



Jacqui Sinnott-Lacey  
Chief Operating Officer

52 Derby Street  
Ormskirk  
West Lancashire  
L39 2DF

Tuesday, 20 February 2024

**TO: THE MAYOR AND COUNCILLORS**

Dear Councillor,

You are summoned to a meeting of the **COUNCIL** to be held in the **COUNCIL CHAMBER, 52 DERBY STREET, ORMSKIRK L39 2DF** on **WEDNESDAY, 28 FEBRUARY 2024** at **7.30 PM** at which your attendance is requested.

Yours faithfully

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

Jacqui Sinnott-Lacey  
Chief Operating Officer

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

**PAGE(S)**

1. **PRAYERS**

2. **APOLOGIES**

3. **DECLARATIONS OF INTEREST**

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

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4. **MINUTES**

	To receive as a correct record, the minutes of the previous meeting held on 13 December 2023.	3 - 10
<b>5.</b>	<b>ANNOUNCEMENTS BY THE MAYOR AND/OR THE CHIEF OPERATING OFFICER</b>	
<b>6.</b>	<b>TO ANSWER ANY QUESTIONS UNDER THE PROVISIONS OF COUNCIL PROCEDURE RULE 10.2</b>	
<b>7.</b>	<b>MINUTES OF COMMITTEES</b> To receive the minutes of the following meetings, to confirm, if appropriate, such of the minutes as require confirmation and to pass such resolutions as the Council may deem necessary:	
<b>a)</b>	Licensing & Appeals Committee - Tuesday, 5 December 2023	11 - 14
<b>b)</b>	Planning Committee - Thursday, 18 January 2024	15 - 22
<b>c)</b>	Audit & Governance Committee - Tuesday, 30 January 2024	23 - 26
<b>d)</b>	Licensing & Appeals Committee - Tuesday, 13 February 2024	27 - 28
<b>e)</b>	Planning Committee - Thursday, 15 February 2024	29 - 30
<b>8.</b>	<b>PAY POLICY STATEMENT 2024/25</b> To consider the report of the Chief Operating Officer.	31 - 56
<b>9.</b>	<b>MEMBERS' ALLOWANCES SCHEME 2024/25 AND APPOINTMENT OF THE INDEPENDENT REMUNERATION PANEL (IRP)</b> To consider the report of the Corporate Director of Transformation, Housing and Resources.	57 - 64
<b>10.</b>	<b>SUSPENSION OF COUNCIL PROCEDURE RULE 13.4</b> To enable the Portfolio Holder / Shadow Portfolio Holder / Spokesperson for OWL to present their budget statement it will be necessary to suspend Council Procedure Rule 13.4 for Agenda Items 11 and 14. (This Rule limits the length of a speech to 5 minutes.)	
<b>* IN ACCORDANCE WITH THE LOCAL AUTHORITIES (STANDING ORDERS) (ENGLAND) (AMENDMENT) REGULATIONS 2014, A RECORDED VOTE WILL BE TAKEN ON THESE ITEMS</b>		
<b>11.</b>	<b>*GRA BUDGET REPORT AND MTFS UPDATE 24-25</b> To consider the report of the Head of Finance, Procurement & Commercial Services. (Relevant Portfolio Holder: Councillor R Molloy)	65 - 88
<b>12.</b>	<b>*GRA CAPITAL PROGRAMME &amp; STRATEGY 24-25 - 26-27</b> To consider the report of the Head of Finance, Procurement & Commercial Services. (Relevant Portfolio Holder: Councillor R Molloy)	89 - 104

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| 13. | <p><b>*DETERMINATION OF COUNCIL TAX</b><br/>         To consider the report of the Head of Finance, Procurement &amp; Commercial Services.</p>   | 105 - 110 |
| 14. | <p><b>HRA BUDGET REPORT 24-25</b><br/>         To consider the report of the Head of Finance, Procurement &amp; Commercial Services.<br/>         (Relevant Portfolio Holder: Councillor N Pryce-Roberts)</p>  | 111 - 132 |
| 15. | <p><b>DRAFT TREASURY MANAGEMENT STRATEGY 24-25</b><br/>         To consider the report of the Head of Finance, Procurement and Commercial Services.</p>  | 133 - 160 |
| 16. | <p><b>DEMOLITION OF FLAT BLOCKS IN BLYTHEWOOD &amp; BANKSBARN TO FACILITATE PHASE 2 OF DIGMOOR REVIVAL SCHEME</b><br/>         To consider the report of the Corporate Director of Transformation, Housing &amp; Resources.<br/>         (Relevant Portfolio Holder: Councillor N Pryce-Roberts)</p>   | 161 - 174 |
| 17. | <p><b>COMMITTEE SYSTEM - CONSTITUTION MAY 2024</b><br/>         To consider the joint report of the Chief Operating Officer and the Head of Legal &amp; Democratic Services.</p>   | 175 - 394 |
| 18. | <p><b>STATUTORY POLLING REVIEW 2024</b><br/>         To consider the report of the Chief Operating Officer.</p>  | 395 - 406 |
| 19. | <p><b>NNDR DISCRETIONARY RELIEF POLICY</b><br/>         To consider the report of the Head of Finance, Procurement and Commercial Services.</p>  | 407 - 448 |
| 20. | <p><b>SAFER STREETS 5</b><br/>         To consider the report of the Corporate Director of Transformation, Housing &amp; Resources.</p>  | 449 - 456 |
| 21. | <p><b>PUBLIC HEALTH, HEALTHY WEIGHT COLLABORATION AGREEMENT</b><br/>         To consider the report of the Corporate Director of Transformation, Housing and Resources.</p>  | 457 - 462 |
| 22. | <p><b>EXCLUSION OF PRESS AND PUBLIC</b><br/>         It is recommended that members of the press and public be excluded from the meeting during consideration of the following item(s) of business in accordance with Section 100A(4) of the Local Government Act 1972 on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 1, 2 &amp; 3 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.</p> |           |

**PART 2 - NOT OPEN TO THE PUBLIC**

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| 23. | <b>MANAGEMENT EFFICIENCIES</b><br>Ms Radhika Aggarwal, Independent Legal Advisor on Behalf of the Chief Operating Officer | 463 - 480 |
| 24. | <b>LEISURE FACILITIES</b><br>To consider the report of the Corporate Director of Transformation, Housing & Resources.     | 481 - 488 |
| 25. | <b>TAWD VALLEY DEVELOPMENTS BUSINESS PLAN</b><br>To Consider the Report of the Chief Operating Officer.                   | 489 - 548 |

### **PART 3 - OPEN TO THE PUBLIC**

26. **MOTIONS**  
To consider the following Motions included on the agenda at the request of the Members indicated:
- a) **Devolution Deal - Lancashire - Motion from Councillor Y Gagen on behalf of the Labour Group**  
This council supports the principle of devolution to Lancashire.  
This council does not support the devolution package as presented, in which only the three upper tier/unitary authorities of Lancashire have all the power and receive all the funding.  
Lancashire deserves a fair devolution package, similar to those adopted by our neighbours in the Liverpool City Region and Greater Manchester Combined Authority areas.  
This council resolves to continue to work with partner districts in negotiating with the Department for Levelling Up, Housing and Communities, Lancashire County Council and Combined County Authority to call for
- a review of the devolution deal currently being developed for Lancashire to ensure that it will deliver tangible benefits for West Lancashire and the county and that assurances can be made that any devolution deal and associated Governance arrangements will only be implemented if they are supported by majority of communities across Lancashire
  - a commitment to extensive and meaningful consultation with District Councils throughout the devolution deal process and the operation of the CCA
  - the future of UKSPF to be allocated to West Lancashire Borough Council and districts for distribution, enabling the greatest local and social benefit to businesses, voluntary and community sectors
  - working with the District Councils Network, an end to the discrepancy which means that in CCAs only county councils and any unitary authorities within the area get voting rights
- b) **Highways - Motion Included by Councillor C Coughlan on behalf of the Labour Group**  
This council notes that road conditions in West Lancashire have deteriorated to such an extent that vehicles are sustaining damage due to poor infrastructure with the cost of repairing this damage being

unfairly burdened upon the residents of West Lancashire.

This council resolves to call upon Lancashire County Council to reinstate the vehicle damage compensation scheme to alleviate the financial strain on our residents caused by their neglect of road maintenance.

**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](mailto:jacky.denning@westlancs.gov.uk)

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

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

**IF YOU DISCOVER A FIRE**

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

**ON HEARING THE FIRE ALARM**

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

**NOTES:**

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

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

**CHECKLIST FOR PERSON IN CHARGE**

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

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

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

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

**NOTE:**

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

**CHECKLIST FOR ZONE WARDEN**

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

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

**INSTRUCTIONS FOR DOOR WARDENS**

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







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

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

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

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

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

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

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

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

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

**'a connected person'** means

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

**'body exercising functions of a public nature'** means

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

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

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

# Agenda Item 4

## COUNCIL

**HELD: Wednesday, 13 December 2023**

Start: 7.30 pm

Finish: 8.15 pm

## PRESENT:

### Councillors:

T Aldridge	M Anderson
R Bailey	A Blundell
P Burnside	C Coughlan
V Cummins	T Devine
G Dowling	I Eccles
J Fillis	A Fowler
T De Freitas	N Furey
Y Gagen	J Gordon
N Hennessy (In the Chair)	P Hennessy
P Hesketh	P Hogan
J Howard	K Juckes
S Lawton	K Lloyd
Mrs J Marshall	R Molloy
G Owen	M Parlour
S Patel	E Pope
Marsh-Pritchard	J Rear
I Rigby	N Pryce-Roberts
Webster	D West
D Westley	D Whittington
J Witter	A Yates

### Officers:

Jacqui Sinnott-Lacey, Chief Operating Officer  
Chris Twomey, Corporate Director of Housing, Transformation & Resources  
James Pierce, Head of Finance, Procurement and Commercial Services Section 151 Officer  
Kathryn Sephton, Head of Environmental Services  
Paul Charlson, Head of Planning & Regulatory Services  
Alan Leicester, Head of Housing Services  
Kay Lovelady, Head of Legal & Democratic Services  
Jacky Denning, Democratic Services Manager  
Thomas Lynan, Electoral Services Manager

In the absence of the Mayor & Deputy Mayor, Councillor Nikki Hennessy was appointed Chairman for the meeting.

## 49 PRAYERS

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

## 50 APOLOGIES

Apologies for absence were received on behalf of Councillors Daniels, Fennell, Finch, Nixon and Mrs Westley.

51 **DECLARATIONS OF INTEREST**

The following declarations were received:

1. Councillors Blundell, de Freitas, Gordon, Howard, Mrs Marshall, Gaynar Owen, Pope, Webster, Whittington and Witter declared a non-pecuniary interest in relation to item 10 ' Revised Capital Programme' in view of their membership of a Parish Council.
2. Councillors Aldridge, Bailey, Fillis, Pope, N Hennessy, Rear and D Westley declared a non pecuniary interest in relation to item 10 ' Revised Capital Programme', as Members of Lancashire County Council, as did Councillors Coughlan, Cummins and Gagen as an employee of Lancashire County Council.

52 **MINUTES**

RESOLVED: That the Minutes of the Alderman and Ordinary Council meetings held on 18 October 2023 be received as a correct record and signed by the Mayor.

53 **ANNOUNCEMENTS BY THE MAYOR AND/OR THE CHIEF OPERATING OFFICER**

The Mayor announced that agenda item 15(c) 'WASPI Motion' had been withdrawn.

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

The following Question had been received and circulated prior to the meeting:

**All Member Briefing – New Political Governance Arrangements  
Question from Councillor David Whittington**

*“At October Council it was agreed that an all member briefing would be arranged on the new political governance arrangements agreed at that Council meeting, with the briefing being led by a suitable independent person. Can the Leader please confirm when this briefing will take place & the name of the person who will present the briefing?”*

The Member was advised that the response would be provided following the meeting.

55 **MINUTES OF COMMITTEES**

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

RESOLVED: That the minutes of the undermentioned meetings and any

recommendations contained in them, be approved:

- A. Polling Districts and Polling Places Review Committee -  
Wednesday, 11 October and Tuesday, 14 November 2023
- B. Audit & Governance Committee - Tuesday, 24 October 2023
- C. Planning Committee - Thursday 23 November 2023

56 **PROCEDURE FOR DEALING WITH EMPLOYMENT RELATED APPEALS  
AGAINST DISMISSAL OR DEMOTION IN ALL APPLICABLE POLICIES**

Consideration was given to the report of the Corporate Director of Transformation, Housing & Resources, as contained on pages 23 to 40 of the Book of Reports, which sought approval of a revision to the appeal arrangements for employment-related appeals matters.

RESOLVED: That the revised appeal process as detailed in the attached Appendix (i) be approved, published on the Council's website, and amended in the Constitution.

57 **Q2 GRA REVENUE MONITORING**

Consideration was given to the report of the Head of Finance, Procurement & Commercial Services, as contained on pages 41 to 48 of the Book of Reports, which provided a summary of the General Revenue Account (GRA) position for the 2023/24 financial year at quarter 2.

Members were advised that the minutes of Executive Overview & Scrutiny Committee and Cabinet had been circulated.

RESOLVED: That the 2023/24 GRA position be noted.

58 **Q2 GRA CAPITAL MONITORING REPORT**

Consideration was given to the report of the Head of Finance, Procurement & Commercial Services, as contained on pages 49 to 70 of the Book of Reports, which sought to agree a Revised General Revenue Account (GRA) Capital Programme for 2023/24 and provided an update on progress of capital schemes.

Members were advised that the Minutes of Executive Overview & Scrutiny Committee and Cabinet had been circulated.

RESOLVED: A. That the revised Capital Programme, including budget adjustments and re-profiling contained within Appendix A and B to the report, be approved, subject to the Portfolio Holder for Finance considering further the removal from re-profiling 'Litter Bin Policy £17,000'.

- B. That progress against the Revised Capital Programme at the mid-year point be noted.

## 59 Q2 TREASURY MANAGEMENT

Consideration was given to the report of the Head of Finance, Procurement & Commercial Services, as contained on pages 71 to 82 of the Book of Reports, which detailed the Treasury Management operations for the first half of 2023/24 and reported on the Prudential Indicators, where available.

Members were advised that the Minutes of Executive Overview & Scrutiny Committee and Cabinet had been circulated.

- RESOLVED:
- A. That the Treasury Management activity and Prudential Indicator performance for the first quarter of 2023/24 be noted.
  - B. That the changes to the Prudential Indicators highlighted in section 9.3 of the report, be approved.

## 60 Q2 HRA REVENUE & CAPITAL MONITORING REPORT

Consideration was given to the report of the Head of Finance, Procurement & Commercial Services, as contained on pages 83 to 96 of the Book of Reports, which provided a summary of the Housing Revenue Account (HRA) and Housing capital programme positions for the 2023/24 financial year.

Members were advised that the Minutes of Executive Overview & Scrutiny Committee, Landlord Services Committee (Cabinet Working Group) and Cabinet had been circulated.

- RESOLVED:
- A. That the 2023/24 HRA and Housing capital programme positions be noted.
  - B. That the virements set out in tables 5.3 and 7.1 of the report, be approved.
  - C. That expenditure and funding slippage in table 7.1 of the report, be approved.

## 61 TIMETABLE OF MEETINGS 2024/25

Consideration was given to the report of the Corporate Director of Transformation, Housing & Resources, as contained on pages 97 to 100 of the Book of Reports, which sought approval of the timetable of meetings for the Municipal Year 2024/25.

RESOLVED: That the timetable of the meetings for the 2024/25 Municipal Year, attached as an appendix to the report, be approved.

62 **EXECUTIVE DECISIONS - SPECIAL URGENCY**

Consideration was given to the report of the Corporate Director of Transformation, Housing & Resources, as contained on pages 101 to 102 of the Book of Reports, which advised that, for the period 1 December 2022 to 30 November 2023, there were no decisions taken under Access to Information Procedure Rule 16 (Special Urgency).

RESOLVED: That it be noted that Access to Information Rule 16 (Special Urgency) was not exercised during the period 1 December 2022 to 30 November 2023.

63 **MOTIONS**

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

64 **DIVERSE COUNCILS DECLARATION - MOTION FROM COUNCILLOR GARETH DOWLING ON BEHALF OF THE LABOUR GROUP**

The following Motion included on the agenda by Councillor Gareth Dowling, was moved and seconded:

"This Council commits to being a Diverse Council. We agree to:

1. Provide a clear public commitment to improving diversity in democracy.
2. Demonstrate an open and welcoming culture to all, promoting the highest standards of behaviour and conduct.
3. Set out a local Diverse Council Action Plan ahead of the next local elections.  
Including:

- Appoint Diversity Ambassadors for each political group on the council to work with each other and local party associations to encourage recruitment of candidates from under-represented groups.
  - Encourage and enable people from under-represented groups to stand for office through the provision of activities such as mentoring and shadowing programmes and information and learning events for people interested in standing as official candidates.
  - Proactive engagement and involvement with local community groups and partner organisations supporting and representing under-represented groups
  - Ensure that all members and candidates complete a candidates' and councillors' survey distributed at election time.
  - Set ambitious targets for candidates from under-represented groups at the next local elections
4. Work towards the standards for member support and development as set out in the LGA Councillor Development Charter and/or Charter Plus.
  5. Demonstrate a commitment to a duty of care for councillors by:
    - providing access to counselling services for all councillors having regard for the safety and wellbeing of councillors whenever they are performing their

- role as councillors.
- taking a zero-tolerance approach to bullying and harassment of members including through social networks.
6. Provide flexibility in council business by:
- regularly reviewing and staggering meeting times
  - encouraging and supporting remote attendance at meetings
  - agreeing recess periods to support councillors with caring or work commitments.
7. Ensure that all members take up the allowances and salaries to which they are entitled, particularly any reimbursement for costs of care, so that all members receive fair remuneration for their work and that the role of member is not limited to those who can afford it.
8. Ensure that the council adopts a parental leave policy setting out members' entitlement to maternity, paternity, shared parental and adoption leave and relevant allowances.
9. Ensure that councillors from under-represented groups are represented whenever possible in high profile, high influence roles.

During the debate the Mover and Seconder of the Motion incorporated the following words in paragraph 7 "Ensure that all members **feel they are able to** take up the allowances and salaries to which they are entitled," with the agreement of the meeting and advised that the Motion would be considered by the Member Development Commission.

A vote was taken, the Motion was CARRIED.

RESOLVED: That this Council commits to being a Diverse Council. We agree to:

- A. Provide a clear public commitment to improving diversity in democracy.
- B. Demonstrate an open and welcoming culture to all, promoting the highest standards of behaviour and conduct.
- C. Set out a local Diverse Council Action Plan ahead of the next local elections. Including:
  - (i) Appoint Diversity Ambassadors for each political group on the council to work with each other and local party associations to encourage recruitment of candidates from under-represented groups.
  - (ii) Encourage and enable people from under-represented groups to stand for office through the provision of activities such as mentoring and shadowing programmes and information and learning events for people interested in standing as official candidates.
  - (iii) Proactive engagement and involvement with local community groups and partner organisations supporting and representing under-represented groups
  - (iv) Ensure that all members and candidates complete a



- candidates' and councillors' survey distributed at election time.
- (v) Set ambitious targets for candidates from under-represented groups at the next local elections
  - D. Work towards the standards for member support and development as set out in the LGA Councillor Development Charter and/or Charter Plus.
  - E. Demonstrate a commitment to a duty of care for councillors by:
    - (i) providing access to counselling services for all councillors having regard for the safety and wellbeing of councillors whenever they are performing their role as councillors.
    - (ii) taking a zero-tolerance approach to bullying and harassment of members including through social networks.
  - F. Provide flexibility in council business by:
    - (i) regularly reviewing and staggering meeting times
    - (ii) encouraging and supporting remote attendance at meetings
    - (iii) agreeing recess periods to support councillors with caring or work commitments.
  - G. Ensure that all members feel they are able to take up the allowances and salaries to which they are entitled, particularly any reimbursement for costs of care, so that all members receive fair remuneration for their work and that the role of member is not limited to those who can afford it.
  - H. Ensure that the council adopts a parental leave policy setting out members' entitlement to maternity, paternity, shared parental and adoption leave and relevant allowances.
  - I. Ensure that councillors from under-represented groups are represented whenever possible in high profile, high influence roles.

65

### **ADOPT THE CHARTER FOR FAMILIES BEREAVED THROUGH PUBLIC TRAGEDY - MOTION FROM COUNCILLOR ANN FENNEL ON BEHALF OF THE LABOUR GROUP**

The following Motion included on the agenda by Councillor Ann Fennell, was moved and seconded:

"The Charter for Families Bereaved through Public Tragedy was written by the former Bishop of Liverpool to ensure the suffering endured by families bereaved following the 1989 Hillsborough disaster is not repeated after future disastrous events.

Liverpool City is one of our great neighbours, we have had many families directly and indirectly affected by the Hillsborough Tragedy itself. I believe West Lancashire Borough Council should stand shoulder to shoulder with all bereaved families who have suffered loss and that we ensure that West Lancashire Borough Council do not

make the same mistakes in the aftermath of any future disasters.

West Lancashire Borough council therefore resolves to

**Adopt The Charter for Families Bereaved Through Public Tragedy**

In adopting this charter, West Lancashire Borough Council commit to ensuring that West Lancashire Borough Council learns the lessons of the Hillsborough disaster and its aftermath, so that the perspective of the bereaved families is not lost. We commit to West Lancashire Borough Council becoming an organisation which strives to:

1. In the event of a public tragedy, activate its emergency plan and deploy its resources to rescue victims, to support the bereaved and to protect the vulnerable.
2. Place the public interest above our own reputation.
3. Approach forms of public scrutiny – including public inquiries and inquests – with candour, in an open, honest and transparent way, making full disclosure of relevant documents, material and facts. Our objective is to assist the search for the truth. We accept that we should learn from the findings of external scrutiny and from past mistakes.
4. Avoid seeking to defend the indefensible or to dismiss or disparage those who may have suffered where we have fallen short.
5. Ensure all members of staff treat members of the public and each other with mutual respect and with courtesy. Where we fall short, we should apologise straightforwardly and genuinely.
6. Recognise that we are accountable and open to challenge. We will ensure that processes are in place to allow the public to hold us to account for the work we do and for the way in which we do it. We do not knowingly mislead the public or the media."

A vote was taken, the Motion was CARRIED.

RESOLVED: That West Lancashire Borough Council adopts 'The Charter for Families Bereaved Through Public Tragedy' as set out above.

66

**WASPI (WOMEN AGAINST STATE PENSION INEQUALITY) - MOTION FROM COUNCILLOR MELISSA PARLOUR ON BEHALF OF THE LABOUR GROUP**

This item was withdrawn.

.....  
**THE MAYOR**

## LICENSING & APPEALS COMMITTEE

**HELD:** Tuesday, 5 December 2023

Start: 7.00 pm

Finish: 8.01 pm

### PRESENT:

Councillor: N Hennessy (Chairman)  
T Devine (Vice-Chairman)

Councillors: I Eccles  
J Gordon  
J Howard  
S Lawton  
Marsh-Pritchard  
T Aldridge  
N Furey  
P Hesketh  
K Jukes  
K Lloyd  
Mrs M Westley

Officers: Kay Lovelady, Head of Legal & Democratic Services  
Paul Charlson, Head of Planning & Regulatory Services  
Lyndsey Key, Environmental Health Manager  
Michaela Murray, Senior Licensing Officer  
Andrew Smith, Legal Assistant  
Chloe McNally, Democratic Services Officer

### 1 APOLOGIES

Apologies for absence were received on behalf of Councillor S Patel.

