performance monitoring data for the quarter ended 31 March 2022.

2.0 RECOMMENDATIONS TO CABINET

2.1 That the Council's performance against the Council Plan for the quarter ended 31 March 2022 be noted.

2.2 That the call-in procedure is not appropriate for this item as the report will be submitted to the meeting of the Corporate & Environmental Overview & Scrutiny Committee on 9 June 2022.

3.0 RECOMMENDATIONS TO CORPORATE & ENVIRONMENTAL OVERVIEW & SCRUTINY COMMITTEE

3.1 That the Council's performance against the Council Plan for the quarter ended 31 March 2022 be noted and any agreed comments be forwarded to the Relevant Portfolio Holder and Corporate Director for consideration.

4.0 CURRENT POSITION

4.1 Members are referred to Appendix A of this report detailing the quarterly performance in delivery the Council Plan.

- 4.2 Due to quarter end dates and committee timescales this report is being presented to Cabinet ahead of Overview & Scrutiny. This is outside of the preferred order of meetings to avoid excessive delay in Cabinet receiving the information.
- 4.3 The Council Plan was agreed by Members in October 2020. No revisions were made to the Plan for 2022/23. The Plan provides clarity of purpose for the Council allowing efficient communication of its strategic direction with the public, stakeholders and staff. This in turn allows effective planning and prioritisation of work and supports transparency and accountability.
- 4.4 Services developed and timetabled the actions (the "We Will..." statements) to meet those priorities over the three years of the Council Plan. This covers a large amount of work over several years across a broad spectrum of services. The suite of indicators to support evidencing delivery during 2021/22 was agreed in March 2021.
- 4.5 Progress against the actions and supporting KPIs are summarised and provided as a Corporate Performance Delivery Plan in Appendix A. Action progress is intended to provide progress for those actions with activity of note or planned to conclude within the quarter or outstanding from previous quarters. KPIs reported quarterly are included.
- 4.6 To provide a focus on activity the information relating to actions refers to those with activity planned to conclude within the quarter or where it is outstanding from previous quarters. Where actions have been delayed this is addressed in the 'Focus on' section.
- 4.7 Delivery Plan at Appendix A refers to 46 items within the quarterly suite, 10 of which are 'data only' (no target). Of the 36 PIs with targets reported quarterly:

	Current Quarter	Previous Quarter
Indicators meeting or exceeding target ('Green')	14	21
Indicators narrowly missing target ('Amber')	6	2
Indicators 5% or more off target.('Red')	8	10
Data not yet available	3	0
Data that will not be provided (reason in notes)	5	3

Compliance data for housing stock is still to be provided following validation of recent survey data.

- 4.8 Performance plans are prepared by service managers for those performance indicators where performance is below the target by 5% or more for this quarter. These plans (Appendix B) provide the narrative behind the outturn.
- 4.9 Although the purpose of this report is to comment on quarterly information, where available a reference on draft annual performance for KPIs is also given in Appendix A.

5.0 SUSTAINABILITY IMPACTS

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

6.0 FINANCIAL AND RESOURCE IMPLICATIONS

6.1 There are no direct financial or resource implications arising from 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 as a result of this report. Monitoring and managing performance information data helps the authority to ensure it is achieving its corporate priorities and key objectives and reduces the risk of not doing so.

8.0 HEALTH AND WELLBEING IMPLICATIONS

8.1 There are no health and wellbeing implications arising from this report. The Council Plan itself supports the improvement of health and wellbeing within West Lancashire.

Background Documents

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

Equality Impact Assessment

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

Appendices

Appendix A: Quarterly Council Plan Delivery Plan Report
Appendix B: Performance Plans
Appendix C: Previous Action Plan progress





APPENDIX A: Corporate Performance Delivery Plan






Quarter 4 (January-March) 2021/22




Be a financially sustainable Council by 2023

Be a financially sustainable Council by 2023 - Actions







In Quarter Activity

	Completed	3		Check Progress	1
	In Progress	4		Overdue	0








Go to achieve this priority we will...	Delivered during the quarter	Requires focus	Status	Lead Service
Review fees and charges across all council services	An independent review of our fees and charges was carried out through Red Quadrant and the report on Fees and Charges went to Council in February 2022.			Finance
Optimise Inward Investment	See Solar Farm (Greener West Lancs)			Finance
Maximise commercial investment opportunities through a commercial strategy	Due to changes in lending arrangements for the Council the Commercial Property Strategy was revised and approved in January with a focus on developing new assets or investing in existing assets. Projects under consideration include developing a solar farm and developing land for Junction 4 of M58 for commercial use.			Finance
Make sure our internal financial and decision-making processes continue to be strong	A review of budgets for 22/23 was completed and the outcome of the local government finance settlement incorporated. The Medium Term Financial Strategy was revised to reflect the current position and a review of reserve balances and capital financing requirements undertaken. The budget for 22/23 was agreed at February Council. A revised MTFS will be taken to July Council.	Member training sessions on core aspects of Council's financial processes.		Finance
Consider the merits of all service options to ensure value for money is achieved	The new operational structure was implemented in line with the start of the new financial year.			Finance






To achieve this priority we will...	Delivered during the quarter	Requires focus	Status	Lead Service
	The Revenues & Benefits Customer Access Service successfully transitioned from Lancashire County Council into West Lancs Customer Services from 1 March 2022.			
Maximise the returns from Tawd Valley Development Company to reinvest in West Lancashire.	TVD is on track to generate surplus for 2021/22. A cross party Council Committee has been established to identify the future objectives of TVD, this committee will put forward its recommendations to full Council for consideration.			Finance
Continuously develop, find better ways to do things and embrace new technology Page 93	<p>Implemented a further module of the email security product, Egress. Provided training sessions, including members workshops to aid engagement and understanding.</p> <p>Completed the Big Clean Up campaign with officers reducing storage of unused data by over 320GB.</p> <p>Launched a device management audit to understand ICT requirements for the organisation to inform the Smarter Ways of Working project.</p> <p>Activity mapping across tree stock management to gain insight in current operating model has been completed and analysed.</p> <p>Discovery workshops held for Customer Services/Service Now, Environmental Services, and Housing looking at systems, people and process for utilising systems more effectively, connecting front and back office process, reducing costs and enhancing the customer experience.</p>	<p>Meeting with members to be arranged to agree a plan of support linked to laptops and accessibility to systems and processes</p> <p>Analysis to be reviewed by the Our Future Board to aid next steps discussion</p> <p>Improvement plans will be created following workshops.</p>		Business Transformation & Change
Maximise the value from existing assets and focus on value for money	Tenants in arrears are being encouraged to make additional payments to reduce debt levels. New rules are coming into effect on recovery of rent debt built up during the Covid lock downs and restrictions.	Focus on remaining outstanding debt.		Finance