### 2 MEMBERSHIP OF THE COMMITTEE

There were no changes to the Membership of the Committee.

### 3 URGENT BUSINESS

There were no urgent items of business.

### 4 DECLARATION OF PARTY WHIP

There were no declarations of Party Whip.

### 5 DECLARATION OF INTEREST

Councillor P Hesketh declared a personal interest in respect of License Application No. WK/000281085 in relation to an Application for a Private Hire Driver License as the applicant was known to him personally, and he therefore took no part in the decision-making process.

### 6 MINUTES OF SUB - COMMITTEES OR WORKING GROUPS

There were no minutes to receive.

7 **MINUTES**

RESOLVED: That the minutes of the meeting held on Tuesday, 3 October 2023, be agreed as a correct record and signed by the Chairman.

8 **LICENSING FEES & CHARGES 2024/2025**

Consideration was given to the report of the Corporate Director of Transformation, Housing & Resources as contained on pages 43-52 of the Book of Reports, which sought approval on proposed changes in Licensing Fees and Charges for 2024/2025.

- RESOLVED:
- A. That the proposed changes in Hackney Carriage and Private Hire licensing fees and charges contained in Table 1 in this report are approved.
  - B. That delegated authority is granted to the Corporate Director to give notice under Section 70 of the Local Government (Miscellaneous Provisions) Act 1976 of the Council's intention to vary the fees and charges for vehicle, driver, and operator licences.
  - C. That the proposed fees and charges contained in Table 2 in this report are approved.

9 **APPROVAL OF PROPOSED AMENDMENTS TO HACKNEY CARRIAGE AND PRIVATE HIRE POLICY 2022**

Consideration was given to the report of the Corporate Director of Transformation, Housing & Resources as contained on pages 53-230 of the Book of Reports, which sought approval on the amendments to the Hackney Carriage and Private Hire Licensing Policy 2022 versions 2.

RESOLVED: That, having regard to the matters contained in the report, the Hackney Carriage and Private Hire Licensing Policy 2022 version 2, attached at Appendix 2 to the report, be approved for use with effect from **6th December 2023**.

10 **EXCLUSION OF PRESS AND PUBLIC**

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

11 **APPLICATION FOR PRIVATE HIRE DRIVER LICENCE - WK/000281085**

Members were asked to consider an application for a Private Hire Driver Licence,

reference number WK/000281085, having regard to the content of the Statutory Declaration that accompanied the application form and any other relevant information.

RESOLVED: That the Application for a Private Hire Driver Licence, reference number WK/000281085 be REFUSED.

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

.....  
**Chairman**



## PLANNING COMMITTEE

**HELD:** Thursday, 18 January 2024

Start: Time Not Specified.

Finish:

### PRESENT:

Councillor: G Owen (Chairman)  
A Fowler (Vice-  
Chairman)G Owen  
(Chairman)

Councillors: A Fowler M Anderson  
A Blundell A Fennell  
P Hogan S Patel  
E Pope Webster  
J Witter

In attendance: K Jukes (Rural North East Ward)  
R Bailey (Rural North East Ward)  
I Rigby (Rural South Ward)

Officers: S Faulkner, Planning Services Manager  
Kate Jones, Planning Services Team Leader  
David Delaney, Legal Assistant (Planning)  
Jill Ryan, Principal Democratic Services Officer  
Danielle Vallenti, Planning Assistant Solicitor  
Hollie Griffith, Planning Assistant Solicitor

### 50 APOLOGIES

There were no apologies for absence received.

### 51 MEMBERSHIP OF THE COMMITTEE

There were no changes to the membership of the Committee.

### 52 URGENT BUSINESS, IF ANY INTRODUCED BY THE CHAIRMAN

There were no urgent items of business received.

### 53 DECLARATIONS OF INTEREST

There were no Declarations of Interest received.

### 54 DECLARATIONS OF PARTY WHIP

There were no Declarations of Party Whip.

55 **MINUTES**

RESOLVED: That the minutes of the meeting held on the 23 November 2023 be approved as a correct record and signed by the Chairman.

56 **PLANNING APPLICATIONS**

Consideration was given to the report of the Corporate Director of Transformation, Housing and Resources as contained on pages 445 to 572 of the Book of Reports and on pages 573 to 584 of the Late Information Report.

(Notes:

1. Councillor Ian Rigby spoke in connection with planning application 2023/0847/FUL relating to 15 Skelmersdale Road, Bickerstaffe..
2. An Objector and the Agent spoke in connection with planning application 2023/0819/FUL relating to 192 Briars Lane, Lathom.
3. Councillor Blundell left the Chamber during consideration of planning application 2022/0626/FUL relating to The Aviary Restaurant, Blindman's Lane, Ormskirk and therefore took no part in the decision making process for this application).

57 **2023/0922/FUL - CHORLEY CONCRETE, APPLEY LANE NORTH, APPLEY BRIDGE, WIGAN**

The Corporate Director of Transformation, Housing and Resources submitted a report on planning application 2023/0922/FUL relating to Chorley Concrete, Appley Lane North, Appley Bridge, Wigan.

RESOLVED: That planning application 2023/0922/FUL relating to Chorley Concrete, Appley Lane North, Appley Bridge, Wigan be deferred for Officers to consider late representations received from Network Rail.

58 **2022/0908/FUL - OTTERBROOK, MOSS LANE, BANKS**

The Corporate Director of Transformation, Housing and Resources submitted a report on planning application 2022/0990/FUL relating to Otterbrook, Moss Lane, Banks.

RESOLVED: That Planning application 2022/0908/FUL relating to Otterbrook, Moss Lane, Banks be deferred by Officers following a representation received from Lancashire County Council's Highway's Department.



59 **2023/0847/FUL - 15 SKELMERSDALE ROAD, BICKERSTAFFE**

The Corporate Director of Transformation, Housing and Resources submitted a report on planning application 2023/0847/FUL relating to 15 Skelmersdale Road, Bickerstaffe.

RESOLVED: That planning application 2023/0847/FUL relating to 15 Skelmersdale Road, Bickerstaffe be refused on the following grounds and enforcement action: be taken as set out below:-

1. The proposed development by virtue of the scale and design would result in disproportionate additions that would be detrimental to the character and appearance of the dwelling and surrounding street-scene. The proposed development therefore conflicts with Policy GN3 of the West Lancashire Local Plan 2012 - 2027 and supplementary planning document 'Design Guide' (Jan 2008).
2. The proposal development conflicts with the NPPF, Policy GN1 in the West Lancashire Local Plan 2012 – 2027 and policy GB4 in Supplementary Planning Document – Development in the Green Belt in that the development would constitute a disproportionate addition to the building and would be inappropriate development in the Green Belt resulting in undue harm to the openness of the Green Belt. No very special circumstances are submitted to outweigh the resultant harm.
3. The proposed development would result in a loss of light and an overbearing form of development that would be detrimental to the residential amenity of the neighbouring property no. 17 Skelmersdale Road. The proposed development therefore conflicts with Policy GN3 of the West Lancashire Local Plan (2012-2027) Development Plan Document and supplementary planning document 'Design Guide' (Jan 2008).

**ENFORCEMENT**

1. Demolish the rear dormer/roof extension (as shown on drawing Nos. 020-18D and 023-18D).
2. Following compliance with step 1 above, remove from the land all debris and waste materials resulting from the requirement.

Compliance Period – 4 months

d as per the approved subject to the conditions and reasons as set out on pages 483 to 484 of the Book of Reports.

60 **2023/0819//FUL - 192 BRIARS LANE, LATHOM, ORMSKIRK**

The Corporate Director of Transformation, Housing and Resources submitted a report on planning application 2023/0819/FUL relating to 192 Briars Lane, Lathom, Ormskirk.

RESOLVED: That planning application 2023/0819/FUL relating to 192 Briars Lane, Lathom, Ormskirk be approved subject to the conditions and reasons as set out on pages 497 to 500 of the Book of Reports with the proposed revised and additional conditions as set out below being delegated to Planning Officers with agreement from the Chairman of the Planning Committee prior to issuing of the Decision Notice:-

**Revised Conditions:-**

Condition 2

The development hereby approved shall be carried out in accordance with details shown on the following plans and documents as submitted to the Local Planning Authority received on 11 September 2023 (unless otherwise stated) as follows:

Existing Site Plan (1:200) 703/01/R1  
Proposed Site Plan 703/02/R2 received 09.01.2024  
Proposed Buildings (1:100) 703/03/R1  
Proposed Site Plan Tracking (1:200) 703/04/R2 received 09.01.2024  
Proposed Forecourt and Canopy (1:100) 703/05/R1  
Proposed Site Plan - Roof Level (1:200) 703/06/R2 received 09.01.2024  
Existing Buildings to be demolished (1:100) 703/07/R1  
Existing Garage Buildings to be demolished (1:100) 703/08/R1  
Existing Site Plan Roof level (1:200) 703/09/R1  
Proposed Street Elevations & Site Sections (1:200) 703/10/R2 received 09.01.2024  
Existing Street Elevations & Site Sections (1:200) 703/11/R1  
Site Boundary Plan 703/12/R1  
Landscape Proposal 7194.03  
Briars Lane PFS & Store Outline Drainage Layout and Details PN0081 PEL XX XX DR Y 0001 P03  
External Lighting Lux Plot Rev 1 P5

**Reason:**

For the avoidance of doubt and to ensure compliance with the provisions of Policy GN3 in the adopted West Lancashire Local Plan

2012-2027 Development Plan Document.

Condition 11

Prior to the first occupation of any proposed scheme hereby approved, a scheme of acoustic boundary screening in accordance with the specification detailed in Section 4 of the submitted noise report by e3p Ref 50-863-R1-4 dated 30th August 2023 shall be implemented. For the avoidance of any doubt, the recommended acoustic boundary screening scheme as detailed in the above noise impact assessment recommends that; 'a close boarded fencing is proposed around the site at heights of 2 , 2.2 an 3 metres and are shown on the revised Site plan ref 703 02 R3. These are included as barriers with low reflection loss, i.e. a reflecting barrier'. The screening works shall be carried out using only a close boarded fence free from knots and splits and shall be retained and maintained at all times thereafter.

Reason:

To safeguard local residents from noise and disturbance, and to comply with Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document

Additional Conditions

Condition 15

Prior to any works commencing on site, a construction environmental management plan (CEMP) shall be submitted to the local planning authority and approved in writing. The CEMP shall identify the steps and procedures that will be implemented to minimise the creation and impact of noise, vibration, lighting and dust resulting from the site preparation, demolition, groundwork and construction phases of the development.

Reason:

To safeguard local residents from noise and disturbance, and to comply with Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document

Condition 16

For the full period of construction facilities shall be available on site for the cleaning of the wheels of vehicles leaving the site and such equipment shall be used as necessary to prevent mud, stones and debris being carried onto the highway. Provision to sweep the surrounding highway network by mechanical means will be available and the roads adjacent to the site shall be mechanically swept as required during the full construction period.

Reason:

To prevent stones, mud and debris being carried onto the public

highway to the detriment of road safety.

Condition 17

No part of the development hereby approved shall be occupied or opened for trading until all the highway works have been constructed and completed in accordance with a scheme that shall be submitted to and approved by the Local Planning Authority in consultation with the Highway Authority.

Reason:

In order that the traffic generated by the development does not exacerbate unsatisfactory highway conditions in advance of the completion of the highway scheme/works.

Condition 18

There shall be a one-way system of traffic management through the site; ingress from Briars Lane, (A5209) via the southern access point and egress onto Briars Lane, (A5209) via the northern exit point. Indication of such ingress and egress shall be signed (internally and externally) and marked in accordance with the Traffic Sign Regulations and General Directions 2002.

Reason:

In the interests of highway safety.

Condition 19

No building or use hereby permitted shall be occupied or the use commenced until the motorcycle parking provision shown on the approved plans has been completed. The area shall thereafter be kept free of obstruction and available for the parking of motorcycles only at all times.

Reason:

To ensure the provision and availability of adequate motorcycle parking and to allow for the effective use of the parking areas.

Condition 20

No building or use hereby permitted shall be occupied or the use commenced until the cycle parking provision shown on the approved plans has been completed. The area shall thereafter be kept free of obstruction and available for the parking of cycles only at all times.

Reason:

To ensure the provision and availability of adequate cycle parking and the promotion of sustainable forms of transport.

Condition 21

The proposed development shall not be operated in a manner which gives rise to noise levels greater than 45db; when measured at the boundary of property no. 190 Briars Lane.

Reason:

To safeguard local residents from noise and disturbance, and to comply with Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document

-

61 **2022/0626/FUL - THE AVIARY RESTAURANT, BLINDMAN'S LANE, ORMSKIRK**

The Corporate Director of Transformation, Housing and Resources submitted a report on planning application 2022/0626/FUL relating to The Aviary, Blindman's Lane, Ormskirk.

RESOLVED: That planning application 2022/0626/FUL relating to The Aviary, Blindman's Lane, Ormskirk be approved subject to the conditions and reasons as set out on pages 511 to 513 of the Book of Reports.

62 **2023/0663/PIP - LAND SOUTH OF HOLMESWOOD ROAD, RUFFORD**

The Corporate Director of Transformation, Housing and Resources submitted a report on planning application 2023/0663/PIP relating to Land South of Holmeswood Road, Rufford.

RESOLVED: That planning application 2023/0663/PIP relating to Land South of Holmeswood Road, Rufford be approved subject to the conditions and reasons as set out on pages 522 to 523 of the Book of Reports.

63 **2019/0867FUL - 31 BECCONSALL LANE, HESKETH BANK**

The Corporate Director of Transformation, Housing and Resources submitted a report on planning application 2019/0867/FUL relating to 31 Becconsall Lane, Hesketh Bank.

RESOLVED: That planning application 2019/0867/FUL relating to 31 Becconsall Lane, Hesketh Bank be approved subject to the conditions and reasons as set out on pages 538 to 545 of the Book of Reports.

64 **2023/0581/FUL - LAND TO THE SOUTH OF INGRAM, BIRCH GREEN, SKELMERSDALE**

The Corporate Director of Transformation, Housing and Resources submitted a report on planning application 2023/0581/FUL relating to Land to the South of

**PLANNING COMMITTEE**

**HELD: Thursday, 18 January 2024**

Ingram, Birch Green, Skelmersdale.

**RESOLVED:** That planning application 2023/0581/FUL relating to Land to the South of Ingram, Birch Green, Skelmersdale be approved subject to the conditions and reasons as set out on pages 558 to 565 of the Book of Reports.

.....  
**Chairman**

## AUDIT & GOVERNANCE COMMITTEE

**HELD:** Tuesday, 30 January 2024

Start: 7.00 pm

Finish: 7.39 pm

### PRESENT:

Councillor: M Anderson (Chairman)

Councillors: M Parlour J Fillis  
E Pope D West  
D Whittington K Jukes

In attendance: Georgia Jones, Ying Lee and Kelly Jarvis (Grant Thornton)

Officers: James Pierce, Head of Finance, Procurement and Commercial Services Section 151 Officer  
Alison Wood, Interim Corporate Finance Manager  
Catherine Kirwan, Procurement Manager  
Jacqui Pendleton, Corporate Compliance & Governance Manager  
Jennifer Lunn, Assistant Solicitor  
Duncan Jowitt, Democratic Services Officer

### 40 APOLOGIES

None

### 41 MEMBERSHIP OF THE COMMITTEE

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

### 42 URGENT BUSINESS

There were no urgent items of business.

### 43 DECLARATIONS OF INTEREST

There were no declarations of interest.

### 44 MINUTES OF PREVIOUS MEETING

RESOLVED: That the Minutes of the meeting held on 24 October 2023 be received as a correct record and signed by the Chairman.

### 45 PUBLIC SPEAKING

There were no items under this heading.

### 46 STATEMENT OF ACCOUNTS 2020-21, 2021-22 & 2022-23

The Corporate Director of Transformation, Housing & Resources submitted a report presenting the Council's Annual Statement of Accounts for 2020-21, the Draft

Statement of Accounts for 2021-22 which had been amended following the 2020-21 audit, and the Draft Statement of Accounts for 2022-23 for the consideration of Members.

The Chairman welcomed and invited Georgia Jones, Director, Grant Thornton, to present the Statements to the Committee.

The Committee considered the Statements contained on pages 13 to 404 of the Book of Reports, which had been presented to Members for approval and comments and questions were raised about:

- whether the council was being charged professional fees for the changes - Georgia Jones said that as a gesture of goodwill, Grant Thornton would knock £100 off the final bill for the minor amendment made.
- the letter of representation,
- the likely timescales for the other audits,
- reductions in annual rental income
- details in respect of the most important leases.

RESOLVED: That the Statement of Accounts for 2020-21 set out in Appendix A of the report be approved and that the Statement of Accounts for 2021-22 set out in Appendix B and the Statement of Accounts for 2022-23 set out in Appendix C be noted.

#### 47 **EXTERNAL AUDIT FINDINGS REPORT (AFR)**

Consideration was given to the External Audit Findings Report as contained on pages 405 to 470 of the Book of Reports.

The Chairman invited Georgia Jones, Director, Grant Thornton, to present the report to the Committee. She explained that these were the final adjustments and that there were no changes.

RESOLVED: That the External Audit Findings Report be noted.

#### 48 **INTERNAL AUDIT PROGRESS REPORT 2023/24**

The Corporate Director of Transformation, Housing & Resources submitted a report for the consideration of Members advising of progress against the 2023/24 Internal Audit Plan.

The Chairman invited the Corporate Compliance and Governance Manager to present the report.

The Committee considered the report of progress against the 2023/24 Internal Audit Plan detailed on pages 471 to 482 of the Book of Reports, that had been presented to Members for approval and comments and questions were raised about:

- whether the recommendations in respect of car parking had been



implemented,

- how seriously senior management were taking the outstanding recommendations,
- credit was given for the amount of detail in the report,
- the funds allocated for the recruitment of Planning Enforcement Officers.

The Head of Finance, Procurement and Commercial Services agreed to bring a list of the outstanding issues to the next meeting of the committee.

RESOLVED: Members noted the progress in the year to date

49 **QUARTERLY REPORT ON PROCUREMENT EXEMPTIONS**

The Committee considered the Quarterly Report on Procurement Exemptions as contained on pages 483-488 of the Book of Reports, which had been presented to Members.

RESOLVED: that the Council's exemption activity be noted.

50 **REGULATION OF INVESTIGATORY POWERS ACT (RIPA) REGULAR MONITORING OF USE OF POWERS**

The Head of Legal and Democratic Services submitted a report on the Council's use of its powers under the Regulation of Investigatory Powers Act 2000 (RIPA).

RESOLVED: Members noted that the Council has not had cause to use its powers under RIPA during the last 12 months.

51 **AUDIT AND GOVERNANCE COMMITTEE WORK PROGRAMME**

The following minor changes to items on the work programme were suggested and the Democratic Services Officer agreed to make the amendments:

- remove the item Grant Thornton – Audit Progress Report from May and replace with Grant Thornton Progress Update from the July listing.

.....  
**Chairman**



## LICENSING & APPEALS COMMITTEE

**HELD: Tuesday, 13 February 2024**

Start: 7.01 pm

Finish: 7.51 pm

### PRESENT:

Councillor: N Hennessy (Chairman)  
T Devine (Vice-Chairman)

Councillors: I Eccles  
J Gordon  
K Jukes  
Mrs M Westley  
J Witter

T Aldridge  
N Furey  
P Hesketh  
S Lawton  
J Finch

Officers: Kay Lovelady, Head of Legal & Democratic Services  
Paul Charlson, Head of Planning & Regulatory Services  
Lyndsey Key, Environmental Health Manager  
Samantha Jordan, Senior Licensing Officer  
Chloe McNally, Democratic Services Officer

### 1 APOLOGIES

Apologies were received on behalf of Councillor Lloyd, and Councillor Marsh-Pritchard.

### 2 MEMBERSHIP OF THE COMMITTEE

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

### 3 URGENT BUSINESS

There were no urgent items of business.

### 4 DECLARATION OF PARTY WHIP

There were no declarations of Party Whip.

### 5 DECLARATION OF INTEREST

Councillor P Hesketh declared a personal interest in respect of Licence Application No. WK/000281705 in relation to an Application for a Private Hire Driver Licence as the applicant was known to him personally, and he therefore took no part in the decision-making process.

### 6 MINUTES OF SUB - COMMITTEES OR WORKING GROUPS

There were no minutes to receive.

7 **MINUTES**

RESOLVED: That the minutes of the meeting held on Tuesday, 5 December 2023, be agreed as a correct record and signed by the Chairman.

8 **EXCLUSION OF PRESS AND PUBLIC**

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

9 **APPLICATION FOR PRIVATE HIRE DRIVER LICENCE - WK/000281705**

Members were asked to consider an application for a Private Hire Driver Licence, reference number WK/000281705, having regard to the content of the Statutory Declaration that accompanied the application form and any other relevant information.

RESOLVED: That the Application for a Private Hire Driver Licence, reference number WK/000281705 be GRANTED.

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

.....  
**Chairman**

# Agenda Item 7e

## PLANNING COMMITTEE

**HELD:** Thursday, 15 February 2024

Start: 7.00pm

Finish: 7.31pm

### PRESENT:

Councillor: G Owen (Chairman)  
A Fowler (Vice-Chairman)

Councillors: M Anderson S Patel  
A Fennell E Pope  
P Hogan L Webster  
J Howard J Witter

In attendance: Councillor J Finch (Skelmersdale South Ward)

Officers: Kate Jones, Planning Services Team Leader  
Jill Ryan, Principal Democratic Services Officer  
Emma Bailey, Principal Planning Officer  
Danielle Vallenti, Planning Assistant Solicitor  
Hollie Griffith, Planning Assistant Solicitor  
Kaja Pierce-Fidzinska, Senior Legal Executive (Housing and  
Litigation)

### 64 APOLOGIES

There were no apologies for absence received.

### 65 MEMBERSHIP OF THE COMMITTEE

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

### 66 URGENT BUSINESS, IF ANY INTRODUCED BY THE CHAIRMAN

There were no urgent items of business received.

### 67 DECLARATIONS OF INTEREST

There were no Declarations of Interest received.

### 68 DECLARATIONS OF INTEREST

There were no Declarations of Party Whip.

### 69 MINUTES

RESOLVED: That the minutes of the meeting held on the 18 January 2024 be approved as a correct record and signed by the Chairman.

**70 PLANNING APPLICATIONS**

Consideration was given to the report of the Corporate Director of Transformation, Housing and Resources as contained on pages 595 to 655 of the Book of Reports and on pages 657 to 658 of the Late Information Report.

(Note: Councillor Patel joined the meeting during consideration of planning application 2023/0974/FUL relating to Blythewood, Digmoor, Skelmersdale and therefore did not take part in any decision making process for this application).

**71 2023/0922/FUL - CHORLEY CONCRETE, APPLEY LANE NORTH, APPLEY BRIDGE, WIGAN**

The Corporate Director of Transformation, Housing and Resources submitted a report on planning application 2023/0922/FUL relating to Chorley Concrete, Appley Lane North, Appley Bridge, Wigan.

**RESOLVED:** That planning application 2023/0922.FUL relating to Chorley Concrete, Appley Lane North, Appley Bridge, Wigan be deferred due to late information received from Network Rail.