Be a financially sustainable Council by 2023 - KPIs

Quarter KPI Status		
	OK (within 0.01%) or exceeded	3
	Warning (within 5%)	2
	Alert (by 5% or more)	2
	PIs awaiting data	0
	Data only	1
	'Data only' awaiting data	0

Out of the 10 total KPIs within the priority, 8 are reported quarterly.





Performance Indicator	2020/21	Q4 2020/21	Q1 2021/22	Q2 2021/22	Q3 2021/22	Q4 2021/22	Current Quarter Target	Outturn vs same Q previous year	Comment	Quarter Status
	Value	Value	Value	Value	Value	Value				
R1 % rent loss through empty commercial properties available to rent	N/A PI not developed/data recorded at this time		3.2	2.8	3.1	4.2	10	/		
R1 % of Council Tax collected	93.06%	93.06%	27.39%	52.29%	79.08%	92.73%	97.10%		Reintroduction of statutory recovery recommenced late October 2021. Q4 outturn is year to date; annual target of 97.10% was not met Plan update attached at Appendix C	
R3 % of Business Rates Collected (NNDR)	87.46%	87.46%	17.29%	42.50%	69.40%	93.79%	97.20%		Q4 outturn is year to date; annual target of 97.2% was not met Plan update attached at Appendix C	
TS1a Rent collected from current and former tenants as a % of rent owed (excluding arrears b/f)	100.26	100.26	105.05	100.18	100.86	100.73	100.04		Q4 outturn is year to date; annual target of 100.04% was exceeded.	



Performance Indicator	2020/21	Q4 2020/21	Q1 2021/22	Q2 2021/22	Q3 2021/22	Q4 2021/22	Current Quarter Target	Outturn vs same Q previous year	Comment	Quarter Status
	Value	Value	Value	Value	Value	Value				
TS11 % of rent loss through dwellings being vacant	1.45%	1.45%	1.27%	1.38%	1.23%	1.18%	0.99%	↑	Q4 outturn is year to date; annual target of 0.99% was not met. Plan attached at Appendix B1	
WL130 No. Service Now Customer Accounts	39,333	39,333	42,384	44,811	46,500	48,433		↑		
WL132-c19 FTE working days lost due to sickness absence per average FTE (COVID Inclusive)	8.64	2.21	2.14	3.20	2.52	3.34	2.02	↓	Plan attached at Appendix B2 Annual performance of 11.2 days did not meet annual target of 8.08 days.	
WL164 Savings within financial year	N/A PI not developed/data recorded at this time		£250k	£250k	£187.5k	£187.5k	£187.5k	/	Annual target of £750K was exceeded	


Create empowered, engaged and inclusive communities

Create empowered, engaged and inclusive communities – Actions







In Quarter Activity

	Completed	0		Check Progress	0
	In Progress	3		Overdue	0







To achieve this priority we will...	Delivered during the quarter	Requires focus	Status	Lead Service
<p>Work with partners to develop a meaningful offer to support citizens to become digitally included</p>	<p>The digital training project delivered on our behalf by "We are Digital" has provided 78 hours of training sessions since its launch. The training improves residents' digital skills and helps overcome digital exclusion through free 1-2-1 digital skills sessions delivered remotely over the phone.</p> <p>Promotion has included media releases, social media posts and promotion to community groups, foodbanks and internal staff who can identify anyone needing support in accessing online services. So far 46 residents have been signed up to the programme (as at the end of March.) The scheme is due to conclude in at the end of July and we will review options for continuing a digital inclusion service.</p>			Customer & Business Engagement
<p>Create innovative ways to listen to different community views</p> <p>Adopt best practice consultation</p> <p>Engage with communities for key decisions</p>	<p>"Let's Talk West Lancashire" platforms for both residents and tenants is now fully launched. During the quarter, several consultations were launched on the platforms including Tenant Recharge Policy, Tenant Engagement Consultation, Burscough Racquet and Fitness Survey and Hackney Carriages and Private Hire Vehicles Survey.</p> <p>Overall we have 1,145 participants on the platform of which 128 are signed up as a Tenant to participate in housing specific consultations. The platform will be further developed and promoted to engage, share information and enable residents to provide feedback.</p>			Customer & Business Engagement





To achieve this priority we will...	Delivered during the quarter	Requires focus	Status	Lead Service
Build on and develop strengths within local communities	How we are set up to deliver HWB services for our communities has been reviewed and a new Community Connector team is now in place and aligned to work geographically and collaboratively across all areas within the borough. The Team will co-design, facilitate and deliver services which will improve quality of life and reduce health inequalities and understand what matters most to the residents, organisations, and partners within West Lancs.			Wellbeing & Place

Create empowered, engaged and inclusive communities - KPIs

Quarter KPI Status		
	OK (within 0.01%) or exceeded	0
	Warning (within 5%)	1
	Alert (by 5% or more)	1
	PIs awaiting data	0
	Data only	3
	'Data only' awaiting data	0

Out of the 7 total KPIs within the priority, 5 are reported quarterly.





Performance Indicator	2020/21	Q4 2020/21	Q1 2021/22	Q2 2021/22	Q3 2021/22	Q4 2021/22	Current Quarter Target	Outturn vs same Q previous year	Comment	Quarter Status
	Value	Value	Value	Value	Value	Value				
WL85a Website: no. visits	546,671	104,707	104,979	79,765	157,060	198,295			Most popular pages are Council Tax and Pay a Bill. Annual outturn is 540,099	
WL85c Website: No. of payments processed online	78,042	13,415	27,984	15,365	15,860	13,171			In line with previous year with Council Tax accounting for the majority of online payments Annual outturn is 72,380	





Performance Indicator	2020/21	Q4 2020/21	Q1 2021/22	Q2 2021/22	Q3 2021/22	Q4 2021/22	Current Quarter Target	Outturn vs same Q previous year	Comment	Quarter Status
	Value	Value	Value	Value	Value	Value				
WL108 Average answered waiting time for callers to the contact centre (seconds)	43	35	148	133	154	163	145	↓	Performance Plan attached at Appendix B3 Relates to 23.8K calls into the contact centre. Annual performance of 150 seconds narrowly missed annual target of 145s. Relates to 97.6K calls into the contact centre.	
WL90 % of Contact Centre calls answered	96.5%	96.4%	86.7%	89.5%	87.7%	87.3%	88.0%	↓	As above Annual performance of 87.8% seconds narrowly missed annual target of 88%	
WL131 No. Social Media Followers (WLBC FB, Twitter)	13,715	13,715	13,970	14,205	14,489	14,870		↑	Annual outturn is 14,870	

Become a Greener West Lancashire







Become a Greener West Lancashire - Actions

In Quarter Activity









	Completed	0		Check Progress	2
	In Progress	2		Overdue	0

To achieve this priority we will...	Delivered during the quarter	Requires focus	Status	Lead Service
Reduce waste & improve recycling, implement a Waste Strategy with a focus on sustainable solutions	Through social media we have promoted good practice around composting, recycling plastic wrapping, donating or selling rather than binning, putting the right stuff in the right bins and safety messages about what not to put into recycle bins such as batteries and gas bottles. We have also publicised this year's Great British Spring Clean and the support we can provide for community litter pickers.			Waste Services
Encourage local businesses and service providers to set their own targets for becoming carbon neutral and promote their achievements.	Additional Restrictions Grant has funded the Green Tourism Award scheme for 12 months from April 2022 to support up to 100 local businesses work towards certification. Green Business UK engaged to deliver the scheme to promote greener ways of operating e.g reducing energy use, ethical buying, saving water, staying local and seasonal, eco-friendly waste disposal etc and support work towards meeting assessment criteria and a digital marque of certification.			Customer & Business Engagement
Be a role model and lead good practice; develop a Climate Change strategy and action plan	Action on Climate Emergency Review report submitted to Cabinet for January 2022. To be reviewed at Corporate & Environmental Overview & Scrutiny Committee in September 2022.	Recruitment for an Environmental Sustainability Manager and support post for Climate Change work have been advertised and is underway.		Environmental Services (from April)
Optimise the development of solar/wind farm investment	Revised financial information including grid connection costs have been submitted to Homes England.	Proposals for a solar farm in Skelmersdale at the J4/Whitemoss area are still under investigation at the business case stage. We are awaiting a response from Homes England.		Estates

Become a Greener West Lancashire – KPIs

Quarter KPI Status		
	OK (within 0.01%) or exceeded	2
	Warning (within 5%)	1
	Alert (by 5% or more)	1
	PIs awaiting data	0
	Data only	0
	'Data only' awaiting data	0

Out of the 7 total KPIs within the priority, 4 are reported quarterly.





Performance Indicator	2020/21	Q4 2020/21	Q1 2021/22	Q2 2021/22	Q3 2021/22	Q4 2021/22	Current Quarter Target	Outturn vs same Q previous year	Comment	Quarter Status
	Value	Value	Value	Value	Value	Value				
ES01 No. grass cuts undertaken on the highway between April-October	8	8	3	7	8	8	8		Q3 and Q4 outturn is year to date due to grass cutting period; annual target of 8 cuts was met.	
ES02 No. grass cuts undertaken in Sheltered Accommodation between April-October	9.6	9.6	3	8	10	10	10		Q3 and Q4 outturn is year to date due to grass cutting period; annual target of 10 cuts was met.	
NI191 Kerbside residual household waste per household (Kg)	543.21	137.99 ¹	133.5	126.17	128.02	127.4	125		Greater numbers of people spending more time at home inevitably produces more waste for household collections. Although people are returning to workplaces, homeworking is likely to remain at higher than previous levels resulting in higher 'new normal' levels of household waste.	
NI192 Percentage of kerbside household waste sent for reuse, recycling and composting	46.90%	42.48%	47.80%	47.80%	42.54%	39.5%	51.00%		Low generation of green waste during winter months consistently impacts the percentage figure, with Q4 usually showing the lowest rate. No performance plan has therefore been prepared.	





¹ Following review of finalised figures data was restated and was originally published as: NI191 2020/21: Q4 137.99 (from 87.08).


Support business to adapt and prosper

Support business to adapt and prosper - Actions







In Quarter Activity

	Completed	0		Check Progress	3
	In Progress	2		Overdue	0









To achieve this priority we will...	Delivered during the quarter	Requires focus	Status	Lead Service
Develop the market offer and reinvigorate Ormskirk's Eastern gateway	<p>Recommendations from a review of <u>Ormskirk market</u> will enhance the market whilst safeguarding its economic sustainability and continued attraction for visitors and residents.</p> <p>Legal agreements were concluded and contractors began on the work programme for changes to the Moorgate area and redesigned bus station in April for the <u>Eastern Gateway</u> development. The work will take place in four phases. Phase one, the improvements to Ruff Lane and St Helens Road is already completed.</p>	<p>Promote the <u>market</u> via social and traditional media methods.</p> <p>Future <u>Gateway</u> phases will include the redevelopment of the bus station and new public realm in Moor Street with an anticipated completion by the end of 2022.</p>		Economic Development & Regen
Create enlivened town centres offering diverse leisure opportunities and night time economy	<p>Inigorating our public spaces, three renowned artists created fabulous eye-catching pieces celebrating West Lancashire through funding from the Welcome Back Fund.</p> <p>Two artworks are displayed in Ormskirk and one in Burscough.</p>			Economic Development & Regen
Promote West Lancashire as a place to invest through the Skelmersdale Place Board and Ambassadors		An internal review of the Ambassadors Programme is underway.		Customer & Business Engagement
<p>Support recovery and growth of existing and new businesses</p> <p>Signpost and support businesses to innovate and diversify</p>	<p>The team have supported supported 628 businesses with Omicron & Discretionary Support grants including 5 businesses with property searches.</p> <p>All COVID grants closed on 31 March. Value of all grants paid since March 2020 £41.5m.</p>	<p>Business engagement resource was diverted to COVID business support grants. With the closure of the COVID grants the team will focus on re-engaging with the business community, supporting businesses post the pandemic, re-engaging with partners, to ensure our businesses are fully informed of external business support products and services available to them.</p>		Customer & Business Engagement