**72 2023/0974/FUL - BLYTHEWOOD, DIGMOOR SKELMERSDALE**

The Corporate Director of Transformation, Housing and Resources submitted a report on planning application 2023/0674/FUL relating to Blythewood, Digmoor, Skelmersdale.

**RESOLVED:** That planning application 2023/0674/FUL relating to Blythewood, Digmoor Road, Skelmersdale be approved subject to the Applicant/Developer completing a S106 agreement and conditions and reasons as set out on pages 631 to 637 of the Book of Reports.

**73 2023/0713/FUL - 55 GRANVILLE PARK, AUGHTON**

The Corporate Director of Transformation, Housing and Resources submitted a report on planning application 2023/0713/FUL relating to 55 Granville Park, Aughton.

**RESOLVED:** That planning application 2023/0713./FUL relating to 55 Granville Park, Aughton be approved subject to the conditions and reasons as set out on pages 651 to 652 of the Book of Reports.

.....  
**Chairman**



**AGENDA ITEM:**

**COUNCIL: 28 February 2024**

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**Report of:** Head of Corporate and Customer Services

**Contact for further information:** Ms. S Lewis (Extn. 5027)  
(e-mail: [sharon.lewis@westlancs.gov.uk](mailto:sharon.lewis@westlancs.gov.uk))

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**SUBJECT: PAY POLICY STATEMENT 2024/25**

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Wards affected: Borough wide.

## **1.0 PURPOSE OF THE REPORT**

1.1 To agree a Pay Policy Statement for 2024/25 detailing the Authority's policy on Workforce remuneration, as required by the Localism Act 2011 (the 'Localism Act').

## **2.0 RECOMMENDATIONS TO COUNCIL**

2.1 That the Pay Policy Statement for 2024/25 attached at Appendix (i) be approved, published on the Council's website and included in the Constitution.

2.2 That the approval of any administrative updates following a pay award implementation or changes to pension contributions banding requirements during any particular year is delegated to the Head of Corporate and Customer Services in consultation with the portfolio holder for Human Resources.

## **3.0 BACKGROUND**

3.1 The Localism Act 2011 refers to 'Pay Accountability' and sets out the requirements for Councils and Fire and Rescue authorities to prepare and publish annual pay policy statements. The pay policy statement must be approved by full Council, in advance of the financial year to which it relates.

3.2 The Council must publish the statement on the Council's website and may choose to expand the publication in other ways as part of its approach towards

transparency. The pay policy statement must set out the Council's policies relating to:

- Chief Officer remuneration (at recruitment, salary, bonus/performance related pay, charges/fees/allowances, benefits in kind, enhancement to pension at termination),
- Remuneration of its lowest paid employees (including elements as above), the definition used for this group and the reason for adopting that definition,
- The relationship between Chief Officer Remuneration and that of other staff.

3.3 The Council may amend its pay policy statement during the year but must comply with the statement in force in making decisions on relevant remuneration.

3.4 The definition of Chief Officers is not limited to those on Chief Executive and Chief Officer Terms and Conditions (JNC Conditions). It means Heads of Paid Service, statutory and non-statutory Chief Officers and those who report directly to them.

3.5 The Localism Act 2011 sets out the minimum requirements and authorities are encouraged to consider whether they wish to extend the scope of their pay policy statement to include highly paid staff not within the definition of 'Chief Officers'. At West Lancashire the scope of the 'Chief Officer' definition means that it is not necessary to extend the definition.

3.6 The information set out within the Pay Policy Statement compliments the data on pay and reward that the Council is required to publish separately, under the Code of Recommended Practice for Local Authorities on Data Transparency and by the Accounts and Audit (England) Regulations and Local Government Transparency Code 2014. This is referred to on the Council's website.

#### **4.0 GUIDANCE ON OPENNESS AND ACCOUNTABILITY IN LOCAL PAY**

4.1 Under Section 40 of the Localism Act 2011 the Council must, when preparing and approving pay policy statements, have regard to any guidance issued or approved by the Secretary of State for Communities and Local Government. In February 2012, the Secretary of State issued guidance on openness and accountability in local pay setting out specific expectations including:

- Full council having the opportunity to vote on senior remuneration packages with a value over £100,000 prior to an offer being made in a new appointment.
- Policies explaining the planned relationship between chief officers' remuneration and that of other staff and the ratio between the highest paid and the median salary that the authority aims to achieve or maintain.
- Authorities considering Lord Hutton's recommendations on the value of a system of 'earn back' pay, with an element of their basic pay 'at risk', to be earned back each year through meeting pre-agreed objectives.



- Any decision that an authority takes in relation to the award of severance to an individual Chief Officer, complying with their published policy for that year.
- Authorities having an explicit policy in their pay statement on whether they permit an individual to be in receipt of a pension in addition to receiving a salary.
- Policies toward Chief Officers, who have returned to an authority and had received a severance or redundancy payment, returned under a contract for services or are in receipt of a LGPS / firefighter pension.

4.2 Additional supplementary guidance was issued in February 2013 which is summarised below:

- Pay Policy Statements are public documents to be used to hold Councillors to account on pay matters.
- The Pay Policy Statement should be published as soon as reasonably practicable after approval by full Council, it should include the Council's approach to the publication of and access to information on Chief Officer Remuneration.
- Building on existing guidance regarding the need for full Council approval for Senior Officer Appointments on salaries over £100,000, where Councils do not have posts within their structure of over £100,000, local salary thresholds should be set for full Council approval to senior officer appointments.
- There should be published policies on severance for Chief Officers and details of any redundancy payment discretions.
- Full Council should vote on large severance packages beyond a threshold of £100,000, the details should be set out to include all components of the severance, including salary paid in lieu, redundancy compensation, pension entitlement, holiday pay, bonuses, fees, and allowances.

## 5.0 CURRENT APPROACH – PAY POLICY STATEMENT

- 5.1 Members have been mindful for many years of ensuring that the remuneration available to the Chief Officers and senior managers within the Council is appropriate including in terms of ensuring the necessary skills are available to the Council.
- 5.2 The annual Pay Policy Statement provides information about the remuneration package offered by the Council to the Chief Officers within the structure. The salary ratio of highest paid and the average salary across the workforce and the Chief Officers is detailed in the policy statement.
- 5.3 Lord Hutton in his review of public sector pay, Fair Pay in the Public Sector, December 2010, recommended amongst several other things that the ratio between the lowest and highest paid officers within a public sector organisation should be no more than 1:20. With this recommendation in mind the Council is well within the boundaries of reasonable and appropriate pay differentials.

- 5.4 In producing the Pay Policy Statement, due consideration has been given to the guidance available and it is considered that the Pay Policy Statement presents a fair and appropriate approach to senior officer remuneration across the Council, which also represents good value for money.
- 5.5 It is Council policy to pay an additional supplement to those Council employees not currently receiving 'a Living Wage Foundation living wage'. This wage level is currently £12.00 per hour (October 2023 figures) and however, this approach has been accounted for in the Pay Policy Statement 2024/25, as the lowest hourly rate payable by WLBC is £11.91, based on the current minimum salary point within the current pay grade, plus a supplement which is payable to officers paid on Spinal column point 2
- 5.6 The current lower range spinal column point within the Council's pay structure is noted below:

Spinal Column Point 2 - £11.91 per hour – differential = £0.09 per hour

- 5.7 Employees who are members of the Local Government Pension Scheme (LGPS) pay annual contributions into the Scheme based on a banding structure. The LGPS was amended with effect from 1 April 2014 and the current contribution bandings are incorporated into the Pay Policy 2024/25. These are details at the April 2023 rates and will be updated once new rates are applied as an administrative update of the policy.
- 5.8 The Pay Policy Statement contains the grade structure for the Council, following the National Joint Council 2018/19 two year pay award. The national salary scale is due for the next national award in April 2024 for NJC officers and for JNC officers. However, these updated figures are not available at this current time. The pay policy will be updated to reflect the April 2024 pay awards when these outcomes are known in year. However, it is unlikely that the award, once agreed, will affect the grade structure, but will affect the actual annual salaries offered. Consequently, when the pay award negotiations have been settled the annual salaries figures and respective ratios will be amended and the Policy will be updated to reflect those revised annual salaries, as an administrative update to the policy.

## **6.0 SUSTAINABILITY IMPLICATIONS**

- 6.1 The report acknowledges the need to be transparent and open about Chief Officer Pay arrangements. The Council has sought to make sure its pay arrangements ensure a suitably qualified and experienced set of Chief Officers are in place to deliver the Council's business, through appropriate remuneration at this senior level, whilst at the same time achieving value for money and being cognisant of the Council's objectives and budgetary circumstances.

## **7.0 FINANCIAL AND RESOURCE IMPLICATIONS**

7.1 The proposed Pay Policy Statement itself will not have any direct effect on the budgetary position of the Council as it encapsulates the current arrangements in relation to Pay and Conditions of its employees.

## **8.0 RISK ASSESSMENT**

8.1 The annual publication of a pay statement is a statutory / regulatory requirement.

## **9.0 HEALTH AND WELLBEING IMPLICATIONS**

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

### **Background Documents**

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

### **Equality Impact Assessment**

There is a significant direct impact on members of the public, employees, elected members and / or stakeholders. Therefore, an Equality Impact Assessment is required, and a formal assessment is attached as Appendix (ii) to this report, the results of which have been considered in the Recommendations contained within this report.

### **Appendices**

Appendix (i) - Pay Policy Statement 2024/25

Appendix (ii) - Equality Impact Assessment



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## **PAY POLICY STATEMENT 2024/25 (Revised February 2024)**

### **1. Introduction and Purpose**

Under section 112 of the Local Government Act 1972, the Council has the “power to appoint officers on such reasonable terms and conditions as the authority thinks fit”. This Pay Policy Statement (the ‘statement’) sets out the Council’s approach to pay policy in accordance with the requirements of Section 38 of the Localism Act 2011.

The purpose of the statement is to provide transparency with regard to the Council’s approach to setting the pay of its employees by identifying.

- the methods by which salaries of all employees are determined.
- the details of the remuneration of its most senior staff i.e., ‘chief officers’, as defined by the relevant legislation.
- the relationship between the remuneration of its Chief Officers and other employees

This pay policy statement is effective from 1 April 2024 and will be subject to review on an annual basis, or earlier if required, the policy for the next financial year being approved by 31<sup>st</sup> March each year.

The current pay line is detailed at Appendix A.

### **2. Other legislation relevant to pay and remuneration.**

In determining the pay and remuneration of all its employees, the Council will comply with all relevant employment legislation. This includes legislation such as, but not exclusively, the Equality Act 2010, Part Time Employment (Prevention of Less Favorable Treatment) Regulations 2000 and where relevant, the Transfer of Undertakings (Protection of Earnings) Regulations. The Council ensures there is no pay discrimination within its pay structures and that all pay differentials can be objectively justified through the use of job evaluation mechanisms, which directly establish the relative levels of posts in grades according to the requirements, demands and responsibilities of the role.

### **3. Pay Structure**

The Council uses the nationally negotiated pay spine(s) (i.e., a defined list of salary points) as the basis for its local pay structure, which determines the salaries of the large majority of its workforce together with the use of locally determined rates where these do not apply.

The Council’s pay scales range from Scale 1 to WLa. Scales 1 to PO4 are in line with the National Pay Spine and senior managers on Grades SM1 to WLa are on a locally determined pay spine. Full details are shown in the Appendices A. Variable additional payments may also be made as appropriate in line with the terms and conditions of employment, which completes the total remuneration package.

The Council pays an additional supplement to those Council employees not currently receiving the Living Wage Foundation ‘living wage’ (currently an hourly rate of £12.00). This equates to the current spinal column point 2 on the Council’s pay

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scale and consequently an additional supplement is required on the hourly rates paid on this spinal column point.

The Council adheres to the national pay bargaining arrangements in respect of the establishment and revision of the national pay spine, for example through any agreed annual pay increases negotiated with joint trade unions. All other pay related allowances are the subject of either nationally or locally negotiated rates, having been determined from time to time in accordance with collective bargaining machinery.

At the time of writing, it should be noted that the NJC pay scale is due to have an annual pay review. The pay award is due 1 April 2024.

Once the outcome is known and the pay award is agreed, the spinal column points noted above will be amended and any amendments will be made to the Pay Policy Statement after this date.

Consequently, whilst there is at present, a differential of up to 9 pence at the lowest point on the scale, this actual difference between the scp 2 and the Foundation Living Wage hourly rate of £12.00, will change once the pay award is applied to the pay spine.

The differential amounts are noted below:

Spinal Column Point 2 - £11.91 Differential = £0.09 per hour

In determining its grading structure and setting remuneration levels for any posts which fall outside the scope of the national pay spine, the Council takes account of the need to ensure value for money in respect of the use of public expenditure, balanced against the need to recruit and retain employees who can meet the requirements of providing high quality services to the community, delivered effectively and efficiently and at times at which those services are required.

New appointments will normally be made at the minimum of the relevant pay scale for the grade, although this can be varied where necessary to secure the best candidate. Where the appointment salary is above the minimum point of the pay scale and is not affected by other council policies, for example promotion, redeployment, or flexible retirement, this is approved in accordance with the Scheme of Delegation, contained in the Council's constitution, available on the Council's website.

From time to time, it may be necessary to take account of the external pay levels in the labour market to attract and retain employees with experience, skills, and capacity. This may lead to the payment of a market supplement or retention payment. Where necessary, the Council will ensure the requirement for such is objectively justified by reference to clear and transparent evidence of relevant market comparators, using data sources available from within the local government sector and outside, as appropriate.

Any temporary supplement to the salary scale for the grade for this purpose is approved in accordance with the locally agreed Market Premia and Retention Payments detailed

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in the local conditions of service. A decision in relation to any payment of this nature is delegated to the Chief Operating Officer except for officers on JNC Chief Officer terms and conditions which must be determined by the Council.

Retention payments and honoraria payments have currently been applied to all posts graded WLb to WLe. These are to acknowledge an interim reallocation of responsibilities.

and to maintain staff consistency. These non-consolidated payments are reflected in the median and ratio salaries reflected in the calculations in section 15 below, as overall remuneration levels.

The Council also employs a number of Apprenticeships throughout the various services. These are paid in line with National Minimum Wage rates for age. These rates do not form part of the overall grading structure for the Council and are presently as detailed below (6 April 2023 figures):

Hourly rate	Apprenticeship Age Rate
£5.28	Age under 18 years
£7.49	Age 18 – 20
£10.18	Age 21 -23
£10.42	Age over 23 years

These national apprenticeship rates are not included in the pay ratios as they are not part of the Council's pay scale structure.

#### 4. Definitions

The Localism Act refers to the position of Chief Officer, which is defined as:

- Head of Paid Service designated under Section 4(1) of the Local Government & Housing Act (LGHA) 1989
- Monitoring Officer designated under section 5(1) of the LGHA 1989
- Statutory Chief Officer mentioned in section 2(6) of the LGHA 1989
- Non statutory Chief Officers mentioned in section 2(7) of the LGHA 1989
- A Deputy Chief Officer mentioned in Section 2(8) of the LGHA 1989

Within the Council permanent management structure this includes the

following posts:

**Chief Operating Officer, Corporate Director of Place & Community, Corporate Director of Transformation, Housing & Resources, Head of Planning & Regulatory Services, Head of Wellbeing & Place, Head of Environmental Services, Head of Housing Services, Head of Finance, Procurement & Commercial Services and Head of Corporate & Customer Services and Head of Legal & Democratic Services which also assumes the role of Monitoring Officer for the Council.**

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However due to the resignation of the Corporate Directorate of Place & Community, this post has remained vacant since January 2023. This has resulted in an interim temporary structure being applied, resulting in a number of officers receiving an additional honoraria or retention payment to compensate for additional responsibilities absorbed since this time and to reflect market value for the enhanced responsibilities being absorbed.

There are a further series of posts which fall within the definition of Chief Officer by virtue of being “Deputy Chief Officers” i.e., via reporting lines, which have not been specifically listed here but are within the salaries range from PO1 to WLe.

“Lowest Paid Employees” – see Para 14.

## **5. Terms and Conditions of Employment**

There are three posts on JNC Chief Officer terms and conditions of employment are the Chief Operating Officer, Corporate Director of Place & Community (currently vacant) and Corporate Director of Transformation, Housing & Resources. All other posts within the Council are employed in accordance with National Joint Council (NJC) terms and conditions for Local Government Services.

Both two groups of officers are subject to any local variations adopted by the Council and detailed in its policy and procedures.

Where the Council is unable to recruit chief officers, or there is a need for interim support to provide cover for a substantive chief officer post, the Council will, where necessary, consider engaging individuals under a contract for service. These will be sourced through a relevant procurement process ensuring the Council is able to demonstrate the maximum value for money benefits from competition in securing the relevant service. In assessing such it should be noted that in respect of such engagements the Council is not required to make either pension or national insurance contributions for such individuals.

The Council does not currently have any chief officers engaged under such arrangements.

## **6. Recruitment**

The Council’s policy and procedures with regard to the recruitment of Chief Officers on JNC Terms and Conditions is set out within the Officer Employment Procedure Rules as set out in Part 13.2 of the Council’s Constitution.

When recruiting to all posts the Council will take full and proper account of all provisions of relevant employment law and its own Equality in Employment, Recruitment and Selection and Redundancy and Redeployment Policies as approved by Council.

The relevant policies are:



**Recruitment**

- Recruitment Advertising protocols
- Recruitment and Selection (see Chief Officer Appointment details by Committee referred to in paragraph 16 below)
- Secondment Policy
- Staff Recruitment Incentive Scheme - guidance

**Redundancy and redeployment**

## Organisational Change Scheme

The determination of the remuneration to be offered to any newly appointed Chief Officer will be in accordance with the pay structure and relevant policies in place at the time of recruitment.

The Council operates a mandatory 2-year gap from when a former employee exits the Council on the ground of voluntary redundancy to when they may be re-engaged in the employment of the Council or engaged as an agency placement or on a contract for service. This is applied across all grades for both NJC and JNC staff and do not take account of whether or not a pension is payable.

There is an exemption to this for emergency situations when former employees may need to be brought back into the employment of the Council on short, fixed term contracts in view of their specialist skills. However, this would be subject to the direct approval of the Chief Operating Officer, in consultation with the Portfolio holder for Human Resources.

**Other relevant HR Policies and Procedures**

This Pay Policy Statement should be read in conjunction with the following policies on paid terms and conditions as appropriate:

**Conditions of service**

Joint Negotiating Committee (JNC) for Chief Officers of Local Authorities  
National Joint Council (NJC) for Local Government Services  
Harmonisation and single status: local conditions of service document

**Family-friendly documents**

Paternal and Maternity Policy

**Retirement**

Ill-Health Retirement Policy  
Flexible Retirement Policy

**Learning and Development**

Training & Development Strategy

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**Staff Development Appraisal Scheme**  
**Post-Entry Training Policy**

All the above Policies are available on the Council's intranet or from the Human Resources & Organisational Development Team or access through Ideagen (formerly known as Pentana).

**7. Additions to Salary of Chief Officers**

The Council does not apply any bonuses or performance related pay to its Chief Officers. Any changes in duties would be covered in the Harmonisation and Single Status Document.

**8. Chief Operating Officer - Remuneration**

The current permanent Senior Management structure was approved by the scheme of delegation to the Chief Operating Officer in January 2022. The current interim operating structure became effective from 1 February 2023. The post of Chief Operating Officer remains designated the Head of the Paid Service and Returning Officer.

The post is paid at grade WLa on the attached Appendix A. This is a spot salary and carries no additional annual increments.

Returning Officer fees are based upon a fee calculated periodically by the Cabinet Office, with the fee being based on a sum of money multiplied per every 10,000 of electorate. The Council pays the fees for the local election while the fees for other elections, such as Parliamentary and County Council, are paid for externally.

**9. Corporate Directors - Remuneration**

There are two posts of Corporate Director reporting to the Chief Operating Officer:

Corporate Director of Place & Community – WLb which has been vacant since January 2023.

Corporate Director of Transformation, Housing & Resources–WLb

The Grade for these posts is at WLb as indicated above and detailed on the attached Appendix A. There is a spot salary for this grade, which carries no additional annual increments.

**10. Other Heads of Service – Remuneration**

There are seven further posts of Head of Service. The first five are noted below:

Head of Planning & Regulatory Services,  
Head of Wellbeing & Place,  
Head of Environmental Services,  
Head of Corporate & Customer Services.  
Head of Legal and Democratic Services. (Monitoring Officer)

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The Grade for these posts is WLe, which is a 3-increment grade. Progression through the grade occurs through the payment of an additional annual increment on 1 April each year, up to the maximum spinal column point in each grade range.

The sixth and seventh head of services are:

Head of Finance, Procurement and Commercial Services (Section 151),  
Head of Housing Services.

The Grade for these posts is WLd, which is a 3-increment grade. Progression through the grade occurs through the payment of an additional annual increment on 1 April each year, up to the maximum spinal column point in each grade range.

### **11. Other 'Chief Officer' posts as defined within the Localism Act**

There are a further series of posts which fall within the definition of Chief Officer by virtue of being "Deputy Chief Officers" i.e., via reporting lines, which have not been specifically listed here but they are in the salary grade range from PO1 to WLe.

### **12. Payments on Termination**

The Council's approach to statutory and discretionary payments on termination of employment of chief officers and other groups of staff, prior to reaching normal retirement age, is set out within its Organisational Change Scheme, in accordance with Regulations 5 and 6 of the Local Government (Early Termination of Employment) (Discretionary Compensation) Regulations 2006 and the Local Government Pension Scheme (LGPS) (Transitional Provisions, Savings and Amendment) Regulations 2014.

Any payments falling outside these provisions or the relevant periods of notice within the contract of employment or £100,000 or more shall be subject to a formal decision made by full Council.

With effect from 1 April 2016 regulations included in the Small Business, Enterprise and Employment Act 2015 were planned to be introduced for the recovery of termination payments paid to high earning public sector employees. Under these rules, public sector employees will be required to repay a tapering proportion of a 'qualifying exit payment', if they return to the public sector within a period of 12 months and earn an annual salary of £80,000 or more. Currently these regulations have not been brought in, but when they are the Council will apply them as appropriate.

However, with the presence of the mandatory 2 Year Gap for re-engagement into a contract for employment or service with the Council for any officer who exits the Council's employment via Voluntary Redundancy, should mean the potential for needing to consider this will be limited.

### **13. Publication**

This statement will be published on the Council's website and intranet. In addition, for Senior Officer Posts where the full-time equivalent salary is at least £50,000, the Council's Annual Statement of Accounts will include a note setting out the total amount

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of

- salary, fees, or allowances paid to or receivable by the person in the current and previous year.
- any bonuses so paid or receivable by the person in the current and previous year.
- any sums payable by way of expenses allowance that are chargeable to UK income tax.
- any compensation for loss of employment and any other payments connected with termination.
- Any benefits received that do not fall within the above.

The information set out within this pay policy statement compliments the data on pay and reward that the Council is required to publish separately under the Accounts and Audit (England) Regulations 2011 and Local Government Transparency Code 2014. This data includes all Senior Officers on a Salary more than £50,000 p.a.

#### **14. Lowest Paid Employees**

The lowest paid persons employed under a contract of employment with the Council are employed on full time 36 hours equivalent salaries in accordance with the minimum spinal column point currently in use within the Council's grading structure. This excludes Apprenticeships, which are paid in line with National minimum wage rates for age and do not form part of the Council's pay scale structure.