To achieve this priority we will...	Delivered during the quarter	Requires focus	Status	Lead Service
Lead the regeneration of Skelmersdale Town Centre.	The Tawd Valley Centre is currently expected to be completed and open by early June.	A preferred consultant has been identified to develop a strategy for further regeneration work and will be appointed when funding legal agreements with LCC have been completed, expected in April. It is anticipated that the consultant will report back in summer 2022.		Economic Development & Regen

Support businesses to adapt and prosper - KPIs

Quarter KPI Status		
	OK (within 0.01%) or exceeded	0
	Warning (within 5%)	0
	Alert (by 5% or more)	1
	PIs awaiting data	0
	Data only	2
	'Data only' awaiting data	0




Out of the 7 total KPIs within the priority, 3 are reported quarterly.





Performance Indicator	2020/21	Q4 2020/21	Q1 2021/22	Q2 2021/22	Q3 2021/22	Q4 2021/22	Current Quarter Target	Outturn vs same Q previous year	Comment	Quarter Status
	Value	Value	Value	Value	Value	Value				
BV8 % invoices paid on time (within quarter)	95.95%	95.39%	97.21%	90.92%	93.12%	91.92%	98.75%		Quarter outturn relates to just over 6.5K invoices processed; annually this was just under 24K. This will be monitored closely by service areas. Annual performance of 93.21% missed target of 98.75%	
ER09 Number of businesses added value to via business support, property searches, skills and employment	109	26	16	27	254	628			High figure due mainly to business grant applications. Annual outturn is 925	
WL148 Value of business support grants allocated and processed (million)	£39.7	£39.7	£39.7	£39.7	£39.7	£41.5			Accumulative total of grants paid since Mar 2020 - Mar 2022. Q4 outturn is year to date.	

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

A clean, safe environment with affordable homes to buy or rent for everyone in West Lancashire - Actions

In Quarter Activity

	Completed	1		Check Progress	2
	In Progress	4		Overdue	0

To achieve this priority we will...	Delivered during the quarter	Requires focus	Status	Lead Service
Invest resources within services to achieve an improvement to the local environmental quality	Resources were approved at February Council for improvement including: increasing enforcement and education projects, investment in new litter bins, an urban vacuum cleaner and funds to better support tree management.			Environmental Services
Continue to drive forward the community safety agenda	Helping support LCC colleagues to meet the requirements of the Domestic Abuse Act a part-time Domestic Abuse Coordinator post has been appointed to help strengthen the Council's involvement with this work. Funded through Government New Burdens the postholder is due to take up post at the end of May.			Environmental & Community Protection
Get the right mix of properties for each community Increase the supply of homes to bring cheaper private rents/more choice	A 10-week Issues and Options consultation closed on 27 January. 291 respondents submitted comments and these will now be analysed and used to inform drafting the next stage of the Plan, the Preferred Policies, Development Requirements & Site Allocations. A revised Local Development Scheme was approved in March 2022.			Planning
Develop homes to rent/buy for shared ownership through Tawd Valley Development Company	The final homes at Brierfield were handed over. Working on behalf of the Council, TVD has now secured £1.4m external funding from Homes England to support the development of new Council homes in West Lancashire. In February, Council agreed the development of a further 50 homes at Fairlie, Skelmersdale which will take around 2 years to develop. Future plans will be brought forward for consideration by Council through the updated business plan.			TVDC

To achieve this priority we will...	Delivered during the quarter	Requires focus	Status	Lead Service
Review WLBC/public estate land holdings	The Estates and Valuation Interim Manager has been appointed. The council will participate in the national and regional One Public Estate programme with partners to further identify efficiencies from the public estate.	Work is underway to complete the review.		Estates
Prepare a new Housing Strategy for West Lancashire	Progress is reliant upon the completion of the Housing and Economic Development Needs Assessment (HEDNA) evidence that forms part of the preparatory work for a new Local Plan. The HEDNA has not yet been finalised and is now expected to be progressed in line with a revised Local Development Scheme which was approved in March 2022.	Once the HEDNA is published and forms part of the Local Plan evidence base Housing Strategy development timescales will be reset and aligned with the Local Plan development timetable to ensure timing synergy between the two pieces of work.		Housing
Develop Environment Ward Reports for members		Work continues to create appropriate data reports and formatting requiring minimal administration.		Environmental Services

A clean, safe environment with affordable homes to buy or rent for everyone in West Lancashire – KPIs















Page 104





Quarter KPI Status

	OK (within 0.01%) or exceeded	5
	Warning (within 5%)	2
	Alert (by 5% or more)	0
	PIs awaiting data	8
	Data only	0
	'Data only' awaiting data	0

Out of the 22 total KPIs within the priority, 15 are reported quarterly.

Performance Indicator	2020/21	Q4 2020/21	Q1 2021/22	Q2 2021/22	Q3 2021/22	Q4 2021/22	Current Quarter Target	Outturn vs same Q previous year	Comment	Quarter Status
	Value	Value	Value	Value	Value	Value				
ES04 % locations inspected falling into categories A/B - Litter (cumulative)	100%	100.00%	95.83%	95.70%	100.00%	N/A	95.00%	N/A	Inspections have not been carried out during Q4 due to resource issues and are also unlikely to be available for Q1 whilst resourcing this collection is looked at by the Service	N/A
ES06 % locations inspected	100%	100.00%	100.00%	100.00%	100.00%	N/A	95.00%	N/A	As above	N/A

Performance Indicator	2020/21	Q4 2020/21	Q1 2021/22	Q2 2021/22	Q3 2021/22	Q4 2021/22	Current Quarter Target	Outturn vs same Q previous year	Comment	Quarter Status
	Value	Value	Value	Value	Value	Value				
falling into categories A/B - Dog Fouling (cumulative)										
ES07 % locations inspected falling into categories C/D - Overflowing Litter Bins (cumulative)	0.94%	0.94%	N/A ²	00.00%	00.00%	N/A	10.00%	N/A	As above	N/A
ES08 % locations inspected falling into categories A/B - grounds maintenance (includes grass and shrubbery) (cumulative)	99.80%	99.80%	N/A ²	100.00%	100.00%	N/A	90.00%	N/A	As above	N/A
ES11 % locations inspected falling into categories C/D - Detritus (cumulative)	02.35%	02.35%	N/A ²	02.20%	04.40%	N/A	7.00%	N/A	As above	N/A
ES19a % successful planned bin collections (grey)	N/A PI not developed/data recorded at this time		99.2%	99.8%	98.9%	99.26%	96%	/	Annual performance of 99.2% exceeded target of 96%	
ES19b % successful planned bin collections (blue)	N/A PI not developed/data recorded at this time		99.05%	99.8%	99.82%	99.91%	96%	/	Annual performance of 99.89% exceeded target of 96%	
ES19c % successful planned bin collections (brown)	N/A PI not developed/data recorded at this time		97.94%	99.8%	99.68%	99.93%	96%	/	Annual performance of 97.94% exceeded target of 96%	
ES19d % successful planned bin collections (green)	N/A PI not developed/data recorded at this time		99.15%	99.7%	99.85%	99.91%	96%	/	Annual performance of 99.15% exceeded target of 96%	
HS27 % of properties with a valid Landlord Gas Safety Record (homes and buildings)	99.9%	99.9%	100.0%	99.9%	100.0%	99.9%	100.0%		Currently there are 5 properties without an in date LGSR and these are now within the legal process.	
HS28 % of properties with a valid Electrical Installation Condition Report (homes and buildings)	98.1%	98.1%	98.1%	98.1%	100.0%	96.0%	100.0%		Currently there are 226 properties without an in date EICR	
HS29 % non-domestic that require an asbestos management survey/re-inspection	100.0%	100.0%	100.0%	93.8%	N/A ³		100.0%		Validation of survey data is almost complete; committee members will be updated once available.	
HS30 % of non-domestic	100.0%	100.0%	100.0%	100.0%	N/A ³		100.0%		As above.	





Performance Indicator	2020/21	Q4 2020/21	Q1 2021/22	Q2 2021/22	Q3 2021/22	Q4 2021/22	Current Quarter Target	Outturn vs same Q previous year	Comment	Quarter Status
	Value	Value	Value	Value	Value	Value				
properties with fire risk assessment in place										
HS31 % of properties covered by water hygiene risk assessment (homes and buildings)	100.0%	100.0%	100.0%	100.0%	N/A ³		100.0%		As above.	
WL161 Affordable Housing units via Tawd Valley Developments	N/A PI not developed/data recorded at this time		0	13	29	2	2	/	Annual target of 44 was met The majority of the Brierfield homes were completed during Q3.	



²Insufficient area inspections were submitted to generate scoring through the Land Audit Management System quality inspection model due to the system refreshing at the beginning of the financial year and inspections not being able to be generated. ³ Surveys and validation of data mean data for HS 29/30/31 in Q3 21/22 was not available.



Everyone to be healthy, happy, safe and resilient


Everyone to be healthy, happy, safe and resilient - Actions

In Quarter Activity

	Completed	0		Check Progress	2
	In Progress	3		Overdue	0







To achieve this priority we will...	Delivered during the quarter	Requires focus	Status	Lead Service
Facilitate and co-ordinate Food Insecurity Action Plan	The first meeting of the Food Insecurities Forum was held with partners such as local VCFSE organisations, volunteers and those with an expressed interest. The Forum is facilitated by the Wellbeing and Place Service and supported by the councillor Food Insecurity Champion.	The Forum will create a three month Action Plan for local organisations to take action collaboratively to tackle food insecurity.		Wellbeing & Place
<div style="writing-mode: vertical-rl; transform: rotate(180deg); font-weight: bold; font-size: small;">Page 107</div> <p>Work with partners to focus on prevention and reducing health inequalities</p>	<p>Community and Wellbeing Manager is the SRO for Health Inequalities, Population Health and Wider determinant to health. WLBC is represented at a range of strategic health inequality networks and partnerships where action plans are being developed which focus on preventing and reducing health inequalities. For example Intergenerational MDT's, Core 20 Plus 5, Health Inequalities Oversight Group.</p> <p>During the quarter, in collaboration with partners, interventions and health and wellbeing activities were delivered such as:</p> <p>Weight management courses – 52 new participants started a Weight Management course; 7 courses are in the process of being delivered. ; Optimal Ageing Pilot – 6 new venues have been visited with 31 residents engaging in the programme ; Healthy heart and prevention programmes are planned and will be starting in April with a partnership approach to community engagement and health checks in the community.</p> <p>One Team member achieved a Ramblers Wellbeing Walks cascade training qualification and will now deliver training to volunteers and residents who have an interest to lead health walks.</p>	Cohort specific workstreams are due to start May 22 delivering a collaborative programme in the community to those residents who are socially vulnerable.		Wellbeing & Place

To achieve this priority we will...	Delivered during the quarter	Requires focus	Status	Lead Service
	<p>The team have continued to deliver regular weekly online breathing sessions, chair-based exercise sessions and conditioning sessions for residents. Over the last six months, 165 individual visits/ engagements have taken part in the programmes.</p> <p>21 young people were set up with six-month paid work placements through the Kickstart programme, including five into the Council in: Housing's Money Advice Team; Neighbourhood Team; and Rangers Service. 33 local residents have been helped through referrals into More Positive Together either through training, education, health and wellbeing help or work experience.</p>			
<p>Develop a quality range of health, wellbeing and leisure facilities and services</p> <p>Page 108</p>	<p>Development Partner Alliance Leisure has now been appointed. Designs for the three Health and Wellbeing facilities are now being developed.</p> <p>Consultation on Burscough Racquets and Fitness Centre was completed with 427 responses.</p> <p>Tawd Valley Mountain Bike Trails opened in January. CIL money match funded a £25k Sport England Community grant. Assistance from Friends of Tawd Valley and residents lending a hand during 'dig days' was a big part in the success of this project.</p> <p>Land allocation was approved at Cabinet in January for a new allotment site at Barnes Road (Ormskirk).</p>	<p>A bid to the Levelling Up Fund shaped by consultation and partnership working is due for submission on 6 July for the development of the leisure hubs. Outcomes will be known in October/November.</p>		<p>Leisure</p>
<p>Deliver Our People Strategy with Council staff that results in a continuously improving culture</p>	<p>A successful staff awards ceremony for 11 categories took place in March. An online induction course for staff will shortly be launched.</p>	<p>Following the peer review, the Our People Survey was put back slightly to allow for further engagement and consultation with staff and will now launch in May.</p> <p>The priority of the People Strategy actions will be redistributed to new Leads following the successful appointment of several Head of Service posts.</p> <p>The actions will also be reviewed following the staff survey results. This will also enable the re-launch of our People Strategy Ambassador Programme.</p>		<p>HR & OD</p>