The National Joint Council (NJC) pay spine applied by the Council to its grading structure, ranges from Spinal Column Point (Scp) 2, £22,366 and Scp 43 £51,515 p.a. as of 31 December 2023.

Please note that the April 2024 national pay award is still outstanding, so the annual salaries have not been uplifted since April 2023, at the time of writing.

The lowest paid grade applied to any Council post is grade Scale 1 which is paid at Scp 2 on a grade Scp 2 to scp 3, on the NJC pay spine, with annual incremental progression. These spinal column points are currently supplemented by the voluntary living wage supplement, raising the annual salary for scp 2 to £22,526 pa. for a full time (FTE) employee, with effect from 1 December 2023. It should be noted that this uplift is included in ratios or averages in para 15, but only for 1 month as data for these calculations being 31 December 2023.

The relationship between the rate of pay for the lowest paid and Chief Operating Officer and Chief Officers is determined by the processes used for determining pay and grading structures as set out earlier in this policy statement.

As part of its overall and ongoing monitoring of alignment with external pay markets, both within and outside the sector, the Council will use available benchmark information to ensure that our pay rates are fair, affordable, and competitive in the marketplace.

#### **15. Ratio of Salary Differences**

Ratio calculation need to be based on salary point and actual remuneration. The ratio calculations are based on salaries on 31 December 2023.

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The full pay spine for 2023 is detailed at Appendix A and is pending the 1 April 2024/25 national pay awards.

The lowest paid employee of the Council is someone employed on Scp 2 on the NJC pay spine within Scale 1. The average annual salary for a full-time equivalent employee this grade, not including the voluntary living wage supplement would be £22,366.

The Chief Operating Officer and Chief Officer range of salaries (as defined in this policy) spans a minimum of local Scp 53 to 71. This provides an annual mean average Chief Officer salary of £73,289. Consequently, the Chief Officer to lowest paid salary mean average is a ratio of 1:3.28 (or 1:3.59 when expressed as a ratio of total remuneration inc honoraria). This calculation is based on the salaries for Chief Operating Officer and Corporate Directors and Heads of Service only.

Using the wider definition of Chief Officer including those that could be considered Deputy Chief Officers by virtue of reporting lines would provide a grade range from Scp 29 to 71. This provides a mean average Chief Officer salary of creating a ratio of 1:2.27(or 1:2.41 when expressed as a ratio of total remuneration).

The highest salary paid in the Council is £103,997 p.a. This compares to a median average salary of £25,979 p.a. which is a ratio of 1:4 (or 1:4.2 when expressed as a ratio of total remuneration). This is well within the recommendations put forward in the Hutton report, Fair Pay in the Public Sector, September 2010, which suggested no more than a ratio of 1:20.

## **16. Accountability and Decision Making**

In accordance with the Constitution of the Council, the following Committees are responsible for decision making in relation to the recruitment, pay, terms and conditions and severance arrangements in relation to employees of the Council:

**Recruitment and Dismissal of Head of Paid Service, Chief Officers, and Deputy Chief Officers** - Where the Council proposes to appoint and it is not proposed that the appointment be made exclusively from among their existing officers, it will do so as outlined below:

**Appointment of Head of Paid Service** - The full Council must approve the appointment of the Head of Paid Service before an offer of appointment is made to him/her following the recommendation of such an appointment by the Chief Officers Committee. That Committee will include at least one member of the Cabinet.

**Appointment of Chief Officers employed on JNC Terms and Conditions** - The Chief Officers Committee will appoint these officers. That Committee will include at least one member of the Cabinet.

**Other appointments** - Appointment of officers below this level is the responsibility of the Head of Paid Service or his/her nominee and may not be made by Councillors.

**Disciplinary Action - Head of Paid Service** - The full Council must approve the dismissal of the Head of the Paid Service before notice of dismissal is given to him/her, following the recommendation of such dismissal by the Investigating Committee. That

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Committee will include at least one member of the Cabinet.

**Disciplinary Action - Dismissal of Chief Officers employed on JNC Terms and Conditions** - The Investigating Committee will be responsible for the dismissal of Chief Officers employed on JNC Terms and Conditions and the Section 151 Officer and Monitoring Officer. That Committee will include at least one member of the Cabinet.

**Disciplinary Action - Further Provisions – Suspension** - The Head of Paid Service, Monitoring Officer, and Chief Finance Officer (Section 151 Officer) may be suspended whilst an investigation takes place into alleged misconduct. That suspension will be on full pay and last no longer than two months.

**Other Dismissals and Disciplinary Action** – The dismissal of and taking disciplinary action against Officers on NJC Terms and Conditions (other than above) must be discharged on behalf of the Council by the Head of the Paid Service or his/her nominee.

Councillors will not be involved in the dismissal of any officer below the Corporate Director level.

### **17. Engagement of Former Chief Officers in receipt of Pensions**

The Council does not have a policy which prevents former Council employees from applying for and being successfully appointed to any Council job including other Chief Officer jobs, because they are in receipt of a Public Sector or Local Government pension. Normal Recruitment and Selection processes would apply in line with the Council's Equality in Employment Policy.

However, the Council does have a mandatory 2 Year gap which must be maintained for any officer, not just Chief Officer, who exits the Council via voluntary redundancy, before they can be re-engaged. This prevents someone being re-engaged by the Council to a temporary fixed term or permanent employment, used as an Agency placement or engaged on a contract for service, for a period of 2 years from the date that they left on voluntary redundancy. This is applicable whether the former employee is in receipt of a pension. There is an exemption for specialist skills required in emergency situations, by direct approval of the Chief Operating Officer, in consultation with the portfolio holder for Human Resources, as noted above.

However, in accordance with the Small Business, Enterprise and Employment Act 2015, regulations relating to the repayment of exit payments, any public sector employees who received an annual salary of £80,000 or above, will be required to repay a tapering proportion of a 'qualifying exit payment', if they return to the public sector and are offered a post within the Council at this Salary level or above within a period of 12 months from the receipt of the original exit payment (subject to this being approved for implementation by the Government). Once this is legislation, this will be applied by the Council.

### **18. Holiday Pay Supplement**

The Council pays an additional percentage on all overtime payments, to compensate staff for any additional holiday pay they may be entitled to. This will be an amount equivalent to 7.69% (20/260) of the overtime payment. This percentage considers the number of statutory holidays (20) and typically no more than 260 working days in the year. This additional percentage for the following claimable pay elements:

- Additional Overtime
- Non contractual overtime
- Shift Allowances and Shift Pay
- Call Out and Standby
- Extra Duty and Additional Hours
- Honoraria

## 19. Policy Review

The Pay Policy Statement will be reviewed annually or earlier if required and agreed by Council before 31 March in each year. Administrative updates, such as pay awards, will be approved via the Corporate Director for Transformation, Housing and Resources in consultation with the Portfolio holder for Human Resources.

## 20. Employer Pension Contribution

The Council will contribute to the Local Government Pension Scheme in 2024/25 for all its employees who are members based on a rate of 19% of their pensionable pay. Additional contributions will also be made to address the current overall deficit on the Pension Fund. The rate of contribution is set by Actuaries advising the Lancashire Pension Fund and is reviewed on a triennial basis.

## 21. Employee Pension Contribution

Employees who are members of the Local Government Pension Scheme pay in April 2023 the following annual contributions:

Pensionable Pay	Employee Contributions
Up to £16,500	5.5%
£16,501 to £25,900	5.8%
£25,901 to £42,100	6.5%
£42,101 to £53,300	6.8%
£53,301 to £74,700	8.5%
£74,701 to £105,900	9.9%
£105,901 to £124,800	10.5%
£124,801 to £187,200	11.4%
£187,201 or more	12.5%

### Notes

- (1) The salary ratio details shown in this statement are based on the actual earnings in effect on 31 December 2023.
- (2) Total remuneration has been calculated including salary, car expense allowance, over time, extra duties allowance, shift allowance, living wage supplement, standby duty, telephone allowance, election fees and employer's pension contributions. In view of the implementation of the restructure part way through the year, remuneration ratios do not contain full year calculations.

**Appendix A**



WLBC Grade Bands	Grade Title	SCP	Salary from 1 April 2023	WLBC hourly rate from 1 April 2023	Voluntary Living Wage Supplement Salary from 1 December 2023	Voluntary Living Wage Supplement WLBC hourly rate from 1 December 2023
1	Scale 1	2	*£22,366	*£11.91	£22,526	£12.00
		3	£22,737	£12.11		
2	Scale 2	3	£22,737	£12.11		
		4	£23,114	£12.31		
3	Scale 3	5	£23,500	£12.52		
		6	£23,893	£12.73		

## Constitution 13:1: Pay Policy Statement

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4	Scale 4	7	£24,294	£12.94
		8	£24,702	£13.16
		9	£25,119	£13.38
		11	£25,979	£13.84
5	Scale 5	12	£26,421	£14.08
		14	£27,334	£14.56
		15	£27,803	£14.81
		17	£28,770	£15.33
6	Scale 6	19	£29,777	£15.86
		20	£30,296	£16.14
		21	£30,825	£16.42
		22	£31,364	£16.71
7	SO1	23	£32,076	£17.09
		24	£33,024	£17.59
		25	£33,945	£18.08
8	SO2	26	£34,834	£18.56
		27	£35,745	£19.04
		28	£36,648	£19.52
9	PO1	29	£37,336	£19.89
		30	£38,223	£20.36
		31	£39,186	£20.88
		32	£40,221	£21.43
10	PO2	33	£41,418	£22.06
		34	£42,403	£22.59
		35	£43,421	£23.13
		36	£44,428	£23.67
11	PO3	37	£45,441	£24.21
		38	£46,464	£24.75
		39	£47,420	£25.26
12	PO4	40	£48,474	£25.82
		41	£49,498	£26.37
		42	£50,512	£26.91
		43	£51,515	£27.44
13	SM1	44	£51,932.73	£27.67
		45	£52,794.93	£28.13
		46	£53,658.18	£28.58
14	SM2	47	£54,721.91	£29.15

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## Constitution 13:1: Pay Policy Statement

WLBC Grade Bands	Grade Title	SCP	Salary from 1 April 2023	WLBC hourly rate from 1 April 2023
		48	£56,259.33	£29.97
		49	£57,801.95	£30.79
15	SM3	50	£57,970.23	£30.88
		51	£60,155.87	£32.05
		52	£62,342.54	£33.21
16	WLe	53	£62,920.12	£33.52
		54	£63,263.96	£33.70
		55	£63,842.57	£34.01
17	WLd	56	£68,276.17	£36.37
		57	£68,852.70	£36.68
		58	£69,428.20	£36.99
18	WLc	61	£82,149	£43.76
19	WLb	62	£90,166	£48.03
20	WLa	71	£103,997	£55.40

**\*Voluntary Living Wage Supplement brings this annual salary level to £22,526**  
**Salaries shown above have the April 2024 Pay Award pending.**



# Equality Impact Assessment Form



<b>Directorate: Transformation, Housing and Resources</b>	<b>Service: Corporate and Customer Services</b>
<b>Completed by: S Lewis</b>	<b>Date: January 2024</b>
<b>Subject Title: Pay Policy Statement 2023/24</b>	
<b>1. DESCRIPTION</b>	
Is a policy or strategy being produced or revised:	<i>*delete as appropriate</i>
Is a service being designed, redesigned or cutback:	No
Is a commissioning plan or contract specification being developed?	No
Is a budget being set or funding allocated:	No
Is a programme or project being planned?	No
Are recommendations being presented to senior managers and/or Councillors:	Yes
Does the activity contribute to meeting our duties under the Equality Act 2010 and Public Sector Equality Duty (Eliminating unlawful discrimination/harassment, advancing equality of opportunity, fostering good relations)?	Yes
Details of the matter under consideration:	<p>The Localism Act refers to 'Pay Accountability' and sets out the requirements for Councils and fire and rescue authorities to determine and publish annual pay policy statements. The full Council must approve the pay policy statement in advance of the financial year to which it relates. It must set out the Council's policies relating to:</p> <ul style="list-style-type: none"> <li>•Chief Officer remuneration (at recruitment, salary, bonus/performance related pay, charges/fees/allowances, benefits in kind, enhancement to pension, at termination),</li> <li>•Remuneration of its lowest paid employees (elements as above), the definition used for this group and the reason for adopting that definition,</li> <li>•The relationship between Chief Officer remuneration and that of other staff.</li> </ul> <p>The Council needs to agree a Pay Policy Statement and is recommended to adopt the Pay Policy Statement 2024/25 as detailed in the report.</p>

If you answered **Yes** to any of the above, **go straight to Section 3**  
 If you answered **No** to all the above, **please complete Section 2**

**2. RELEVANCE**

Does the work be carried out impact on service users, staff, or Councillors (stakeholders):	Yes	<i>*delete as appropriate</i>
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If <b>yes</b> , provide details of how these impacts on service users, staff, or Councillors (stakeholders): If you answered <b>Yes</b> go to <b>Section 3</b>	This report has an impact on the workforce.	
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If you answered <b>No</b> to both Sections 1 and 2 provide details of why there is no impact on these three groups: You do not need to complete the rest of this form.		
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**3. EVIDENCE COLLECTION**

Who does the work being carried out impact on, i.e. who is/are the stakeholder(s)?	<p>The Policy has an impact on the entire Council workforce and as such has an impact on all protected characteristics, as the Council's workforce comprises of all the protected characteristics.</p> <p>A knowledge of the existing workforce profile and equality policies within the Council that are applied to the workforce, including the Recruitment and Selection Policy, Equality in Employment Policy and all other related employment policies, including a recent Equal Pay Audit have been used to assess the impact of the Pay Policy Statement on the workforce.</p>	
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If the work being carried out relates to a universal service, who needs or uses it most? (Is there any group affected more than others)?	See Above.	
--	------------	--

Which of the protected characteristics are most relevant to the work being carried out?	<i>*delete as appropriate</i>	
Age	Yes	
Gender	Yes	
Disability	Yes	
Race and Culture	Yes	
Sexual Orientation	Yes	
Religion or Belief	Yes	
Gender Reassignment	Yes	
Marriage and Civil Partnership	Yes	
Pregnancy and Maternity	Yes	

**4. DATA ANALYSIS**

<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 Policy has an impact on the entire Council workforce and as such has an impact on all protected characteristics.</p>
<p>What will the impact of the work being carried out be on usage/the stakeholders?</p>	<p>The Pay Policy Statement is a statement of the Council's current policies in relation to the pay of senior managers and the various ratios between higher and lower paid staff. This is a statement of current practice and does not present any practice changes or policy revision. Consequently, there are no altered impacts envisaged on any stakeholder or protected group of stakeholders.</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>The Council is part of a national collective bargaining process for all levels of remuneration throughout the Council. The Council itself, however, have determined the grade structure. This main management structure was last amended in April 2022 with an intermin amendment made in April 2023. Any changes achieved at that time were subject to Trade Union and individual officer consultation and were agreed. Although minor change occurs on a service level basis periodically throughout the year. Any actual salary amounts changes since that time have been subject to the national negotiating machinery, which also provides for Trade Union contributions to pay award settlements. This is not an area that can be affected locally, other than in the determination of individual grades. Actual grades are arrived at via a joint Trade Union and management agreed Job Evaluation process. The next National Pay award implemented is due in April 2024, but it is not anticipated to affect the grade structure but will affect the actual salary assigned to each spinal column point.</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>Census Data  Profile information available on the Council's website  Workforce Profile  Equality Policies within the Council  Equal Pay Audit  Gender Pay Gap analysis</p>
<p>If any further data/consultation is needed and is to be gathered, please specify:</p>	<p>N/A</p>

<b>5. IMPACT OF DECISIONS</b>	
In what way will the changes impact on people with protected characteristics (either positively or negatively or in terms of disproportionate impact)?	The decision is to agree the existing status is reflected in the Pay Policy Statement. It identifies different ratios between groups of staff based on pay levels. As there is no proposed change to actual practice, but rather, a reflection of the impact of the pay award on these ratios, it is envisaged that there will be no impact, negative or positive, upon any group with protected characteristics.
<b>6. CONSIDERING THE IMPACT</b>	
If there is a negative impact what action can be taken to mitigate it? (If it is not possible or desirable to take actions to reduce the impact, explain why this is the case (e.g. legislative or financial drivers etc.).	See above in 5.
What actions do you plan to take to address any other issues above?	No further actions on equality impact need to be taken.
<b>7. MONITORING AND REVIEWING</b>	
When will this assessment be reviewed and who will review it?	The Pay Policy Statement is reviewed annually prior to 31 March each year. At that stage, the EIA will also be reviewed to ensure there has been no change to the assessed impact on any protected characteristic group.





COUNCIL: 28 February 2024

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**Report of: Chief Operating Officer**

**Relevant Portfolio Holder: Councillor Y Gagen**

**Contact for further information: Mrs J Denning (Ext. 5384)**  
(Email: [jacky.denning@westlancs.gov.uk](mailto:jacky.denning@westlancs.gov.uk))

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**SUBJECT: MEMBERS' ALLOWANCES SCHEME 2024/25 AND APPOINTMENT OF THE INDEPENDENT REMUNERATION PANEL (IRP)**

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Wards affected: Borough wide

## **1.0 PURPOSE OF REPORT**

1.1 To agree the Members' Allowances Scheme for 2024/25 and to note and endorse the Membership of the Independent Remuneration Panel (IRP).

## **2.0 RECOMMENDATIONS**

2.1 That the IRP's report for 2024/25, attached at Appendix 2, be received and taken into account when considering the recommendations at 2.2 and 2.3 below.

2.2 That in accordance with paragraph 10 of the IRP's report, a Members Allowance Scheme be made, effective from 1 April 2024, incorporating:

- (a) A Basic Allowance of £4,950
- (b) Provision for Special Responsibility Allowances, as detailed on the Schedule attached as Appendix 1
- (c) Childcare and Dependent Carer's Allowance to be set at the same level as the 'Real' Living Wage (£12.00 from 1 April 2024).

2.3 That the Head of Legal & Democratic Services update the Members' Allowances Scheme for the period commencing 1 April 2024, such scheme to be incorporated into the Constitution and subsequently published.

2.4 That the Membership of the IRP for 2024/25 and the respective terms of office be noted and endorsed as follows:

Mrs G Stanley (Chairman)	1 May 2027
Mr J Boardman	1 May 2026
Mr I Thompson	1 May 2025

### **3.0 BACKGROUND**

- 3.1 The Council must establish and operate an IRP to consider and make recommendations on various issues relating to the matter of allowances to members of the authority. The Council is required to take into consideration any recommendation made by its IRP when making any new scheme of allowances, revising, or amending any existing scheme.
- 3.2 The Council currently has a scheme for the payment of a Basic Allowance to each Member plus a Special Responsibility Allowance (SRA) for each of those Members holding a position of special responsibility. The Scheme also provides for the payment of travel and subsistence allowances and, in certain specific circumstances, Childcare and Dependent Carer's Allowance.
- 3.3 The Council have the right, in any year, to request the Panel to consider any changes to the Scheme and the Panel would expect specific reasons to be put forward in support of such a requests. Childcare and Dependent Carer's Allowance would increase annually, which has been recommended to be set at the 'Real' Living Wage (£12.00 from 1 April 2024).

### **4.0 THE COUNCIL'S SCHEME FOR 2024/25**

- 4.1 The IRP met on 8 and 19 February 2024 to consider the current position in relation to Members' Allowances and the Council's Scheme for 2024/25. A copy of the Members Allowances Scheme 2023/24 is contained in Section 19 of the Constitution:  
<https://democracy.westlancs.gov.uk/ieListMeetings.aspx?CId=305&info=1&MD=Constitution>
- 4.2 The Panel was advised that from May 2024 the Council had made the decision to move to a committee system of governance and would be required to consider a revised scheme for 2024/25, to take into account that change. The Leaders of each political group were asked to submit the views of their groups in respect of any changes they felt would be required in the revised scheme, which were submitted to the IRP for consideration. The Group Leaders also attended the meeting on the 19 February 2024 to present those views. A copy of the IRP's report and recommendations are contained in Appendix 2.
- 4.3 Members of the IRP also meet to consider Parish matters as the Parish Remuneration Panel (PRP) and in this respect they did not receive any requests to make amendments to the previous report, the Panel considered that no changes were required to the existing scheme.
- 4.4 The Scheme commences on 1 April in each year in accordance with the legislation, rather than the municipal year. Following the Council's decision, a new scheme for 2024/25 will be prepared, effective from 1 April 2024. A copy of the new scheme will be incorporated in the Council's Constitution and as a consequence published on the Council's website and circulated to all members.

### **5.0 THE INDEPENDENT REMUNERATION PANEL MEMBERSHIP**

- 5.1 The IRP Membership is Mrs G Stanley, Mr J Boardman and Mr I Thompson. Terms of office are 3 years, with one position on the Panel being subject to re-selection each year. The Term of Office of Mrs G Stanley expires on 1 May 2024. The Council is required to adopt an appointments process that it considers is best able to provide an Independent Panel that is well qualified to discharge its functions and which is representative of the community. The Council's arrangements for appointing the Panel involved the placing of advertisements in the local press and then interviewing the candidates.
- 5.2 If the Council wished to appoint a replacement member, a full recruitment process would need to be undertaken in accordance with the appropriate Regulations, which would then be reported to Council for approval at a future meeting. Mrs Stanley has indicated that she is prepared to serve for a further period of three years. Given the infrequency with which the IRP is required to meet, it takes some time to gain relevant experience and therefore it is sensible to maintain continuity of membership where possible. Mrs Stanley has been a member and Chairman of the Panel since it was established in 2002 and it is therefore recommended that she be appointed for a further 3 years.
- 5.3 The Panel has also been appointed to serve as the Parish Remuneration Panel and in this respect considers and reports to the Parish Councils on issues relating to Members' allowances paid by those bodies.

## **6.0 SUSTAINABILITY IMPLICATIONS**

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

## **7.0 FINANCIAL AND RESOURCE IMPLICATIONS**

- 7.1 The budget figures for 2024-25 contained elsewhere on the agenda for this meeting include provision to meet the costs of Allowances contained within the Scheme, together with employer's National Insurance (N.I.) contributions where appropriate.
- 7.2 Regulations provide for Allowances to be paid to IRP members and for 2024/25 each Panel member will be entitled to receive an allowance of £250, with the Chairman receiving an additional £50. These are included as part of the Council's scheme and provision is included in the current budget.

## **8.0 RISK ASSESSMENT**

- 8.1 The report ensures that the Council is complying with the requirements of the Local Authorities (Members' Allowances) (England) Regulations 2003, as amended, to establish annually a Scheme of Members Allowances and in making that scheme, to have regard to the recommendations of an Independent Remuneration Panel.

## **9.0 HEALTH AND WELLBEING IMPLICATIONS**

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

### **Background Documents**

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

## **Equality Impact Assessment**

The decision does not have any direct impact on members of the public, employees and stakeholders, however there is a direct impact on elected members. Therefore an Equality Impact Assessment is attached as an Appendix to this report.

### **Appendices:**

1. Special Responsibility Allowances
2. IRP Report (to follow)
3. Equality Impact Assessment

**SPECIAL RESPONSIBILITY ALLOWANCES 2024/2025**

The following posts are specified as having special responsibilities in respect of which Special Responsibility Allowances are payable under Paragraph 4, in the amounts shown for each post.