To achieve this priority we will...	Delivered during the quarter	Requires focus	Status	Lead Service
Deliver our Financial Inclusion Strategy and action plan	<p>From mid-December Money Advice have supported housing benefits to allocate the new government Household Support Fund for residents struggling to pay essential household bills such as food, energy water, clothing, white goods. By the end of March £270k was paid out. The scheme will restart this year when funding has been received.</p> <p>A Kickstart Business Support Assistant placement took up post in March for six months in the Money Advice Team to focus on supporting Money advice and the Income team.</p> <p>The Active Lifestyle Co Ordinator is now based in the Money Advice office. This will support referrals into the More Positive Together program.</p>	<p>Refernet will support electronic customer referrals across organizations and partners and provide a one contact approach meaning a customer has only to contact one partner organisation to be referred to a service.</p> <p>This is in the go live stage and voluntary and statutory Organisations are in the process of being signed up to use the product.</p> <p>Work on the pre-tenancy stage for under 25s into apprenticeships and work programs is being developed</p>		Housing












Everyone to be healthy, happy, safe and resilient - KPIs





Page 109


Quarter KPI Status		
	OK (within 0.01%) or exceeded	4
	Warning (within 5%)	0
	Alert (by 5% or more)	3
	PIs awaiting data	0
	Data only	4
	'Data only' awaiting data	0


Out of the 14 total KPIs within the priority, 11 are reported quarterly.

Performance Indicator	2020/21	Q4 2020/21	Q1 2021/22	Q2 2021/22	Q3 2021/22	Q4 2021/22	Current Quarter Target	Outturn vs same Q previous year	Comment	Quarter Status
	Value	Value	Value	Value	Value	Value				
B1 Time taken to process Housing Benefit/Council Tax Support new claims and change events (days) (ytd)	16.00	12.00	20.00	22.00	19.00	16.00	12.00		16 days is the events for both CTS and HB. HB events for the same period is 3 days. This PI will not be reported in 22/23 and although the data will be monitored in service no plan is produced.	

Performance Indicator	2020/21	Q4 2020/21	Q1 2021/22	Q2 2021/22	Q3 2021/22	Q4 2021/22	Current Quarter Target	Outturn vs same Q previous year	Comment	Quarter Status
	Value	Value	Value	Value	Value	Value				
									Q4 outturn is year to date; annual target of 12 days was not met.	
TS52 No. tenants accessing money advice service		N/A PI not developed/data recorded at this time	424	453	548	618		/	Annual outturn was 2,043 Continued increase in case work due to increasing financial pressures for tenants and the intervention of the team to support the referrals for the Household Support Grant and one off Discretionary Housing Payments before year end.	
TS53 No. tenants supported with Food Poverty advice		N/A PI not developed/data recorded at this time	56	78	66	104		/	Annual outturn was 304 There has been an increase in support requests for food bank vouchers.	
TS54 No. people provided with money advice to help prevent homelessness (tenants & residents)		N/A PI not developed/data recorded at this time	13	4	8	11		/	Annual outturn was 36	
TS55 No. tenants provided with fuel poverty advice		N/A PI not developed/data recorded at this time	42	58	6	4		/	Annual outturn was 110 4 clients supported for fuel vouchers; this fund has been removed and due to changes in energy prices no longer able to offer specific fuel tariff support. The focus during this quarter has therefore been to make referrals (77) to the Household support fund for those with fuel poverty issues.	
WL157a No. visits to leisure facilities		N/A PI not developed/data recorded at this time	76,190	116,787	137,467	155,472	144,830	/	Annual outturn of 485,916 did not meet annual target of 573,800 Plan update attached at Appendix C	
WL150 Number of new participants engaged in health & wellbeing programmes/interventions		N/A PI not developed/data recorded at this time	29	58	130	116	250	/	New participants in sessions include Weight Management, Upper Body Breathing, Live Longer Better Pilot. Annual outturn of 333 exceeded annual target of 250	
WL151a Number of new clients attending vocational training		N/A PI not	19	24	126	33	10	/	Annual outturn of 202 exceeded annual target of 38	

Performance Indicator	2020/21	Q4 2020/21	Q1 2021/22	Q2 2021/22	Q3 2021/22	Q4 2021/22	Current Quarter Target	Outturn vs same Q previous year	Comment	Quarter Status
	Value	Value	Value	Value	Value	Value				
	developed/data recorded at this time								Reduction in figures due to the end of the Kickstart recruitment phase.	
WL151b Number of new participants engaged to enhance employability, confidence, skills and qualifications	N/A PI not developed/data recorded at this time		78	94	118	37	10	/	Annual outturn of 327 exceeded annual target of 40	
WL153a No. of partners working with Wellbeing and Leisure Service	N/A PI not developed/data recorded at this time		69	78	87	72	81	/	New partners were not being recruited during Q4 since the Kickstart Scheme was coming to an end in March. Focus was given to maintaining positive relationships previously generated and ensuring a sustainability pathway for those involved.	
WL159 No. attending parks and countryside events and activities	0	0	838	1,877	208	240	1,000		Value reflects school groups and volunteer session participants. No large events carried out due to COVID uncertainty and other workloads. The Events programme has not been published. Annual outturn of 3,163 did not meet annual target of 5,500	