<b>Area of Special Responsibility</b>	<b>Basis of Allowance (as percentage of Basic Allowance)</b>	<b>Amount of Allowance (£)</b>
Leader	250%	12,375
Deputy Leader	150%	7,425
Lead Member (up to 10)	100%	4,950
Opposition Group Leader (if Group comprises 5 or more Members)	70%	3,465
Opposition Group Deputy Leader (if Group comprises 5 or more Members)	35%	1,733
Chairman – Policy & Resources Committee	50%	2,475
Chairman - Licensing & Appeals Committee	50%	2,475
Chairman – Licensing & Gambling Committee	50%	2,475
Chairman – Planning Committee	100%	4,950
Chairman – Audit and Governance Committee	50%	2,475

Note: Only 1 Special Responsibility Allowance to be paid to an individual.



# Equality Impact Assessment Form



<b>Directorate: Transformation, Housing &amp; Resources</b>	<b>Service: Legal &amp; Democratic Services</b>
<b>Completed by: Jacky Denning</b>	<b>Date: January 2024</b>
<b>Subject Title: Members Allowances Scheme 2024/25</b>	
<b>1. DESCRIPTION</b>	
Is a policy or strategy being produced or revised:	No
Is a service being designed, redesigned or cutback:	No
Is a commissioning plan or contract specification being developed:	No
Is a budget being set or funding allocated:	Yes
Is a programme or project being planned:	No
Are recommendations being presented to senior managers and/or Councillors:	Yes
Does the activity contribute to meeting our duties under the Equality Act 2010 and Public Sector Equality Duty ( <b>Eliminating unlawful discrimination/harassment, advancing equality of opportunity, fostering good relations</b> ):	No
Details of the matter under consideration:	Members Allowances Scheme 2024/25
<p><i>If you answered <b>Yes</b> to any of the above go straight to Section 3</i></p> <p><i>If you answered <b>No</b> to all the above please complete Section 2</i></p>	
<b>2. RELEVANCE</b>	
Does the work being carried out impact on service users, staff or Councillors (stakeholders):	Yes
<p>If <b>Yes</b>, provide details of how this impacts on service users, staff or Councillors (stakeholders):</p> <p><i>If you answered <b>Yes</b> go to Section 3</i></p>	
<p>If you answered <b>No</b> to both Sections 1 and 2 provide details of why there is no impact on these three groups:</p> <p><i>You do not need to complete the rest of this form.</i></p>	
<b>3. EVIDENCE COLLECTION</b>	
Who does the work being carried out impact on, i.e. who is/are the stakeholder(s)?	Councillors
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)?	Councillors

Which of the protected characteristics are most relevant to the work being carried out? Age Gender Disability Race and Culture Sexual Orientation Religion or Belief Gender Reassignment Marriage and Civil Partnership Pregnancy and Maternity	<i>None</i>
<b>4. DATA ANALYSIS</b>	
In relation to the work being carried out, and the service/function in question, who is actually or currently using the service and why?	N/A – Not a service
What will the impact of the work being carried out be on usage/the stakeholders?	The report relates directly to the level of allowances for Councillors.
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?	Councillors approve the Scheme following consideration by the IRP and its recommendations.
What sources of data including consultation results have you used to analyse the impact of the work being carried out on users/stakeholders with protected characteristics?	The IRP has considered the scheme
If any further data/consultation is needed and is to be gathered, please specify:	None
<b>5. IMPACT OF DECISIONS</b>	
In what way will the changes impact on people with particular protected characteristics (either positively or negatively or in terms of disproportionate impact)?	There is no impact in relation to the particular protected characteristics.
<b>6. CONSIDERING THE IMPACT</b>	
If there is a negative impact what action can be taken to mitigate it? (If it is not possible or desirable to take actions to reduce the impact, explain why this is the case (e.g. legislative or financial drivers etc.).	No negative impact.
What actions do you plan to take to address any other issues above?	No actions
<b>7. MONITORING AND REVIEWING</b>	
When will this assessment be reviewed and who will review it?	The Scheme is reviewed annually by the IRP and Council.





**Executive Overview and Scrutiny  
Committee:  
25 January 2024**

**Cabinet:  
6 February 2024**

**Council:  
28 February 2024**

**(Report Updated for Council)**

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

**Relevant Portfolio Holder:** Councillor Rob Molloy

**Contact:** James Pierce  
(E-mail: [james.pierce@westlancs.gov.uk](mailto:james.pierce@westlancs.gov.uk))

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**SUBJECT: GRA Revenue Report and MTFS Update 2024/25 to 2026/27**

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Wards affected: Borough Wide

## **1.0 PURPOSE OF THE REPORT**

- 1.1 To enable the Council to set a balanced Revenue Budget for the forthcoming financial year 2024/25.
- 1.2 To present to members the updated Medium-Term Financial Forecast (MTFF) for the following financial years 2025/26 to 2026/27, noting the latest forecast budget gap of £1.348m, comprising:
  - £1.731m in 2025/26
  - (£0.270)m in 2026/27
- 1.3 To inform members of the reserves position as at 31 March 2023 and the forecast position to 2026/27.

## **2.0 RECOMMENDATIONS**

- 2.1 That the General Revenue Account (GRA) budget for 2024/25 be approved based on the proposals to be presented at the Council meeting.

- 2.2 That the latest GRA Medium-Term Financial Forecast (MTFF) budget gap for 2025/26 to 2026/27 be noted.
- 2.3 That the latest GRA reserves position as at 31 March 2023 and forecast to 2026/27 be noted and the GRA reserves policy be approved.
- 2.4 That delegated authority be given to the Chief Operating Officer and the Corporate Director to take all necessary action to implement the changes resulting from the budget proposals.
- 2.5 That delegated authority be given to the Head of Finance, Procurement and Commercial Services (Section 151 Officer) to apply an annual inflationary increase to fees and charges.

### 3.0 BACKGROUND

#### 2022/23 Outturn

- 3.1 The 2022/23 GRA Mid-Year report to Council in January 2023 projected a £500k overspend outturn position, whilst the Outturn Report to Council in July 2023 reported a near balanced revenue outturn position.
- 3.2 The favourable variance from mid-year to outturn enabled a reduction in use of reserves in the sum of £234k. This is a positive outcome for the Council. Details are as below:

<u>2022/23</u>	Revised Budget £000s	Mid-Year Variance £000s	Outturn Variance £000s
Corporate and Customer Services	5,725	(200)	1,913
Environmental Services	6,595	200	(367)
Finance, Procurement and Commercial Services	(1,206)	(70)	(42)
Housing	839	0	344
Legal and Democratic Services	1,178	0	1
Planning and Regulatory	1,810	0	(291)
Wellbeing and Place	1,735	0	(241)
Corporate Budgets	754	0	(46)
Staff Vacancy Factor	(1,014)	400	(1,014)
<b>NET SERVICE BUDGET</b>	<b>16,416</b>	<b>330</b>	<b>257</b>
Interest Receivable	(435)	170	(30)
Minimum Revenue Provision	314	0	0
Contribution to/(from) Reserves	(11,341)	0	(234)
<b>NET BUDGET</b>	<b>14,954</b>	<b>500</b>	<b>(7)</b>
Council Tax	(8,226)	0	0
Business Rates: Retained Income	(2,793)	0	0
Business Rates: S31 Grants	(2,850)	0	0
Other Government Grants & Contributions	(1,085)	0	0
<b>FUNDING</b>	<b>(14,954)</b>	<b>0</b>	<b>0</b>

- 3.3 Details of the key variances include:
- Grants available to Housing were allocated in year rather than being rolled forward as originally planned;
  - ICT costs were significantly below budget;

- Following a review of bad debt provision, a saving of approximately £170k was achieved;
- Accounting for pension fund contributions having a favourable effect on outturn;
- The receipt of council tax rebate, new burdens grant and year-end adjustments on benefits, council tax and business rates.

### 2023/24 Quarter 2 Forecast Outturn

- 3.4 The budget report presented to Council on 22 February 2023 set out the Council's budget requirement for the 2023/24 financial year and provided details on the Council's reserves position. This process is in accordance with statutory requirements and proper accounting practices.
- 3.5 Council agreed a Net Budget of £16.327m for 2023/24.
- 3.6 The table below reflects changes to the original budget approved by Council in February 2023. The changes reflect in-year budget and technical realignments to better reflect statutory reporting requirements, and changes in team structures. The approved net budget of £16.327m has not changed.
- 3.7 The table below provides quarter 2 forecast outturn estimates against the revised budget. The mid-year net forecast position is a shortfall of £524k, this compares with £583k forecast shortfall at quarter 1.

<u>2023/24</u>	Revised Budget £000s	Q1 Var. £000s	Q2 Var. £000s	Comments
Corporate and Customer Services	5,583	(400)	(600)	Reduced ICT costs. Salaries below budget after uplift and vacancy factor.
Legal and Democratic Services	1,128	50	110	Additional staff and agency costs together with costs of new governance structure
Environmental Services	6,669	587	600	Increased staff and agency costs, partially offset by lower fuel costs than budgeted.
Finance, Procurement and Commercial Services	1,592	50	125	Additional use of agency staff due to sickness absence and year end. Additional income/efficiencies across WLBC (£60k savings target.
Housing Services (incl. Estates)	(879)	0	(20)	
Planning and Regulatory	1,818	100	200	Additional staff and agency costs. Planning and building control income down.
Wellbeing and Place	1,520	408	350	Leisure contract costs. Staff costs and pay settlement. Parking income reduced.
Other Corporate Budgets	501	0	0	

<b>NET SERVICE BUDGET</b>	<b>17,932</b>	<b>795</b>	<b>765</b>	
Interest Receivable (Net)	(225)	(212)	(241)	Rising interest rates
Minimum Revenue Provision	400	0	0	
Contributions (from)/to Reserves	(1,780)	0	0	
<b>NET BUDGET</b>	<b>16,327</b>	<b>583</b>	<b>524</b>	To be met from reserves
Council Tax	(8,568)	0	0	
Business Rates: Retained Income	(3,171)	0	0	
Business Rates: S31 Grants	(3,493)	0	0	
Government Grants	(1,095)	0	0	
<b>FUNDING</b>	<b>(16,327)</b>	<b>0</b>	<b>0</b>	

3.8 The overspend relates to:

- The pay settlement of £1,925 per full time employee. Budgets were set assuming a 3% increase, the actual settlement was closer to 6% on average.
- Various additional service-specific pressures as identified in the table above, these are largely offset by service-specific budget savings plus treasury interest income being better than budget due to rising interest rates.

3.9 Both the 2022/23 outturn position and 2023/24 mid-year forecast outturn position, assist forming the starting position for both the 2024/25 GRA revenue budget and the MTFE ending 2026/27. The current mid-year forecast position can change throughout the year for emerging and recurring cost pressures and any in-year opportunities and savings that are identified.

3.10 Fees for planning applications are set nationally and were raised by 35% (for major applications) and 25% (for non-major applications) on 6 December 2023. The Council must apply these fees as directed. Pre-application fees were also raised by 30% from 4 January 2024. After seeking support from the Portfolio Holder these were raised under delegation to the Corporate Director of Place and Community to "amend the Planning Charges documentation for: pre-application advice, specialist advice, drafting, negotiating and monitoring of legal agreements when adopted" (Minute 135 Cabinet, 15 March 2011). This ensured the relevant fees are comparable with other councils and serves to cover the cost of the pre-application service. These rises will be reflected in the 2023/24 Outturn and are carried forward into the 2024/25 budget and beyond.

## 4.0 FINANCIAL OVERVIEW

4.1 Economic Update - Office for Budget Responsibility (OBR) November 2023: Developments since the previous November forecast have been largely positive, but the economy still faces significant structural challenges. Wholesale gas prices have more than halved over the past six months and are expected to fall further over the forecast period. At the time the forecast was closed, the bank rate was expected to peak at 4.5% later this year, rather than the 5% per cent assume last November. The economy narrowly avoided contracting in the final quarter of 2022 and the near-term outlook for demand has improved. However, gas prices remain more than twice their pre-pandemic level which, when added to the stagnation in investment since 2016, the recent rise in labour market activity, and the slowdown

in productivity growth since the financial crisis, means that there remains weak underlying momentum.

- CPI inflation peaked at 11.1% in October and is expected to fall sharply to 2.9% by the end of 2023, a more rapid decline than expected last November. The drop in wholesale gas prices also means that household energy bills are expected to fall below the energy price guarantee limit from July and to £2,200 by the end of the year. Stronger domestically generated inflation means that inflation oscillates around zero in the middle of the decade rather than falling meaningfully into negative territory as was forecast last November. Inflation returns to target in early 2028, with the offsetting effects of lower gas prices and increased domestically generated inflation leaving the consumer price level at the end of the forecast little changed from last November.
- Real household disposable income is expected to fall into 2024 which mainly reflects the rise in the price of energy and other tradeable goods of which the UK is a net importer, resulting in inflation being above nominal wage growth.
- The level of nominal GDP, which is the key driver of our forecast for public finances, is 0.8% higher at the forecast horizon than in the last forecast. This comprises 0.6% from higher real GDP and 0.2% from a higher GDP deflator, reflecting slightly stronger domestically generated inflation. This upward revision to nominal GDP has fed through to higher forecasts for wages and salaries, nominal consumer spending and company profits (outside the oil and gas sector).

#### 4.2 Autumn Statement November 2023

On 22 November 2023, the Chancellor delivered his Autumn Statement, labelling it as an "autumn statement for growth".

The key measures contained within the statement are:

- Changes to taxation and national insurance, largely reducing the burden for both individuals and businesses.
- The reaffirmation for planned departmental resource spending, for the years beyond the current review period (2025/26 to 2028/29), to grow at 1% a year on average in real terms and for public sector capital spending to be frozen in cash terms.

Announcements directly impacting Local Government:

Council Tax

- The council tax referendum limit remained at 3% per year for the year beginning 1 April 2024.

Business Rates

- The small business rate multiplier will be frozen at 49.9p whilst the standard rate multiplier will increase 54.6p in line with September 2022 to 2023 change in CPI. Local authorities will be compensated for the reduction in income as a result of the frozen small business multiplier.

#### 4.3 Provisional Local Government Finance Settlement (LGFS) December 2023:

To provide funding certainty and allow councils to plan ahead, in December 2015 the Government offered councils a four-year funding settlement for the period 2016/17 to 2019/20. Over the past four years of 2020/21, 2021/22, 2022/23 and 2023/24 the Government has limited this to one-year settlements.

On 18 December, the Government published for statutory consultation, the provisional LGFS for 2024/25. The provisional settlement is once again a holding position, this time based on proposed allocations for 2024/25 only.

### Core Spending Power (CSP):

Core Spending Power is a measure of the resources available to local authorities to fund service delivery. It sets out the money that has been made available to local authorities through the LGFS.

The table below sets out the figures for local authority CSP from 2015-16 through to 2024-25. Figures for 2015-16 have been adjusted to ensure a consistent measure of local authority income over time.

CORE SPENDING POWER										
West Lancashire										
Illustrative Core Spending Power of Local Government:										
	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21	2021-22	2022-23	2023-24	2024-25 <sup>8</sup>
	£ millions	£ millions	£ millions	£ millions	£ millions	£ millions	£ millions	£ millions	£ millions	£ millions
Settlement Funding Assessment	5.465	4.609	3.966	3.622	3.262	3.315	3.315	3.315	3.595	3.751
Compensation for under-indexing the business rates multiplier	0.044	0.044	0.046	0.073	0.106	0.133	0.173	0.339	0.586	0.700
Council tax requirement excluding parish precepts	6.165	6.354	6.595	6.878	7.171	7.498	7.847	8.227	8.569	8.998
New Homes Bonus	1.369	1.714	1.723	1.172	0.967	0.875	0.802	0.703	0.768	0.634
Lower Tier Services Grant	0.000	0.000	0.000	0.000	0.000	0.000	0.141	0.152	0.000	0.000
Services Grant	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.229	0.134	0.021
Grants rolled in	0.135	0.152	0.150	0.145	0.141	0.142	0.157	0.156	0.000	0.000
Funding Guarantee	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.036	0.257
<b>Core Spending Power</b>	<b>13.187</b>	<b>12.887</b>	<b>12.496</b>	<b>11.890</b>	<b>11.646</b>	<b>11.962</b>	<b>12.435</b>	<b>13.120</b>	<b>13.687</b>	<b>14.360</b>
Change since 2015-16 (£ millions)										1.173
Change since 2015-16 (% change)										0.089

For 2024/25 the table shows that the Council CSP has increased by £673k, from £13.687m to £14.360m. However, the Council Tax figure is a Government assumed figure of £8.998m, the actual figure has been calculated as £8.885m, a shortfall of £113k, that is largely due to actual tax base growth being 0.68% rather than an assumed 1.98%.

### Settlement Funding Assessment (SFA):

The Settlement Funding Assessment amount consists of Revenue Support Grant (RSG) and Business Rates Retention.

Key Information for Local Authorities (£m)										
West Lancashire										
	2016-17	2017-18	2018-19	2019-20	2020-21	2021-22	2022-23	2023-24	2024-25	
Settlement Funding Assessment	4.609	3.966	3.622	3.262	3.315	3.315	3.315	3.595	3.751	
of which:										
Revenue Support Grant	1.576	0.871	0.433	0.000	0.000	0.000	0.001	0.156	0.167	
Baseline Funding Level	3.034	3.096	3.189	3.262	3.315	3.315	3.315	3.439	3.584	
Tariff/Top-Up <sup>2</sup>	(9.633)	(8.227)	(8.367)	(13.287)	(8.698)	(8.698)	(8.698)	(10.140)	(10.657)	
2017-18 Tariff and Top-up reconciliation			0.104							
2023-24 Tariff and Top-up reconciliation									(0.087)	
Safety Net Threshold	2.806	2.863	2.949	3.099	3.066	3.066	3.066	3.181	3.315	
Individual Authority Business Rates Baseline	12.667	11.323	11.556	16.549	12.013	12.013	12.013	13.579	14.241	

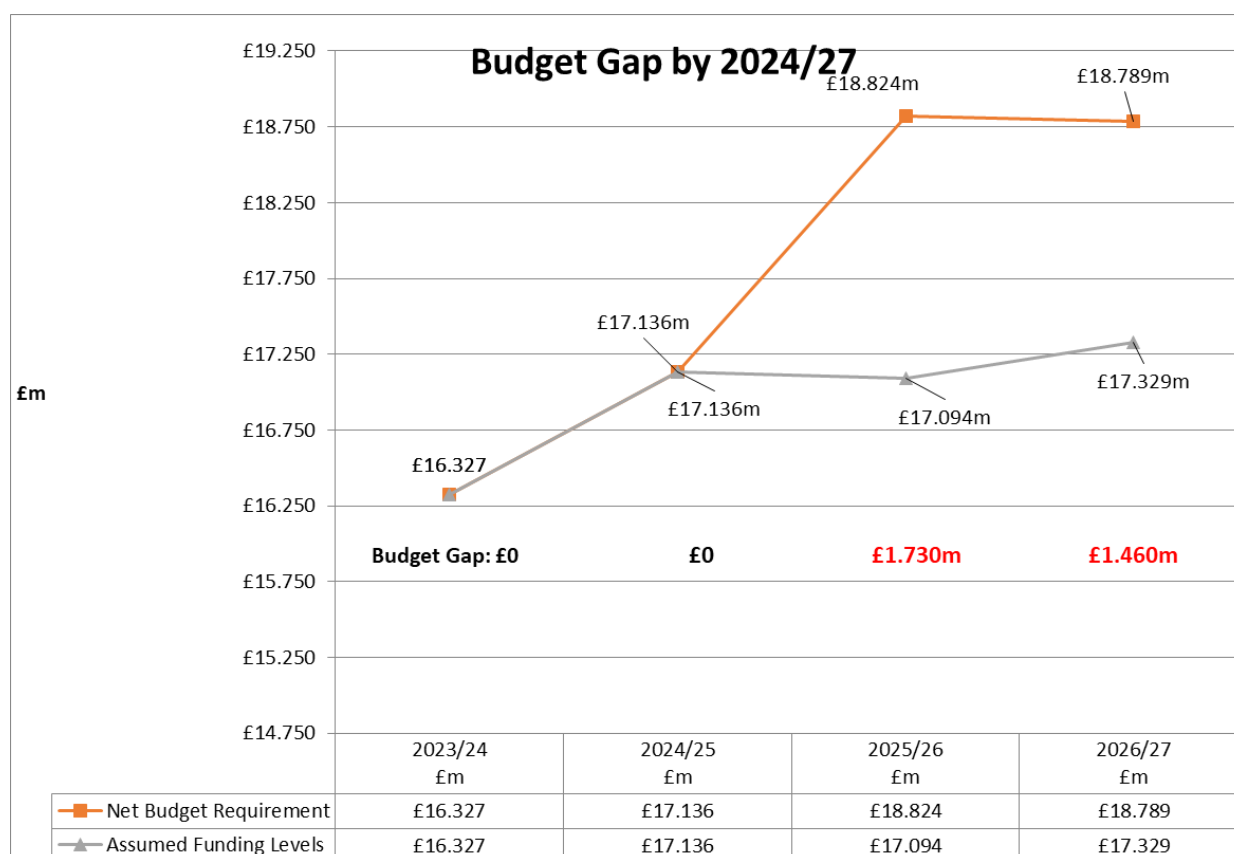
For 2024/25 the table shows that the Council SFA has increased by £156k, from £3.595m to £3.751m, as a result of grants rolled into RSG and an inflation increase to the Business Rates Baseline.

## 5.0 BASE BUDGET MOVEMENT: BUDGET ASSUMPTIONS AND UPDATES

5.1 Whilst indicators appear to show an easing of the cost-of-living crisis with inflation and energy costs forecast to continue to fall into 2024 as shown in both 4.1 and 4.2, costs still remain high. This, together with the lack of detail from Government on the Local Government Finance Settlements from 2025/26 onwards, along with deferral of the introduction of the long-awaited funding reforms to both the funding settlement formula and the business rates system, makes the production of the medium-term plan with any certainty difficult and therefore some key assumptions have been made in producing the latest forecast position for 2025/26 and 2026/27.

5.2 The key assumptions can be split between net budget requirement and funding. These are then applied to the starting base position of the 2024/25 base budget £16.327m.

5.3 The graph below shows the 2024/25 net budget requirement and funding of £16.999m for approval, and the latest forecast net budget requirement and funding levels for 2025/26 to 2026/27, resulting in a budget gap of £1.348m.



5.4 A summary of the movements in the budget since September are set out in the table below:

BUDGET MOVEMENTS	2024/25 £000s	2025/26 £000s	2026/27 £000s
<b>ANNUAL BUDGET GAP SEPTEMBER 2023</b>	<b>1,433</b>	<b>1,209</b>	<b>0</b>
Salary - Additional 3% 23/24 Pay Award, Budget at Top SCP, Vacancy/Scale Factor, FTCs Base Changes, 2023 Pension Triennial Valuation	1,762	(487)	134
Contract Inflation - Insurance, Energy, Fuel and Fleet	(105)	6	150
Solar PV System Tariff Income	0	0	0
Review of Unspent Budgets	0	0	0
Council Elections Delivery	0	0	0
PSAA Reset of External Audit Fees	0	0	0
Treasury Investment Income & Capital Financing	(206)	200	61
Returns from TVD	0	0	(500)
Other Budget Movements	(600)	393	39
2024 Budget Proposals	(1,182)	(11)	81
Reserves - One-Off Use of Reserves to Balance the 2024/25 budget and the complete phasing out of the Use of Reserves by 2026/27	(260)	484	0
<b>Net Budget Movements</b>	<b>(812)</b>	<b>585</b>	<b>(36)</b>
Council Tax - 3% Council Tax Increase	80	(80)	(441)
Business Rates - further delay to the reset of Baselines	0	0	0
Use of Collection Fund Smoothing Reserve	0	0	0
24/25 LGFS - Business Rates Baseline & Tariff	0	0	0
24/25 NNDR1 Local Share & Section 31 Grants	(226)	52	(55)
24/25 LGFS Other Grants - NHB, Lower Tier and Services Grants	(475)	(35)	261
<b>Funding Movements</b>	<b>(621)</b>	<b>(63)</b>	<b>(235)</b>
<b>TOTAL MOVEMENTS</b>	<b>(1,433)</b>	<b>522</b>	<b>(270)</b>
<b>ANNUAL BUDGET GAP FEBRUARY 2023</b>	<b>0</b>	<b>1,731</b>	<b>(270)</b>

5.5 The key inflationary assumptions over the period 2024/25 to 2026/27 include:

Budget Assumptions	2024/25 £000s	2025/26 £000s	2026/27 £000s
<b>Net Service Budget</b>	<b>1,466</b>	<b>24</b>	<b>311</b>
Pay Award	4.00%	2.00%	2.00%
	1,291	(137)	148
2023 Pension Triennial Valuation - Future Service	0.00%	0.00%	0.00%
	4	4	0
Contractual Obligations: Inflation Energy	0.00%	5.00%	5.00%
	0	49	51
Contractual Obligations: Inflation Fuel	5.00%	5.00%	5.00%
	28	29	31
Contractual Obligations: Inflation Insurance	20.00%	5.00%	5.00%
	89	27	28
Contractual Obligations: Inflation Other	Variable	Variable	Variable
	10	10	12
Contractual Obligations: Inflation General	2.00%	2.00%	2.00%
	44	42	43
<b>Net Central Service Budget</b>	<b>5</b>	<b>(20)</b>	<b>0</b>
Contractual Obligations: External Audit Fees	0.00%	0.00%	0.00%



	0	0	0
2023 Pension Triennial Valuation - Past Service	0.00%	0.00%	0.00%
	(20)	(21)	0
Apprenticeship Levy: Pay Award	4.00%	2.00%	2.00%
	25	1	0
<b>Funding</b>	<b>(317)</b>	<b>(421)</b>	<b>(441)</b>
Council Tax Rate Increase (Relevant Basic Amount)	2.99%	2.99%	2.99%
	(258)	(199)	0
Council Tax Base Increase	0.68%	1.70%	1.70%
	(59)	(222)	(441)

5.6 The table below summarises the movements over the period 2024/25 to 2026/27:

Movements to the 2023/24 Base Budget	2024/25 £000s	2025/26 £000s	2026/27 £000s
<b>Net Service Base Budget b/f</b>	<b>17,784</b>	<b>17,906</b>	<b>18,295</b>
Permanent Virements	1,104	0	0
RODs	0	0	104
<b>NET SERVICE BASE BUDGET</b>	<b>18,887</b>	<b>17,906</b>	<b>18,399</b>
Pay, NI & Pensions - Inflation	1000	496	494
Pay, NI & Pensions - Base Movements	(429)	(628)	(346)
Employee Vacancy/Scale Factor	(55)	14	(14)
Contractual Inflation	172	158	164
Volume/Activity Base Movements	89	0	0
Legislative/Regulatory	(143)	(43)	0
Grants & Contributions	(442)	384	120
Sales, Fees & Charges Levels	(173)	(17)	(17)
Recharges HRA & Capital	(41)	(80)	(79)
New / Cease / Transfer of Services	58	2	(23)
Service Reserve Movements	248	153	25
Other	(3)	0	0
<b>Total Budget Assumptions</b>	<b>280</b>	<b>438</b>	<b>323</b>
Growth Items	7	(38)	0
Savings Proposals	(6)	0	0
Efficiency Proposals	0	0	(102)
Policy Proposals	(51)	(30)	0
<b>Total Approved Budget Proposals</b>	<b>(50)</b>	<b>(68)</b>	<b>(102)</b>
Growth Items	0	0	0
Income Generation	0	0	0
Efficiency Proposals	0	0	0
Savings Proposals	(1,212)	19	81
Policy Proposals	0	0	0
<b>Total New Budget Proposals</b>	<b>(1,212)</b>	<b>19</b>	<b>81</b>
<b>NET SERVICE BUDGET</b>	<b>17,906</b>	<b>18,295</b>	<b>18,702</b>
<b>Net Service Base Budget b/f</b>	<b>148</b>	<b>144</b>	<b>121</b>
Permanent Virements	(1)	0	0
RODs	0	0	0
<b>NET CENTRAL SERVICE BASE BUDGET</b>	<b>147</b>	<b>144</b>	<b>121</b>
External Audit	0	0	0
Pensions	(20)	(21)	0
Apprenticeship Levy	25	1	1

Movements to the 2023/24 Base Budget	2024/25 £000s	2025/26 £000s	2026/27 £000s
Corporate Employee Vacancy/Scale Factor	0	0	0
GRA Recharges	(7)	(4)	(4)
Provision & Contingency	0	0	0
Covid-19	0	0	0
Other Corporate Items	0	0	0
<b>Total Central Service Budget Assumptions</b>	<b>(3)</b>	<b>(23)</b>	<b>(3)</b>
<b>NET CENTRAL SERVICE BUDGET</b>	<b>144</b>	<b>121</b>	<b>118</b>
<b>Net Service Base Budget b/f</b>	<b>(1,605)</b>	<b>(914)</b>	<b>408</b>
<b>NET NON SERVICE BASE BUDGET</b>	<b>(1,605)</b>	<b>(914)</b>	<b>408</b>
Treasury Management - Interest Received	(225)	200	0
Treasury Management - Interest Payments	53	19	0
Capital Charges - MRP	136	54	61
Dividends	0	0	(500)
Reserves	731	1,049	0
<b>Total Non Service Budget Assumptions</b>	<b>691</b>	<b>1,322</b>	<b>(439)</b>
<b>NET NON SERVICE BUDGET</b>	<b>(971)</b>	<b>408</b>	<b>(31)</b>
<b>NET BUDGET</b>	<b>17,136</b>	<b>18,824</b>	<b>18,789</b>
<b>BASE FUNDING</b>	<b>(16,327)</b>	<b>(17,136)</b>	<b>(17,094)</b>
Council Tax - Base Increase	(59)	(151)	(158)
Council Tax - % General Increase	(258)	(270)	(283)
Business Rates: Retained Income	(145)	52	(55)
Business Rates: S31 Grants	(267)	0	0
Prior Year Collection Fund (Surplus)/Deficit	(1,364)	329	0
Use of Collection Fund Smoothing Reserve	1,405	(329)	0
New Homes Bonus	134	634	0
Other Government Grants	(254)	(222)	261
<b>Total Funding Assumptions</b>	<b>(809)</b>	<b>42</b>	<b>(235)</b>
<b>FUNDING</b>	<b>(17,136)</b>	<b>(17,094)</b>	<b>(17,329)</b>
<b>ANNUAL BUDGET (HEADROOM)/GAP</b>	<b>0</b>	<b>1,731</b>	<b>(270)</b>
<b>CUMULATIVE BUDGET (HEADROOM)/GAP</b>	<b>0</b>	<b>1,731</b>	<b>1,460</b>

5.7 Detail movements to the Net Base Budget are shown in Appendix 1 of the report.

5.8 The 2024 budget proposals include the items listed at Appendix 2 of this report.

5.9 A full detailed listing of Funding is provided in Appendix 1.

## 6.0 PROPOSED 2024/25 REVENUE BUDGET AND MEDIUM-TERM FINANCIAL FORECAST 2025/26 to 2026/27

6.1 The Council is required to set a balanced budget and determine its council tax level before the start of each financial year in accordance with statutory requirements and proper accounting practices.

6.2 The purpose of the Medium-Term Financial Forecast is to provide the strategic framework and a forward-looking approach to achieving long-term financial sustainability. It is central to the delivery of priority outcomes in the Council's strategy and plans in an affordable way over the next three years to 2026/27. It

aids robust and methodical planning as it forecasts the Council's financial position, considering known pressures, major issues affecting the Council's finances, including national and regional influences as well as local priorities and factors.

- 6.3 Planning over the medium-term helps the Council to respond in a considered manner, to pressures and changes because of many internal and external influences. This is particularly important during a period where the Council is facing unprecedented changes and challenges. The recovery from the pandemic, the cost-of-living crisis, inflationary pressures and the changes in National funding are examples of this. The MTFF recognises the key role that financial resources play in the future delivery of outcomes and in enabling the effective planning, management and delivery of services that contribute towards the delivery of the Council's Strategic Plan.
- 6.4 The MTFF model provides the framework within which decisions relating to future service provision can be made. The detailed budget, taking account of constantly changing circumstances is regularly reviewed and the Council will be provided with updated budget monitoring reports as things progress.
- 6.5 Based on the current set of key assumptions set out in section 5, the 2024/25 net budget requirement and funding of £16.999m for approval, and the latest forecast net budget requirement and funding levels for 2025/26 to 2026/27, resulting in a budget gap of £1.348m by service is shown below:

2024/25 Budget and 2025/26 to 2026/27 MTFF	2024/25 £000s	2025/26 £000s	2026/27 £000s
Corporate and Customer Services	5,241	5,307	5,278
Environmental Services	6,698	6,835	6,975
Finance Procurement and Commercial Services	1,841	1,895	1,951
Housing Services	(877)	(975)	(985)
Legal and Democratic Services	1,353	1,378	1,397
Planning and Regulatory Services	1,939	2,006	2,018
Wellbeing and Place Services	1,341	1,473	1,684
Chief Officers	369	376	384
<b>NET SERVICE BUDGET</b>	<b>17,906</b>	<b>18,295</b>	<b>18,702</b>
Treasury & Banking	41	41	41
External Audit	142	142	142
Pensions	(168)	(188)	(188)
Apprenticeship Levy	69	70	71
GRA Recharges	(195)	(199)	(203)
Provision & Contingency	166	166	166
Parish Council Grants	89	89	89
<b>NET CENTRAL SERVICE BUDGET</b>	<b>144</b>	<b>121</b>	<b>118</b>
Treasury Management - Interest Received	(544)	(344)	(344)
Treasury Management - Interest Payments	147	167	167
Capital Charges - MRP	532	586	647
Dividends	0	0	(500)
Reserves	(1,049)	0	0
<b>NET NON SERVICE BUDGET</b>	<b>(914)</b>	<b>408</b>	<b>(31)</b>
<b>NET BUDGET</b>	<b>17,136</b>	<b>18,824</b>	<b>18,789</b>
Council Tax	(9,564)	(9,985)	(10,427)

Council Tax - Parish Precepts	679	679	679
Business Rates: Retained Income	(3,275)	(3,224)	(3,279)
Business Rates: S31 Grants	(3,760)	(3,760)	(3,760)
Prior Year Collection Fund (Surplus)/Deficit	(329)	0	0
Use of Collection Fund Smoothing Reserve	329	0	0
New Homes Bonus	(634)	0	0
Other Government Grants	(581)	(803)	(542)
<b>FUNDING</b>	<b>(17,136)</b>	<b>(17,094)</b>	<b>(17,329)</b>
<b>ANNUAL BUDGET (HEADROOM)/GAP</b>	<b>0</b>	<b>1,731</b>	<b>(270)</b>
<b>CUMULATIVE BUDGET (HEADROOM)/GAP</b>	<b>0</b>	<b>1,731</b>	<b>1,460</b>

## 7.0 RESERVES AND BALANCES

- 7.1 In accordance with statutory regulations and CIPFA guidance, the levels of balances and reserves are reviewed during the budget process to ensure that they are currently sufficient, and that they will remain adequate over the medium term.
- 7.2 The Council's medium-term financial approach involves using reserves to support the budget position while savings are being realised. The assumption made at budget setting in February 2023, was that £1.808m of reserves would be required in 2023/24 to enable the Council to achieve a balanced budget.
- 7.3 Whilst the reserves position as at 31 March 2023 in 7.7 shows a balance of £13.589m, the Collection Fund Stabilisation Reserve balance of £2.777m is earmarked to fund future years losses on the Collection Fund and smooth the impact of reforms to the Business Rates System and Baseline Reset. Excluding this reserve, the position as at 31 March 2023 is £10.812m.
- 7.4 Utilising of reserves of £1.780m in 2023/24 and a proposed £1.049m in 2024/25, presents an un-sustainable position on the overall reserves position, therefore the complete phasing out of the contribution from reserves has now been assumed over the remaining two-years of the MTFE in 2025/26 and 2026/27.
- 7.5 To reduce the dependence on reserves it is recommended further savings, efficiencies or income generation are identified over the three-year period 2024/25 to 2026/27, to reduce the drawdown on reserves and stabilise the Council's finances over the medium-term.
- 7.6 Reserves Protocol
1. Details for each GRA reserve held by the Council are set out in 7.7 below.
  2. Each reserve is managed and controlled by the s151 Officer of the Council who will act as the responsible officer for the reserve.
  3. The responsible officer can authorise amounts, commensurate with the current limit for Record of Decision (RoD) actions, to be taken from a reserve provided that its use is in line with the stated purpose of the reserve.
  4. Reserves are reviewed and updated as part of the annual budget preparation and as part of the closure of accounts process to ensure that they continue to be required and are adequate in size.
  5. Earmarked reserves represent money that has been set aside for a clearly defined purpose, and which is available to meet future expenditure in that area.

6. Balances represent unallocated funds which have not been earmarked and consequently are available to support any service area.

## 7.7 Reserves Balances and Forecast

Classification	Sub-Classification	2022/23 YE Balance £000s	2023/24 Forecast In-Year Movement £000s	2023/24 Forecast YE Balance £000s	2024/25 Forecast In-Year Movement £000s	2024/25 Forecast YE Balance £000s	2025/26 Forecast In-Year Movement £000s	2025/26 Forecast YE Balance £000s	2026/27 Forecast In-Year Movement £000s	2026/27 Forecast YE Balance £000s
General Fund Balance	Core Balances	(£690)	£0	(£690)	£0	(£690)	£0	(£690)	£0	(£690)
General Fund Balance	Contingency Balances	(£270)	£0	(£270)	£0	(£270)	£0	(£270)	£0	(£270)
<b>CORE and CONTINGENCY BALANCES</b>		<b>(£960)</b>	<b>£0</b>	<b>(£960)</b>	<b>£0</b>	<b>(£960)</b>	<b>£0</b>	<b>(£960)</b>	<b>£0</b>	<b>(£960)</b>
Corporate Reserves	SORP / Policy Options Reserve	(£172)	£0	(£172)	£0	(£172)	£0	(£172)	£0	(£172)
Corporate Reserves	Budget Smoothing Reserve	(£2,842)	£1,780	(£1,062)	£1,049	(£13)	£0	(£13)	£0	(£13)
Corporate Reserves	Benefits Equalisation Reserve	(£908)	£0	(£908)	£0	(£908)	£0	(£908)	£0	(£908)
Corporate Reserves	Planning Income Equalisation Reserve	(£125)	£125	£0	£0	£0	£0	£0	£0	(£0)
Corporate Reserves	Collection Fund Stabilisation Reserve	(£2,777)	£1,076	(£1,701)	(£329)	(£2,030)	£0	(£2,030)	£0	(£2,030)
Corporate Reserves	Major Projects Reserve	(£399)	£69	(£330)	£0	(£330)	£0	(£330)	£0	(£330)
Corporate Reserves	Strategic Investment Reserve	(£613)	£0	(£613)	£0	(£613)	£0	(£613)	£0	(£613)
Corporate Reserves	Service Reserves	(£1,920)	£476	(£1,444)	£84	(£1,360)	(£75)	(£1,435)	(£100)	(£1,535)
<b>CORPORATE RESERVES</b>		<b>(£9,756)</b>	<b>£3,526</b>	<b>(£6,230)</b>	<b>£804</b>	<b>(£5,426)</b>	<b>(£75)</b>	<b>(£5,501)</b>	<b>(£100)</b>	<b>(£5,601)</b>
Insurance Reserve	Insurance Reserve	(£938)	£0	(£938)	£0	(£938)	£0	(£938)	£0	(£938)
<b>INSURANCE RESERVES</b>		<b>(£938)</b>	<b>£0</b>	<b>(£938)</b>	<b>£0</b>	<b>(£938)</b>	<b>£0</b>	<b>(£938)</b>	<b>£0</b>	<b>(£938)</b>
Ring Fenced Reserves	P&D Machine Replacement Fund	(£29)	(£5)	(£34)	(£5)	(£39)	(£5)	(£44)	(£5)	(£49)
Ring Fenced Reserves	Solar Panel R&R Fund	(£300)	£0	(£300)	£0	(£300)	£0	(£300)	£0	(£300)
Ring Fenced Reserves	Community Related Assets - R&R Fund	(£222)	(£40)	(£262)	(£30)	(£292)	(£30)	(£322)	(£30)	(£352)
Ring Fenced Reserves	Industrial Portfolio Fund	(£996)	(£92)	(£1,088)	(£143)	(£1,231)	(£137)	(£1,368)	(£137)	(£1,505)
Ring Fenced Reserves	Investment Centre Reserve	(£389)	(£50)	(£439)	(£50)	(£489)	(£50)	(£539)	(£50)	(£589)
<b>RING FENCED RESERVES</b>		<b>(£1,935)</b>	<b>(£187)</b>	<b>(£2,122)</b>	<b>(£228)</b>	<b>(£2,350)</b>	<b>(£222)</b>	<b>(£2,572)</b>	<b>(£222)</b>	<b>(£2,794)</b>
<b>TOTAL GRA RESERVES</b>		<b>(£13,589)</b>	<b>£3,339</b>	<b>(£10,250)</b>	<b>£576</b>	<b>(£9,674)</b>	<b>(£297)</b>	<b>(£9,971)</b>	<b>(£322)</b>	<b>(£10,293)</b>

## 8.0 CAPITAL PROGRAMME

8.1 The Capital Strategy for 2024/25 – 2026/27 is presented in a separate report in this agenda.

8.2 The proposed Capital Programme for the period 2024/25 to 2026/27 totals £16.285m.

General Fund (GRA) Service Area	2023/24 F/cast Expenditure £'000s	2024/25 £'000s	2025/26 £'000s	2026/27 £'000s
Corporate and Customer Services	£214	£1,807	£250	£250
Environmental Services	£178	£375	0	£0
Finance Procurement and Commercial Services	£484	£540	£210	£30
Housing Services	£1,692	£1,969	£1,608	£1,608
Planning and Regulatory Services	£256	£20	£0	£0
Wellbeing and Place Services	£3,629	£6,412	£6	£0
<b>Total GRA Capital Programme Expenditure</b>	<b>£6,453</b>	<b>£11,123</b>	<b>£2,074</b>	<b>£1,888</b>

8.3 The above table includes £1.578m of new expenditure in 2024/25 which is to support the 3 schemes below that were agreed at the February 2023 Council.

Service	Budget Issue Name	2024/25 £'000s	2025/26 £'000s	2026/27 £'000s
Finance, Procurement and Commercial Services	Capital works 23/24	£10	£180	£0
Wellbeing and Place Services	Chapel Gallery – Repair works	£33	£6	£0
Wellbeing and Place Services	UK Shared Prosperity Fund	£1,535	£0	£0
<b>New Service Items 2024/25</b>		<b>£1,578</b>	<b>£186</b>	<b>£0</b>

In addition to the above, there will also be a new bid for the Waste Transfer Station which will be in the region of £200k for Phase 1 in 2024/25 and another for £200k for Phase 2 in 2025/26. This based upon estimates received to date from external consultants and will be subject to change.

8.4 The Capital Programme is to be funded by the following resources with any remaining balance funded with the use of prudential borrowing.

FUNDING	2023/24 F/cast Expenditure £'000s	2024/25 £'000s	2025/26 £'000s	2026/27 £'000s
Capital Receipts	£1,013	£2,431	£0	£0
GRA Contributions	£0	£0	£0	£0
Prudential Borrowing	£1,782	£3,640	£630	£444
Community Infrastructure Levy (CIL)	£1,744	£1,062	£0	£0
Section 106	£3	£398	£0	£0
Other Grant Funding	£1,911	£3,592	£1,444	£1,444
<b>Total GRA Capital Programme Funding</b>	<b>£6,453</b>	<b>£11,123</b>	<b>£2,074</b>	<b>£1,888</b>

## **9.0 ROBUSTNESS OF ESTIMATES AND ADEQUACY OF RESERVES**

- 9.1 It is a requirement of the Local Government Act 2003 for the Council's Chief Finance Officer to give an opinion as to the robustness of the budget estimates and the adequacy of the financial reserves (s25) and the minimum level of reserves (s26). These opinions are provided to Members to assist in their determination as to whether the proposed budget is sufficient to meet the needs of the Council.
- 9.2 In determining the budget for the forthcoming year there have been important decisions about the continued use of reserves. The planned use of reserves totalling £0.804m in 2024/25 from 7.7 above, includes £1.049m of general reserves to support the budget that is a one-off source of funding. As the reliance on reserves is removed the budget gap over the period 2025/26 to 2026/27 increases by this amount.
- 9.3 All aspects of the budget have been reviewed to ensure that reasonableness (robustness) tests have been carried out, that detailed calculations are sound, and that the risks have been quantified and provided for as far as possible.
- 9.4 Statement by the Head of Finance, Procurement and Commercial Property in his capacity as the s151 Officer of the Council:

*This statement is not a guarantee that expenditure will be contained within each budget line, as budget estimates are exactly that. Estimates of the financial environment, spending and income made at a point in time, which will change as circumstances change.*

*Therefore, it is an assessment of the overall budget package and whether there is a reasonable expectation that the budget overall will not be breached.*

*On the basis, good financial management, and the sound monitoring of budgets and performance which exists. I am satisfied that sufficient management processes are present within the Council to deliver this budget and to identify and deal with issues which may arise unexpectedly during the year.*

*As the Council s151 Officer I'm able to report (in accordance with Section 25 of the Local Government Act 2003) that the estimates made for the purposes of the calculation of the budget are robust and the level of reserves and balances are adequate and (in accordance with Section 26 of the Local Government Act 2003) the minimum level of general reserve be set at £960k.*

## **10.0 MEDIUM-TERM OUTLOOK**

- 10.1 The Government continued with a detailed one-year funding settlement for 2024/25 and set out through a Local Government Finance settlement (LGFS) Policy Statement issued on 18 December 2023.
- 10.2 We also await confirmation of the details to the long-awaited Government reforms to the settlement formula (Fairer Funding), together with a new business rates



retention system and baseline reset. In the December LGFS Policy Statement Government announced that this will not be implemented in the next two years.