PERFORMANCE PLAN				
Indicator	TS11 - % rent loss through dwellings being vacant			
Quarter Target	0.99%	Quarter outturn	Q4: 1.18%	
Reason(s) for not meeting target				
<p>The target has not been achieved due to:</p> <ul style="list-style-type: none"> • We are still seeing issues with the sourcing of materials, which is consistent with the sector • Wates continue to experience resource issues, again this is consistent with the sector due to a lack of skilled staff and operatives moving on to higher paid roles • We have had an issue with our electrical provider The Utility Company going out of business 				
Additional commentary / background				
<p>Staffing resources and our power Supplier have been the main reason for the turnaround time not being met this quarter.</p> <p>Actions</p> <ul style="list-style-type: none"> • A joint Service Improvement plan has been developed with Wates; progress is reviewed in regular meetings. Concerns are escalated to Senior Managers at Core Group. • Weekly meetings are held with Surveyors, Wates and Lettings staff to monitor progress of individual void properties to agree and clarify progress. A series of internal meetings have been carried out in which we have mapped out the process to ensure it remains fit for purpose and identified processes which are not adding value or causing delays. Ongoing reviews will be complete to ensure efficient delivery of service. • A procurement exercise has been undertaken to select a suitable energy company to address the supply issues, the supplier Tenants Save Money is now in place • A full review of the void process is being undertaken with Housing Management, Property Services, Customer contact centre and Wates on 11/05/2022 where the current process will be mapped, the points of failure identified, and a new process developed. <p>The actions that have already been implemented are now starting to result in improved performance with a steady decrease in rent loss being seen, we expect to see further improvements following the void process review with internal departments and Wates</p> <p>The Tenancy Services Team, the Property Services Team and the contractors will continue to work closely together to improve performance and reduce void loss.</p>				
Future targets Void performance for properties are monitored and managed through the contract KPI's which are reported on a monthly basis.				
Action plan				
Tasks to be undertaken Monitor actions in Service Improvement Plan			Completion due date Ongoing	
Resource implications – Currently experiencing material delays within supply chain which are causing some delays in completing works and some additional costs				
Plan prepared by: Property Services Manager				

PERFORMANCE PLAN Q4				
Indicator	WL132-c19 FTE working days lost due to sickness absence			
Quarter Target	2.02	Quarter outturn	3.34	
Reason(s) for not meeting target				
<p>The sickness figures for this quarter show an increase from the previous quarter and also indicates a higher than target level of sickness absence. This is, in part, due to sickness absence due to Covid related illness, in addition to normal sickness absence.</p> <p>This keeps the sickness figures slightly inflated. The data suggests that January saw an increase in Covid cases, reducing in February, but then significantly increasing in March. This is in line with what was happening nationally and the fast spread of the Omicron variant of Covid across the country during this period.</p>				
Additional commentary / background				
<p>The Government guidance in relation to self-isolation for positive Covid symptoms for 7 days has now reduced to 5 days. Individuals are asked to ensure that they continue to self-isolate on a voluntary basis for at least 5 days. They can leave self-isolation on day 6 subject to a negative test on Day 5 and Day 6. The advice goes on to say that individuals should still isolate until two consecutive negative tests are received</p> <p>This will assist in reducing the length of time staff are required to self-isolate and be recorded against sickness figures, going forward, for absences associated with Covid.</p> <p>The Council continues to mitigate these absences as far as possible by ensuring that those staff who suffer from Covid, can work from home were possible, and so are not recorded as sickness absence. However, in front facing services, this is not possible, and staff have no alternative other than to self-isolate and report in sick, even if they have had a mild case, and could possibly have worked through this illness in other circumstances.</p> <p>The 5 main causes of sickness absence in the Quarter 4 period were:</p> <ol style="list-style-type: none"> 1. Anxiety/Stress/Depression/Other Psychiatric Illness–Including Work Related 2. Injury/Fracture 3. Gastrointestinal Problems 4. Musculoskeletal Disorders 5. Coronavirus (COVID-19) <p>You will note from the reasons, apart from COVID-19, all are serious longer-term health conditions, rather than persistent short-term absences.</p> <p>The analysis of the background to the muscular skeletal absences are under review at present.</p> <p>All Anxiety/Stress/Depression type absences are being managed with the Line Managers and supported, where possible from the resources we have available for signposting, including the provision of one-to-one counselling. Stress risk assessments are also undertaken, as required, as part of the return-to-work process.</p> <p>Coronavirus was the fifth most common reason for absence in the quarter.</p>				

Injury/Fracture and Musculoskeletal Disorders are managed, in line with advice from our Occupational Health provider. Assistance in an early return to work is often difficult in injury cases, as they are often associated with known expected recovery periods.

Managers and HR Business Partners work together to keep these periods to a minimum, whilst ensuring that the staff health and wellbeing are not placed at risk.

To address mental ill health and wellbeing, we have continued to reinforce the mental health and wellbeing support available within the Council's processes including access to Mental Health First Aiders, Able Futures, Zurich Counselling, and sign posting to other mental health support tools. These facilities are publicised regularly in 'All Staff' emails to staff to increase awareness of the availability of them. The HR Business Partners also ensure Line Managers make staff aware of these facilities in appropriate sickness cases, through the case management process.

HR Business Partners attend DMT meetings and continue to work closely with managers on absence and attendance management. This includes providing advice on phased returns for staff who are recovering who may not be fully fit to return but who may be able to shorten their absence if protective measures are provided.

Occupational Health has been utilised to inform and support phased and full returns to work for staff. Additional short-term resource remains within the HR to assist with volume of absence resource required which is proving successful in moving cases forward to conclusion.

Action plan


Tasks to be undertaken	Completion due date
Outcome of review of the circumstances behind Muscular Skeletal absences and consider improved risk assessment if this is work related.	July 2022
Ongoing provision of regular monthly sickness data to Heads of Service so they can review with Line Managers and ensure appropriate actions are being taken.	April - completed
Continue with referrals for physiotherapy and explore acupuncture treatment	
Ascertain training needs for possible staff redeployment opportunities	

Improvement expected: Q1 April-June 2022

Resource implications.