- 10.3 Whilst the economic outlook, appears to have eased over the previous 12 months and looks to be easing further in the next year, there is still economic uncertainty created by upcoming events such as elections both in the UK and the United States and the continuing wars and conflicts in Ukraine and the Middle East.
- 10.4 Forecasting the impact of the current economic climate with any certainty on the MTF, is therefore extremely difficult.
- 10.5 Consequently, the MTF will be continually refreshed once new information becomes available to establish the Council's financial position going forward.
- 10.6 The current MTF position to 2026/27 shows a budget gap of £1.348m. Consequently, it is proposed that the following indicative workplan be undertaken in the coming months:
- Undertake service reviews
  - Undertake detailed budget analysis work to include statutory and non-statutory elements
  - Further review of sales, fees and charges
  - Undertake sensitivity and scenarios analysis modelling

## **11.0 SUSTAINABILITY IMPLICATIONS**

- 11.1 There are no significant sustainability impacts associated with this report and no significant impact on crime and disorder.

## **12.0 RISK ASSESSMENT**

- 12.1 The formal consideration and reporting of the budget estimates is part of the overall budgetary management and control framework that is designed to minimise the financial risks facing the Council. This process is resource intensive for both Members and Officers but ensures that a robust and achievable budget is set.
- 12.2 The challenging financial position facing local authorities has been evaluated and assessed as being a key risk, and consequently is included on the Council's key risk register.

## **13.0 HEALTH AND WELLBEING IMPLICATIONS**

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

### **Background Documents**

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

### **Equality Impact Assessment**

The direct impact on members of the public, employees, elected members and / or stakeholders is dependent on the proposals to be put forward at the Council meeting. Therefore, no Equality Impact Assessment has been produced at this time.

### **Appendices**

Appendix 1 Budget Movements

Appendix 2 2024 Budget Proposals

Appendix 3 Minute of Executive Overview & Scrutiny Committee

Appendix 4 Minute of Cabinet

## APPENDIX 1: BUDGET MOVEMENTS

Movement Heading	Description	2024/25 £000s	2025/26 £000s	2026/27 £000s
<b>NET BUDGET</b>		<b>520</b>	<b>1,696</b>	<b>(429)</b>
<b>Net Service Budget</b>		<b>(172)</b>	<b>371</b>	<b>10</b>
Permanent Virements	Salary - Pay Award Catchup of the £1,925 additional 3%	648	0	0
Permanent Virements	Salary – Budget at top SCP & Vacancy/Scale Factor @10%	287	3	0
Permanent Virements	Increase in HRA recharge restructure	166	0	0
Permanent Virements	Budget Re-alignment of Brokers Fee	0	0	0
<b>Permanent Virements</b>		<b>1,101</b>	<b>3</b>	<b>0</b>
RODs (2023/24)	New FTC BID posts	100	0	0
RODs (2023/24)	Funding of FTC BID posts HRA	(100)	(4)	104
<b>RODs</b>		<b>0</b>	<b>(4)</b>	<b>104</b>
Budget Assumptions	Salary - Base Movements FTCs	(725)	0	0
Budget Assumptions	Employee Vacancy/Scale Factor Increase for Pay Award	(55)	14	(14)
Budget Assumptions	Insurance Fund Provision Top-Up	80	0	0
Budget Assumptions	National Fraud Initiative	3	0	0
Budget Assumptions	Commercial Property: Minimum Energy Efficiency Standards (MEES)	(51)	6	0
Budget Assumptions	Commercial Property: Use of Investment Property Portfolio Reserve to Fund MEES	51	(6)	0
Budget Assumptions	Council Elections Delivery	(95)	(48)	0
Budget Assumptions	Council Elections Budget Stabilisation Reserve	196	50	0
Budget Assumptions	Investment Properties - Service Charge (Energy)	(98)	(17)	(17)
Budget Assumptions	Service Reserve Movements / Reversals	1	109	25
Budget Assumptions	Capita Valuation Contract of GRA Assets	33	2	2
Budget Assumptions	Change in HRA recharge - inflation	(47)	(83)	(83)
Budget Assumptions	Cost of road closures for Civic Events	9	0	0
Budget Assumptions	Increase in Homelessness/Rough Sleepers Grant Funding	(73)	0	0
Budget Assumptions	UKSPF funding for temporary posts	(504)	384	120
Budget Assumptions	End of MPT/Kickstart funding	135	0	0
Budget Assumptions	Reduction of outside contractors – Weed Removal	(27)	0	0
Budget Assumptions	Increase in service charge – Gorsey PI	(10)	0	0
Budget Assumptions	Increase in CIL Admin Fee – to fund Scale 5 post	(38)	0	0
Budget Assumptions	Governance Review	25	0	(25)

Movement Heading	Description	2024/25 £000s	2025/26 £000s	2026/27 £000s
Budget Assumptions	Removal of vired amount to fund redundancy payment BID team	(18)	0	0
Budget Assumptions	Corporate Items – Legal fees/tribunals etc	15	0	0
<b>Budget Assumptions</b>		<b>(1,193)</b>	<b>411</b>	<b>8</b>
Approved - Growth Bids (FEB22)	Additional income and/or efficiencies to be generated from the Finance FBP	(10)	0	0
Approved - Growth Bids (FEB22)	Supporting the business & Visitor economy & attracting inward investment	(29)	(13)	0
Approved - Growth Bids (FEB22)	Employment Debt recovery task force for 3 months	1	0	0
Approved - Growth Bids (FEB22)	Revenue consequences of Capital bid - C8 - Beconsall Closed Church Yard	2	0	0
Approved - Growth Bids (FEB22)	Microsoft Site Licences	5	0	0
Approved - Growth Bids (FEB23)	Technical Support Officer Apprentice	0	(22)	0
Approved - Growth Bids (FEB23)	Staffing – Homelessness Triage	0	(20)	0
Approved - Growth Bids (FEB23)	Strategic Planning Manager	53	17	0
Approved - Growth Bids (FEB23)	CCTV Contract Monitoring Staff	(15)	0	0
<b>Approved Growth Items</b>		<b>7</b>	<b>(38)</b>	<b>0</b>
Approved - Policy Proposals (FEB23)	One-year Grant to Dial -a-Ride	(30)	0	0
Approved - Policy Proposals (FEB23)	Leisure Facilities Growth	(153)	0	0
Approved - Policy Proposals (FEB23)	Leisure Facilities Budget Stabilisation Reserve	102	0	0
<b>Approved Policy Proposals</b>		<b>(81)</b>	<b>0</b>	<b>0</b>
Approved - Saving Prop (FEB23)	Members Allowance Budget Reduction from 54 to 45 Councillors	(6)	0	0
<b>Approved Savings Proposals</b>		<b>(6)</b>	<b>0</b>	<b>0</b>
Approved – Efficiency Prop (FEB23)	Staffing – Extended Temporary Team Staffing	0	0	(102)
<b>Approved Efficiency Proposals</b>		<b>0</b>	<b>0</b>	<b>(102)</b>
<b>Net Non Service Budget</b>		<b>692</b>	<b>1,325</b>	<b>(439)</b>
Non Service: Treasury Management	Reduction of Interest Received from Investments	0	0	0
Non Service: Treasury Management	Additional Interest Received from Increased Interest Rates	(225)	200	0
Non Service: Treasury Management	Capital Programme 24/25 to 26/27: Interest on Borrowing	53	19	0
Non Service: Capital Charges MRP	MRP - Change of Policy	11	12	0
Non Service: Capital Charges MRP	Capital Programme 24/25 to 26/27: MRP	120	43	61
Non Service: Dividends	Returns from TVDC	0	0	(500)
Non Service: Dividends	Deletion of the Returns from TVDC	0	0	0
Non Service: Reserves	Phasing out of the contribution from Reserves	702	567	0
Non Service: Reserves	One-Off Use of Reserves in 24/25 to Balance the Budget Gap	31	484	0
<b>Budget Assumptions</b>		<b>692</b>	<b>1,325</b>	<b>(439)</b>

Movement Heading	Description	2024/25 £000s	2025/26 £000s	2026/27 £000s
Approved - Policy Proposals (FEB22)	Reversal of the use of Reserves agreed at Council Feb 2022	0	0	0
<b>Approved Policy Proposals</b>		<b>0</b>	<b>0</b>	<b>0</b>
<b>FUNDING</b>		<b>(492)</b>	<b>463</b>	<b>206</b>
2023/24 LG Finance Settlement	Business Rates: Individual Authority Baseline	(735)	0	0
2023/24 LG Finance Settlement	Business Rates: Tariff	549	0	0
2023/24 NNDR1 Forecast	Business Rates: (Growth)/Decline	41	52	(55)
2023/24 NNDR1 Forecast	Business Rates: S31 Grants	(267)	0	0
Collection Fund Forecast	Estimated in-year Collection Fund Outturn position	(£1,035)	0	0
Collection Fund Forecast	Movement on Collection Fund Stabilisation Reserve	£1,075	0	0
2023/24 LG Finance Settlement	Government Funding: New Homes Bonus	134	634	0
2023/24 LG Finance Settlement	Government Funding: RSG, Lower Tier, Services & Funding Guarantee Grants	(254)	(223)	261

## APPENDIX 2: 2024 BUDGET PROPOSALS

Service	Budget Issue Description	Budget Group	2024/25 £000s	2025/26 £000s	2026/27 £000s
<b>NET BUDGET</b>			<b>(£1,182)</b>	<b>(£11)</b>	<b>£81</b>
<b>Net Service Budget</b>			<b>(£1,182)</b>	<b>(£11)</b>	<b>£81</b>
Wellbeing and Place Services	One-year Grant to Dial-a-Ride	Operational	30	(30)	0
<b>Growth Items</b>			<b>£30</b>	<b>(£30)</b>	<b>0</b>
Corporate and Customer Services	Central ICT costs	Operational	(367)	(11)	(19)
Housing Services	Skelmersdale Town Centre running costs/Increased DFG Agency Income	Operational	(63)	0	0
Legal and Democratic Services	Boundary Review Costs	Operational	(5)	0	0
Wellbeing and Place Services	UKSPF funding for Voluntary Bodies/DAR	Operational	(152)	30	100
Planning and Regulatory Services	Reduction of PCSO funding	Operational	(70)	0	0
Environmental Services	WAMITAB Inspection Fees	Operational	(50)	0	0
Environmental Services	Pest Control increase in fees (cost recovery)	Fees & Charges	(40)	0	0
Environmental Services	Trade Refuse increase in fees 10%	Fees & Charges	(38)	0	0
Environmental Services	Fly tipping increase in fees (£200 to £400)	Fees & Charges	(17)	0	0
Environmental Services	Grave digging increase in fees	Fees & Charges	(16)	0	0
Environmental Services	Green waste increase in fees - £15	Fees & Charges	(336)	0	0
Environmental Services	Bulky Waste increase in fees (cost recovery)	Fees & Charges	(28)	0	0
<b>Saving Proposals</b>			<b>(£1,212)</b>	<b>£19</b>	<b>£81</b>

Staff	£0	£0	£0
Operational	(£77)	(£11)	£81
Fees & Charges	(£505)	£0	£0
Reserves	£0	£0	£0
<b>Proposals Total</b>	<b>(£1,182)</b>	<b>(£11)</b>	<b>£81</b>

## APPENDIX 2: 2024 BUDGET PROPOSALS

Service	Manager	Budget Issue Description	Budget Group	2024/25 £000s	2025/26 £000s	2026/27 £000s
<b>NET BUDGET</b>				<b>(£1,260)</b>	<b>(£41)</b>	<b>£81</b>
<b>Net Service Budget</b>				<b>(£1,260)</b>	<b>(£41)</b>	<b>£81</b>
Wellbeing and Place Services	Simon Kirby	One-year Grant to Dial-a-Ride	Operational	30	(30)	0
<b>Growth Items</b>				<b>£30</b>	<b>(£30)</b>	<b>0</b>
Corporate and Customer Services	Lisa Windle	Annual Savings Master CCS	Operational	(442)	(11)	(19)
Housing Services	Alan Leicester	Annual Savings Master HS	Operational	(63)	0	0
Legal and Democratic Services	Kay Lovelady	Annual Savings Master LDS	Operational	(5)	0	0
Wellbeing and Place Services	Simon Kirby	Annual Savings Master WPS	Operational	(122)	0	100
Planning and Regulatory Services	Paul Charlson	Annual Savings Master PRS	Operational	(7)	0	0
Environmental Services	Kathryn Sephton	Annual Savings Master ES	Operational	(50)	0	0
Environmental Services	Kathryn Sephton	Pest Control increase in fees (cost recovery)	Fees & Charges	(40)	0	0
Environmental Services	Kathryn Sephton	Trade Refuse increase in fees 10%	Fees & Charges	(38)	0	0
Environmental Services	Kathryn Sephton	Fly tipping increase in fees (£200 to £400)	Fees & Charges	(17)	0	0
Environmental Services	Kathryn Sephton	Grave digging increase in fees	Fees & Charges	(16)	0	0
Environmental Services	Kathryn Sephton	Green waste increase in fees - £15	Fees & Charges	(336)	0	0
Environmental Services	Kathryn Sephton	Bulky Waste increase in fees (cost recovery)	Fees & Charges	(28)	0	0
Wellbeing and Place Services	Simon Kirby	Car Parking increase in fees	Fees & Charges	(126)	0	0
<b>Saving Proposals</b>				<b>(£1,290)</b>	<b>(£11)</b>	<b>£81</b>

Staff	£0	£0	£0
Operational	(£659)	(£41)	£81
Fees & Charges	(£601)	£0	£0
Reserves	£0	£0	£0
<b>Proposals Total</b>	<b>(£1,260)</b>	<b>(£41)</b>	<b>£81</b>







**Executive Overview & Scrutiny:**  
**25 January 2024**

**Cabinet: 6 February 2024**

**Council:**  
**28 February 2024**

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

**Contact for further information:** Cathy Murphy  
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**SUBJECT: CAPITAL STRATEGY AND PROGRAMME 2024/25 to 2026/27**

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**Wards affected: Borough Wide**

## **1.0 PURPOSE OF REPORT**

- 1.1 To set the framework for capital financing and treasury management operations for the next financial year.

## **2.0 RECOMMENDATIONS**

### **Executive Overview & Scrutiny**

Are asked to recommend the following items to Council for approval:

- 2.1 That the Capital Strategy and Programme for 2024/25 be noted.

### **Cabinet**

- 2.2 That the Capital Strategy and Programme for 2024/25 be noted.

### **Council**

- 2.3 That the Capital Strategy and Programme for 2024/25 be agreed.

## **3.0 Introduction**

- 3.1 The Prudential Code for Capital Finance in Local Authorities (updated December 2021) sets out the requirement for councils to prepare a Capital Strategy, and this document has been produced in accordance with the latest guidance.
- 3.2 This strategy updates the capital strategy for both the general fund (GRA programme) and for the HRA, and sets out the direction for the Council's capital programme management and investment decisions in support of our outcomes. It sets out the principles for prioritising our capital investments, the governance,

scrutiny and assurance process. It also provides an overview of the asset management process and approach to risk management.

- 3.3 The effective management of capital resources is an integral aspect in the delivery of the Council's corporate objectives. The Capital Strategy provides the framework for this delivery and ensures there is a focused approach to our capital investment. The Strategy maintains a strong link to its key strategy documents notably the Medium-Term Financial Strategy (MTFS), Treasury Management Strategy, Investment strategy. The Strategy will be reviewed annually and updated to take account of the challenges facing the Council and the residents of West Lancashire.

#### **4 Background**

- 4.1 The Council formulates its capital investment programme as part of its annual budget setting process. The aim is to ensure that the programme is affordable, deliverable and in line with the Council's priorities for expenditure.
- 4.2 The key priorities continue to be supported by our capital investment programme, for instance through our greener energy initiatives and the development of cycleways, we are working towards a cleaner environment with increased provision of litter bins and CCTV initiatives to deter and address fly tipping. The programme funding for the provision of healthy hubs, to achieve the healthier community objective.
- 4.3 Although not currently in the strategy, there is work well underway to look at the long-term leisure service needs, including provision of new leisure facilities, to replace existing centres. At this stage, the affordability is still being worked upon, as the Council's £11m bid for levelling up funding has not been successful.

#### **5. Objectives**

- 5.1 To support the MTFS by ensuring that capital investment decisions are not taken in isolation from revenue spending with specific emphasis on delivering future savings and income streams capable of supporting the revenue budget.

Also ensuring the right capital assets are fit for purpose for the Council and partners and supports the Council's priorities.

#### **6. Capital Programme – General Fund**

General Fund – the programme includes £1.578M of new expenditure in 2024/25 and £1.918M recurring and continuation of schemes. In addition to this there will be estimated slippage of £8.796M, that is expenditure shown under the 2023/24 programme, that is now included in the 2024/25 programme likely to occur until 2024/25. There is also an item of £30k that relates to Litter bins that was agreed at February 2022 Council. This is included within the £375k for Environmental Services.

General Fund (GRA) Service Area	2023/24 f/cast Expenditure £'000s	2024/25 £'000s	2025/26 £'000s	2026/27 £'000s
Corporate and Customer Services	£214	£1,807	£250	£250
Environmental Services	£178	£375	£0	£0
Finance Procurement and Commercial Services	£484	£540	£210	£30
Housing Services	£1,692	£1,969	£1,608	£1,608
Planning and Regulatory Services	£256	£20	£0	£0
Wellbeing and Place Services	£2,429	£7,612	£6	£0
<b>Total GRA Capital Funding Expenditure</b>	<b>£5,252</b>	<b>£12,322</b>	<b>£2,074</b>	<b>£1,888</b>

## 6.1 General Fund New Items 2024/25

There is £1.578M of new expenditure included in the overall capital programme shown above. This is to support the three schemes identified below that were agreed at February 2023 Council.

Service	Budget Issue Name	2024/25 £'000s	2025/26 £'000s	2026/27 £'000s
Finance Procurement and Commercial Services	Capital works 23/24	£10	£180	£0
Wellbeing and Place Services	Chapel Gallery - Repair works	£33	£6	£0
Wellbeing and Place Services	UK Shared Prosperity Fund	£1,535	£0	£0
<b>New Service Items 2024/25</b>		<b>£1,578</b>	<b>£186</b>	<b>£0</b>

In Addition to the above there will also be a new bid for the Waste Transfer Station which will be in the region of £200k for Phase 1 and will be in the 2024/25 Capital Programme and another £200K for Phase 2 which will be required in the 2025/26 Capital Programme. This is based upon estimates received so far from external consultants but may be subject to change.

## 6.2 Capital Resources – General Fund

The above programme is to be resourced by the resources as identified below:

General Fund (GRA) Service Area	2023/24 f/cast Expenditure £'000s	2024/25 £'000s	2025/26 £'000s	2026/27 £'000s
Capital Receipts	£1,012	£2,429	£0	£0
GRA Contributions	£0	£0	£0	£0
Prudential Borrowing	£1,782	£3,640	£630	£444
CIL	£1,744	£1,062	£0	£0
s106	£3	£398	£0	£0
Other Grant Funding	£1,911	£3,592	£1,444	£1,444
<b>Total GRA Capital Funding Expenditure</b>	<b>£6,452</b>	<b>£11,120</b>	<b>£2,074</b>	<b>£1,888</b>

### 6.3 Sources of Finance for the Capital Programme

There are both external and internal sources of financing available to fund the capital programme. When these resources are depleted, the Council will be required to resort to prudential borrowing. The cost of this borrowing will vary depending on timing due to interest rate variations.

#### External Funding

Where external resources are available to support the Capital Programme these are applied first, to reduce the borrowing burden on the Council. These can include grants from government bodies such as funding to enable the award of disabled facilities grants, statutory and other developer contributions (e.g. S106/CIL - Community Infrastructure Levy) and partner contributions from bodies interested in specific projects. It can be seen from the table in 4.2 that £5.052m of CIL and other grant funding will be used in delivering the 2024/25 capital programme.

Forecast Movement on Capital Resources	31 Mar 23	23/24 Receipts	23/24 Utilised	31 Mar 24
<b>Unfinanced:</b>				
Prudential Borrowing	0	0	-482	0
<b>Capital Resources:</b>				
Capital Receipts Reserve	5,072	523	-1,112	4,483
s106	2,460	0	-3	2,457
HCA	1,615	0	0	1,615
Capital Grants Unapplied Account	779	1,133	-1,911	1
Community Infrastructure Levy	11,779	0	-1,744	10,035
<b>Available Resources Applied 2022/23</b>	<b>21,705</b>	<b>1,656</b>	<b>-4,771</b>	<b>18,591</b>
<b>Capital financing available and used 2023/24</b>	<b>21,705</b>	<b>1,656</b>	<b>-5,252</b>	<b>18,591</b>

In addition to this, a further £415k for 2024/25 has been identified in delivering UK prosperity fund scheme objectives and a further £442k from Rural England Prosperity Fund (REPF).

The Council has also secured funding in the form of a Heritage Action Zone grant. The total project is for £3.426m, of which the council's share is £1.130m. The current programme includes £742k of expenditure and resources, with work underway to identify the remaining £380k that is expected to be funded from s106 receipts.

It is expected that projects with 100% external funding will be added to the programme once business case requirements are met: namely, that the scheme meets the Council's strategy objectives; the scheme is subject to investment appraisal to ensure best use of funders resources; an assessment is made of the ongoing financial impact on the Council; there is evidence of a commercial

approach to the decision; and that the Council has the availability of management resources to deliver the project effectively.

### **Internal Funds**

When the Council has exhausted its available external grant funding, it then applies its own resources. These may include the setting aside of earmarked reserves to deliver capital priorities, or the use of the Council's capital receipts.

#### **Capital receipts**

The largest source of capital receipts available to the council are from right to buy sales. These are sales from the disposal of council owned dwellings.

From 2024/25, it has been agreed that these receipts are used exclusively in the HRA capital programme. This is in recognition that these are assets lost to the HRA, and the income streams that would have been due to the HRA from these assets is now not available to undertake the essential capital works in achieving carbon targets on dwellings. The policy does not undo the commitments already included within the capital programme, so the receipts for 2023/24 will still be available to meet those projects previously planned to be financed.

#### **Revenue and reserves**

The Council may also, if affordable, make a GRA revenue contribution to the capital programme. As can be seen from the financing in the table above, there are no proposed GRA contributions.

At the end of the 2022/23 the Council had £21.7m in capital resources available (internal and external). There are £5.2m of commitments against these in 2023/24.

#### **Unfinanced expenditure / Prudential borrowing**

Where there is no identified source of either internal or external financing for a scheme, this is said to be unfinanced, and requires borrowing. It may be that the council will need to borrow from the PWLB, incurring an interest charge.

Where available, the Council may use its own cash balances to delay the need for borrowing. These balances could be, for example, cash reserves which have not been spent yet, or cash set aside to meet a future provision. Where internal cash is used there is still an interest cost in the form of a loss of interest earned on investments, but this will be cheaper than the market lending rate.

In addition to interest, the Council will be required to set aside a 'minimum revenue provision'; essentially setting aside funds for the repayment of debt. This is paid back over the life of the asset.

The Council has £6.496m in the general fund programme that is not financed, which requires prudential borrowing.

## 6.4 Capital Expenditure – Housing Revenue Account

HRA Service Area	2023/24 £'000s	2024/25 £'000s	2025/26 £'000s	2026/27 £'000s
Housing Investment Plan	£7,742	£6,838	£6,328	£6,328
Other Housing schemes	£6,622	£16,023	£2,523	£2,523
TVDL Expenditure	£3,542	£4,303	£5,666	£4,460
<b>Total Capital Funding</b>	<b>£17,906</b>	<b>£27,164</b>	<b>£14,517</b>	<b>£13,311</b>

The HRA capital programme includes the three themed headings above. The first section, housing investment plan, ensures decency and that homes are maintained to a habitable standard.