We will endeavour to deliver this within existing resources; however this will remain a challenge due to capacity issues as a result of long term absence within the HR & OD Team. This is currently be reviewed to ensure the required support is sourced to ensure resilience of the service. A review of the current operating model is due to start to ensure we strengthen resilience and future proof the service to support the organisation.

Plan prepared by K Tootle on behalf of Human Resources and Organisational Development Manager (Sharon Lewis)

PERFORMANCE PLAN				
Indicator	WL108 – average answered waiting time for callers to the contact centre			
Quarter Target	145 seconds	Quarter outturn	163 seconds	
<p>Reason(s) for not meeting target</p> <ul style="list-style-type: none"> Continued high call volumes in relation to the Track and Trace (Contact Tracing) which the Customer Service Team support. A significant increase in the number of applications for the Test and Trace Support Payment, with the highest level of applications being received since the scheme went live. We have seen a 102% increase in this last Q. Resource Management - Sickness – 1 FTE Long Term Sick and 1FTE just returned into role.1 Officer currently on reduced duties. Dedicated support from Manager & Team Leaders to support the return of the Customer Access Service required during last quarter to ensure the service returned without issue – this has been an outstanding success. 				
<p>Additional commentary / background</p> <p>Test, Track and Trace Service – Contact Tracing The Customer Services team, working alongside the business analyst, within the Transformation and change team (previously BID) currently provide the Contact Tracing service on behalf of the National Contact Tracing service for the West Lancashire area. As part of this support, an additional member of staff was recruited which is funded via the Department of Health and Social Care (DHSC).</p> <p>During January the call numbers remained high due to the number of positive Covid 19 cases in the area. This resulted in additional support needing to be provided by the wider Customer Services team to support with the increased level of outbound calls to positive cases. This was to ensure that those positive cases followed the national guidance in relation to self-isolation to reduce the spread of the virus and to also provide advice and assistance in relation to the support available. This therefore had an impact on the levels of staff available to handle inbound calls to the Customer Contact Centre.</p> <p>The local Contract Tracing service for new cases returned to the National Service on 14/01/22. Although the Contract Tracing for new cases WLBC still had a significant number of cases to work through and closedown.</p> <p>In addition, the local signposting support (food/medication support) and the issuing of the test and trace support payments to those residents who are required to isolate, will remain with the Local Authority.</p> <p>Test and Trace Support Payments The Test and Trace Support Payment scheme has been supported by Customer Services and Transformation and Change team (BID)since go live, extra customer service staff have been appointed to support the service offer which was funded by the Department of Health and Social Care (DHSC)</p> <p>We have seen the applications fluctuate each month but in January 2022 we had seen a significant</p>				

increase in the number of applications for the Test and Trace Support Payment, with the highest level of applications received since the scheme went live in October 2020. This is due to the increased number of positive Covid 19 cases and the Omicron variant. The total applications received in January was 752, opposed to 229 in December 2021 and less in the months leading up to December.

The process in assessing each application requires time, attention to detail and due diligence, as we have seen a few fraudulent claims. It is important to ensure we are paying the funds to the people who need it and signposting and supporting when required. Extra support was required from the wider Customer Services Team, this therefore had an impact on the levels of staff available to handle inbound calls to the Customer Contact Centre.

Resource Management

During January and February, we have seen two staff off work on long term sickness, we are working closely with our HR department to support the staff to return to work as soon as they are fit to do so. We also have another Officer currently being supported on reduced duties.

Return of CAS

Whilst not directly attributable to performance on the Contact Centre it must be notes that there was a high level of support required from the Contact Centre Manger and Team Leaders to support the seamless and successful return of the Customer Access Service from LCC. This included the team set up, recruitment, training, system installation etc. The Manager and Team Leaders were key to this happening.

Action plan

Tasks to be undertaken	Completion due date
The Case Tracing service returned to the National Team and all cases received in January and February have been successfully resolved.	Mid-February 2022 - completed
CAS Team – now up and running with dedicated Team Leader in post reducing support requirement of Manager and other Team Leader	Completed
Recruitment of an additional temporary member of staff via agency to support the continued increase in Test and Trace Support payments (funded via the Test and Trace admin fund provided by DHSC).	Appointed and completed mid-March 2022
All applications and have now been successfully completed. Although there is still some work to be completed by the Customer Contact Centre Manager and Finance on reconciliation of all monies paid out. The application form / scheme has now been closed to any new applicants.	April 2022
Sickness – one staff member has successfully returned to work, and we are working closely with the second staff member and our HR Team to ensure we are supporting the return to work of the second team member. Officer on reduced duties being supported to resume full role.	Ongoing

Improvement expected:

We have seen a significant improvement in April 2022, and we anticipate this will continue as both Government Schemes are now closed. One thing to note is the annual garden waste subscription service, which is due to go live on 28th April, we are in the process of recruiting staff to support the extra call volumes. We have been promoting direct debit and online payments to free up time for our call handlers to support those customers who are unable to interact with us online.

Resource implications

An additional resource is required to further support the annual Garden Waste subscription service. This resource will be funded by the Waste Management Team.

Plan prepared by: Customer Contact Centre Manager

ACTIONS FROM PREVIOUS PERFORMANCE PLANS

APPENDIX C

Indicator	Tasks to be undertaken	Due Date	Completed	Progress
WL157a – Number of visits to Leisure facilities	January membership promotion	January 2022	Yes	
R1 - % Council Tax collected (current year) and R3 - % Business Rates collected (current year)	Review Performance Indicator target to reflect changing conditions	March 2022	Yes	Target for 22/23 reviewed and approved by Cabinet March 2022.
	Reinstate recovery post Liability Order - Monitoring customer feedback from Statutory Notices prior to progressing	March 2022	No	Currently in process of reviewing SLA agreement with Enforcement Agents
R3 - % Business Rates collected (current year)	Design scheme to award relief to reduce chargeable amounts on 21/22 charge outstanding	March 2022	No	Underway - Policy design in progress currently to be presented to Overview & Scrutiny May 22, Cabinet June 22.

Page 117

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

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

Document is Restricted

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

Document is Restricted

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

Document is Restricted

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

Document is Restricted

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

Document is Restricted

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

Document is Restricted