Tawd Valley Developments Limited (TVD) is the Council's commercial company, which builds affordable homes across Skelmersdale and Westhead and has so far delivered 108 new homes for the residents of West Lancashire.

The Business Plan approved in July 2023 was based upon 190 affordable homes in West Lancashire with 50 of those units at the Fairlie site in Skelmersdale. 27 of which have been delivered ahead of schedule with the remaining 23 homes expected to be delivered before the end of the 2023/24 financial year.

This project has a project team that covers all disciplines and when required external professional advice will be sought.

## 6.5 Financing HRA Capital Programme

HRA Financing	2023/24 £'000s	2024/25 £'000s	2025/26 £'000s	2026/27 £'000s
Capital Receipts	£10	£359	£363	£366
Government Grants	£1,212	£716	£1,188	£1,187
HRA Contributions	£3,139	£3,017	£2,891	£2,762
Major Repairs Reserve	£4,066	£4,188	£4,314	£4,443
Prudential Borrowing	£9,479	£18,884	£5,761	£4,553
<b>Total Capital Funding</b>	<b>£17,906</b>	<b>£27,164</b>	<b>£14,517</b>	<b>£13,311</b>

## 7. Risk Management

7.1 An important part of the Council's investment and risk strategy is that all potential risks are investigated. This is done by logging all risks on the Council's risk platform (Pentana) which analyses the likelihood of the risk occurring and mitigations are put in place to manage these risks.

The monitoring and management of mitigating these risks is a key part of the Capital programme.

## **8. Knowledge and Skills**

- 8.1 The Council's Capital and Treasury Programmes are managed by professionally qualified Accountants. All Finance Business Partners at the Council are qualified Chartered Accountants with extensive Local Government Experience, and all keep up to date with new developments and complete Continuous Professional Development (CPD) on an ongoing basis.
- 8.2 The Council's Head of Finance, Procurement and Commercial Services is the S151 officer and has overall control and responsibility for the Capital Programme. He is also a professionally qualified accountant and follows an ongoing CPD programme.
- 8.3 The Council's Investment Project Manager reviews all commercial and investment activity from inception right through to project completion and ongoing performance management and is also a professionally qualified Chartered Public Financial Accountant (CPFA).

## **9.0 SUSTAINABILITY IMPLICATIONS**

- 9.1 The Capital Programme includes schemes that the Council plans to implement to enhance service delivery and assets. The Capital Programme also achieves the objectives of the Prudential Code for Capital Finance in Local Authorities by ensuring capital investment plans are affordable, prudent, and sustainable. This report provides an updated position on project plans and shows progress against them.

## **10.0 RISK ASSESSMENT**

- 10.1 Capital assets shape the way services are delivered for the long term and, as a result, create financial commitments. The formal reporting of performance against the Capital Programme is part of the overall budgetary management and control framework that is designed to minimise the financial risks facing the Council. Schemes within the Programme that are reliant on external contributions and/or decisions are not started until funding is secured. Other resources that are subject to fluctuations are monitored closely to ensure availability. The Capital receipts position is scrutinised on a regular basis and managed over the medium term to mitigate the risk of unfunded capital expenditure.

## **11.0 HEALTH AND WELLBEING IMPLICATIONS**

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

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### **Background Documents**

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

### **Equality Impact Assessment**

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

### **Appendices**

- A Funding of Capital Programme 2024-25-2026-27
- B Minute of Executive Overview & Scrutiny Committee
- C Minute of Cabinet





Receipts	7153	7153ReceiptsHyb	Corporate and Customer Services	Hybrid, Remote and Streaming Council Meetings						£0	£0	plan is not to require all of this, looks like only 50k only needed not yet confirmed
Receipts	7112	7112ReceiptsMas	Corporate and Customer Services	Mastercard Gateway Upgrade						£0	£0	
Receipts	7108	7108ReceiptsMicr	Corporate and Customer Services	Microsoft M365 Phase 3			£100			£100	£0	
Receipts	7113	7113ReceiptsDigt	Corporate and Customer Services	Digital Innovation and the continued development of ServiceNow			£80			£80	£0	
Receipts	7155	7155ReceiptsSho	Corporate and Customer Services	Shop Front Improvement Fund			£50			£50	£0	this is be looked into further as the task and finish groups for this have been disbanded and this project is on hold.
Receipts	7795	7795ReceiptsDigt	Corporate and Customer Services	Digital Transformation						£0	£0	This project is no longer going ahead and was released back to pot in December 2023
Receipts	7603	7603ReceiptsCulv	Environmental Services	Culvert Debris Screens						£0	£0	
Receipts	7781	7781ReceiptsPurc	Environmental Services	Purchase of Vehicles						£0	£0	
Receipts	7126	7126ReceiptsPurc	Environmental Services	Purchase of Wheelie Bins						£0	£0	
Receipts	7125	7125ReceiptsExp	Environmental Services	Expand In Cab System						£0	£0	
Receipts	7770	7770ReceiptsWas	Environmental Services	Waste Collection Projects						£0	£0	
Receipts	7134	7134ReceiptsLitt	Environmental Services	Litter Bin Policy Review (Cabinet November 2019)	£0	£30	(£0)			£30	£0	The £5k that is in recurrence of schemes is not required in 2023/24 so has been removed
Receipts	7129	7129ReceiptsStre	Environmental Services	Street Cleansing Tools						£0	£0	
Receipts	7137	7137ReceiptsLive	Environmental Services	Liverpool Road Cemetery						£0	£0	
Receipts	7136	7136ReceiptsWas	Environmental Services	Waste Management Service			£35			£35	£0	White Paper has been released now awaiting LCC
Receipts	7148	7148ReceiptsGlut	Environmental Services	Glutton Vacuum Cleaner						£0	£0	
Receipts	7149	7149ReceiptsBecc	Environmental Services	Becconsall Closed Church Yard			£30			£30	£0	This is with legal and hopefully won't be needed
Receipts	7150	7150ReceiptsTree	Environmental Services	Tree Management			£90			£90	£0	with procurement as at present
Receipts	7603	7603ReceiptsCulv	Environmental Services	Culvert Management			£70			£70	£0	awaiting quotes for a consultant, 1st quote is £30k



Receipts	7784	7784ReceiptsCap	Finance Procurement and Commercial Services	Capitalise revenue transformation costs.		£300				£300				£0				These schemes are to be identified as part of 2023/24 budget setting and the exploration of the use of flexible capital receipts in line with guidance
Receipts	7147	7147ReceiptsBuild	Finance Procurement and Commercial Services	Building Compliance on Commercial Property	£20	£15				£35				£0				surveys in 24/25 after work complete
	7605	7605Gorsey Place	Finance Procurement and Commercial Services	Gorsey Place Rebuild						£0				£0				This is funded by GRA Contribution
Borrowing	7788	7788BorrowingFi	Finance Procurement and Commercial Services	Fixed Asset Register 23/24						£0				£0				
Borrowing	7061	7061BorrowingCa	Finance Procurement and Commercial Services	Capital works 23/24			£10		£180	£180				£0				Tenders to go out by Christmas to start early 2024, possibly run into 24/25.
Receipts	7145	7145ReceiptsCivi	Finance Procurement and Commercial Services	Civica Financials						£0				£0				
Receipts	7135	7135ReceiptsRob	Housing Services	Robert Hodge Centre - external site improvements relating to Health and Safety Traffic Flow						£0				£0				Work is in progress of receiving drawings and costings for this
Receipts	7215	7215ReceiptsAffo	Housing Services	Affordable Housing			£247			£247				£0				£72k has been earmarked as a contribution to the Egerton project however none of this is expected to be spent in 2023/24. Plans are in place and project are being looked into how the rest of this budget can be utilised
Receipts	various see next t	various see next t	Housing Services	Corporate Property Investment Programme	£164		£94			£258		£164		£164				
Receipts	7202	7202ReceiptsHou	Housing Services	Housing Renewal Grants			£20			£20				£0				

Grant	7203	7203GrantDisab	Housing Services	Disabled Facilities Grants	£1,444					£1,444	£1,444		This is funded in full by a grant from Central Government	£1,444	£1,444
Receipts	7562	7562ReceiptsBurs	Housing Services	Burscough Sports Centre - roofing upgrades						£0	£0				£0
Grant	7520	7520GrantSafer S	Housing Services	Safer Streets						£0	£0				£0
Receipts	7418	7418ReceiptsPres	Planning and Reg	Preservation of Buildings at Risk						£0	£0				£0
Receipts	7133	7133ReceiptsM3P	Planning and Reg	M3PP System Replacement						£0	£0		awaiting prices, looking at IDOX but could still be M3PP		£0
Receipts	7390	7390ReceiptsCCTV	Planning and Reg	CCTV						£0	£0		This was delayed to being procured as one project and is currently now out to tender.		£0
Borrowing	7217	7217BorrowingCD	Planning and Reg	CCTV monitoring 23/24						£0	£0		work is currently scheduled over the next few weeks, delay was due to awaiting the contractors for part of it		£0
Receipts	7450	7450ReceiptsIDOX	Planning and Reg	IDOX ERDM System						£0	£0				£0
Borrowing	7431	7431BorrowingPl	Planning and Reg	Planning/building control and land charges system upg		£20				£20	£20				£20
Borrowing	7618	7618BorrowingSk	Wellbeing and Place Services	Skelmersdale Town Centre		£2,038				£2,038	£2,038		This is an ongoing project		£2,038
Receipts	7330	7330ReceiptsWL	Wellbeing and Place Services	WL Play Strategy Improvements (Receipts)		£197				£197	£197		delays due to resource capacity, procurement and delivery delays		£197
S106	7330	7330S106WL Play	Wellbeing and Place Services	WL Play Strategy Improvements (S106)		£62				£62	£62				£62
receipts	7476	7476receiptsBurs	Wellbeing and Place Services	Burscough Sports Centre (receipts)		£321				£321	£321		This project has been placed on hold pending finalisation of the new Leisure Hubs procurement project.		£321
grant	7476	7476GrantBursc	Wellbeing and Place Services	Burscough Sports Centre (grant)		£75				£75	£75				£75
Receipts	7324	7324ReceiptsAllot	Wellbeing and Place Services	Allotment Improvements		£4				£4	£4				£4
Cil	7330	7330CilWL Play S	Wellbeing and Place Services	WL Play Strategy Improvements (cil)		£9				£9	£9				£9
Grant	7330	7330GrantWL Pla	Wellbeing and Place Services	WL Play Strategy Improvements (grant)		£47				£47	£47		grant supposed to be from LEF but it is now not sure whether this will come in		£47









COUNCIL: 28 February 2024



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

**Contact for further information:** James Pierce  
James.Pierce@westlancs.gov.uk

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**SUBJECT: DETERMINATION OF COUNCIL TAX 2024/25**

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Wards affected: Borough wide

## **1.0 PURPOSE OF THE REPORT**

- 1.1 To set the Council Tax rate for each property band for the whole of the Borough Council's area, including the Council Tax rate as set by the County Council, the Police and Crime Commissioner for Lancashire, the Lancashire Combined Fire Authority, and the local Parish Council in parished areas.
- 1.2 To confirm the statutory resolutions that are required in order to set the Council Tax for 2024/25.

## **2.0 RECOMMENDATIONS**

- 2.1 That it be noted that on the xx January 2024, the Borough Treasurer declared the Council Tax Base amounts set out in Appendix A for the financial year 2024/25 in accordance with the Local Authorities (Calculation of Council Tax Base) (England) Regulations 2012.
- 2.2 That the Budget for the Council's own purposes for 2024/25 (excluding parish precepts) be set at £xx in accordance with the earlier Budget Requirement report.

2.3 That the following amounts be now calculated by the Council for the financial year 2024/2025 in accordance with the Local Government Finance Act 1992 (the Act):

- a) £xx being the aggregate of the amounts, which the Council estimates for the items, set out in Section 31A(2) of the Act taking into account all precepts issued to it by Parish Councils.
- b) £xx being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(3) of the Act
- c) £xx being the amount by which the aggregate at 2.3(a) above exceeds the aggregate at 2.3(b) above, calculated by the Council in accordance with Section 31A(4) of the Act as its Council Tax requirement for the year.
- d) £xx being the amount at 2.3(c) above divided by xx (the Tax Base) calculated by the Council in accordance with Section 31(B) of the Act, as the basic amount of its Council Tax for 2024/2025.
- e) £xx being the aggregate amount of all special items (i.e. Parish Precepts) referred to in Section 34(1) of the Act.
- f) £xx being the amount at 2.3(d) above, less the result given by dividing the amount at 2.2(e) above by xx (the Tax Base), calculated by the Council in accordance with Section 34(2) of the Act, as the basic amount of its Council Tax for 2024/2025 for dwellings in those parts of its area to which no special item relates.

g) Part of the Council's area:

	£. p
Aughton	xx
Bickerstaffe	xx
Bispham	xx
Burscough	xx
Dalton	xx
Downholland	xx
Great Altcar	xx
Halsall	xx
Hesketh with Becconsall	xx
Hilldale	xx
Lathom	xx
Lathom South	xx
Newburgh	xx
North Meols	xx
Parbold	xx
Rufford	xx
Scarisbrick	xx
Simonswood	xx
Tarleton	xx
Up Holland	xx
Wrightington	xx

being the amounts given by adding to the amount at 2.3(f) above the amounts of the special item relating to dwellings in those parts of the Council's area mentioned above divided in each case by the relevant Tax

Base for those areas, calculated by the Council, in accordance with Section 34(3) of the Act, as the basic amounts of the Council Tax for 2024/2025 for dwellings in those parts of its area to which a special item (i.e. Parish Precepts) relate.

- h) Part of the Council's area for each valuation band, being the amounts given by multiplying the amounts at 2.3(f) and 2.3(g) above by the number which, in the proportion set out in Section 5(1) of the Act, is applicable to dwellings listed in a particular valuation band divided by the number which in that proportion is applicable to dwellings listed in valuation band D, calculated by the Council, in accordance with Section 36(1) of the Act, as the amounts to be taken into account for the year in respect of categories of dwellings listed in different valuation bands (**See Schedule 1**).

- 2.4 That it be noted that for the year 2024/2025 Lancashire County Council has stated the following amounts in precept issued to the Council, in accordance with Section 40 of the Act, for each of the categories of dwelling shown below:

**VALUATION BANDS**

A	B	C	D	E	F	G	H
£. p	£. p	£. p	£. p	£. p	£. p	£. p	£ .p
x	X	x	x	x	x	x	x

- 2.5 That it be noted that for the year 2024/2025 the Police and Crime Commissioner for Lancashire has stated the following amounts in precept issued to the Council in accordance with Section 40 of the Act for each of the categories of dwelling shown below:

**VALUATION BANDS**

A	B	C	D	E	F	G	H
£. p	£. p	£. p	£. p	£ .p	£. p	£. p	£. p
x	x	x	x	x	x	x	x

- 2.6 That it be noted that for the year 2024/2025 the Lancashire Combined Fire Authority has stated the following amounts in precept issued to the Council in accordance with Section 40 of the Act for each of the categories of dwelling shown below:

**VALUATION BANDS**

A	B	C	D	E	F	G	H
£. p	£. p	£. p	£. p	£. p	£. p	£. p	£. p
x	x	x	x	x	x	x	x

2.7 That having calculated the aggregate in each case of the amounts at 2.3(h), 2.4, 2.5 and 2.6, the Council, in accordance with Section 30(2) of the Act, hereby sets the amounts shown in **Schedule 2** as the amounts of Council Tax for the year 2024/2025 for each of the categories of dwellings shown.

### 3.0 BACKGROUND

3.1 The earlier report entitled Budget Requirement resulted in the Council setting a Budget Requirement of £xx for 2024/2025. Other precepting authorities have also determined their budget requirements and notified the Council of the amounts they wish to collect through the Council Tax. This report consolidates this information and calculates the Council Tax level for each property band throughout the Borough.

### 4.0 CURRENT POSITION

4.1 In accordance with statute, the Borough Treasurer, declared, on the xx January 2024, the estimated balance on the Collection Fund, in respect of Council Tax, as at the 31<sup>st</sup> March 2024.

4.2 The result of the exercise showed an estimated surplus of £406,134 as detailed in Appendix B. This surplus is shared by the Borough Council, the Lancashire Combined Fire Authority, the Police and Crime Commissioner for Lancashire and the County Council, in proportion to their respective calls on the Collection Fund as follows:

	£	
Borough Council		x
Combined Fire Authority		x
Police Authority		x
County Council		x
		x

4.3 This surplus has to be taken into account when setting the Council Tax and Budget for 2024/2025.

### 5.0 SUSTAINABILITY IMPLICATIONS

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

### 6.0 FINANCIAL AND RESOURCE IMPLICATIONS

6.1 The following calculation shows the amount of the basic tax rate for band D properties after using the Council's approved Tax Base of xx band D equivalent properties.

	£	£
Budget Requirement (Borough proportion)	xx	
Budget Requirement (Parish proportion)	xx	
Total Budget Requirement		xx

General government grants and retained business rate income xx

Estimated deficit on Business Rates Collection Fund xx

Estimated surplus on Council Tax Collection Fund xx

Balance to be financed by Council Taxpayer (inc. Parishes) xx

Balance to be financed by Council Taxpayer (excl. Parishes) xx

6.2 The average Council Tax rate (including Parishes) for a Band 'D' Equivalent Property is, therefore, calculated as follows:

West Lancashire Borough Council (Including Parish Precepts)

		£	p
Balance to be financed by Taxpayer	xx		
Band 'D' Equivalent Properties	xx	xx	

6.3 The actual Council Tax rate (excluding Parishes) for a Band 'D' Equivalent Property is, therefore, calculated as follows:

West Lancashire Borough Council (excluding Parish Precepts)

		£	p
Balance to be financed by Taxpayer	xx		
Band 'D' Equivalent Properties	xx		xx

Add Basic Tax Rates for:

Lancashire County Council	xx
Lancashire Police Authority	xx
Lancashire Combined Fire Authority	xx

Basic Tax Rate for a Band 'D' Equivalent Property xx

6.4 It is necessary to calculate the Council Tax rate for each property band in respect of the Borough Council and Parish Council elements only. **Schedule 1** shows the Council Tax rate for each property band in each of the Parish Council areas.

6.5 It is then necessary to calculate the aggregate Council Tax rate by incorporating the Lancashire County Council, the Police and Crime Commissioner for Lancashire, and the Lancashire Combined Fire Authority Council Tax rates into

the figures shown in **Schedule 1**. The aggregated Council Tax rates are shown in **Schedule 2**.

## **7.0. RISK ASSESSMENT**

7.1 There is a statutory requirement for the Council to set a Council Tax each year. Failure to set the Council Tax until a later date would have implications for billing and the required statutory fourteen days notice for the first instalment date of 2 April 2024. This would have an adverse effect on cash flow and the collection rate.

### **Background Documents**

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

### **Equality Impact Assessment**

This 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 Declaration of Council Tax Base 2024/2025

Appendix B Estimated Collection Fund Balance as at 31 March 2024

Schedule 1 Council Tax rates payable for each band in respect of the Borough Council and Parish Council elements only

Schedule 2 Council Tax rates payable for each band within the Borough Council's area



Council : 28 February 2024

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

**Relevant Portfolio Holder: Councillor N. Pryce-Roberts**

**Contact for further information: Peter Quick (Extn. 5203)**

**([peter.quick@westlancs.gov.uk](mailto:peter.quick@westlancs.gov.uk))**

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**SUBJECT: HOUSING ACCOUNT – 2024/25 REVENUE AND CAPITAL BUDGET SETTING**

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Wards Affected: Borough wide

## **1.0 PURPOSE OF THE REPORT**

1.1 To enable the Council to set its Housing Revenue Account (HRA) budget and capital investment programme for the next financial year 2024/25.

## **2.0 RECOMMENDATIONS**

2.1 That the rent and service charges set within delegated authority, as detailed in sections 4 and 5 of this report, be noted.

2.2 That the 2024/25 HRA budget in Appendix 1 be approved, based on the proposals to be presented at the Council meeting by the Housing and Landlord Services portfolio holder.

2.3 That the 30-year capital programme in paragraph 7.2 be approved, based on the proposals to be presented at the Council meeting by the Housing and Landlord Services portfolio holder.

2.4 That, subject to any updated approvals in regard to Tawd Valley Developments, the HRA budgets be added to reflect the HRA share of each scheme cost, as detailed in paragraphs 7.3 to 7.6.

2.5 That the reserves policy set out in appendix 2 be approved.

- 2.6 That the HRA 30 year business plan in appendix 3 be noted.
- 2.7 That delegated authority be given to the Director of Transformation, Housing and Resources to take all necessary action to implement the decisions of Council.

### **3.0 BACKGROUND**

- 3.1 The Council must set a budget for its Housing Revenue Account (HRA) before the start of each financial year, and this budget will set out the financial basis for the delivery of services. The budget that is set must enable Council and tenant priorities to be delivered but must also be affordable. In addition, it should comply with best practice requirements on budget setting and meet statutory and accounting regulations.
- 3.2 CPI (Consumer Price Index) inflation in September 2022 was exceptionally high, (10.1%). September 2023 CPI was also high at 6.7% Energy price rises have been considerably more. Although CPI is now coming down, (4.0% in December 2023), and is forecast to continue doing so, the impact on WLBC, like for most other individuals and organisations through contract inflationary increases, material costs and collective pay settlements, has been significant. The timing with which CPI flows through to contract increases varies from contract to contract so it is expected that there will continue to be inflationary pressures to 2024/25 HRA expenditure.
- 3.3 In 2023/24 Government imposed a rent cap of 7%. This means that rental income (the main source of HRA funding) was reduced through the lifetime of the HRA business plan, whilst costs grow cumulatively. The outcome is less overall funding available than would have otherwise been the case.
- 3.4 HRA outturns up to 2021/22 tended to show a favourable position which made absorption of cost pressures easier to manage the following year. This is no longer the case due to high cost increases in 2022/23 and 2023/24.
- 3.5 The HRA budget has been the subject of recent reports to Cabinet, Executive Overview and Scrutiny, and Landlord Services Committees. These reports identified a balanced budget subject to the value of the repairs budget for 2024/25 and the subsequently available resources for revenue contributions to help fund the capital programme.

### **4.0 RENTAL INCOME**

- 4.1 Rents are the main source of income for the HRA, and ultimately also for housing capital, either as a revenue contribution, or for servicing debt interest. From this perspective, it is important to maximise rental income, within Government rules, as this pays for repairs and improvements to housing stock, as well as estate and tenancy services which benefit tenants.



- 4.2 As mentioned in 3.2 above, September 2023 cpi (consumer price index) inflation was 6.7%. The rent regulator has confirmed that there will be no additional rent cap in 2024/25. The Director of Transformation, Housing & Resources will therefore use his delegated authority to increase the majority of rents by 7.7%, (September cpi of 6.7% + 1%), in line with the current Government rent policy and to offset increases in expenditure due to high cpi. There will be less than 10 tenants where a lower increase is applied. As 7.7% is the maximum allowed increase, in order to ensure strict adherence to Government policy, all rents with this increase will be rounded down to the nearest penny.
- 4.3 The cost of living crisis continues to impact in a significant way. For this reason, a budget issue was included in 2023/24 budget setting to ringfence additional funding to provide support to those residents most in financial need. £500k was made available in 2023/24 and a further £250k in 2024/25. It is likely that the £500k allocation in 2023/24 will not be fully utilised, if that proves to be the case the intention is to transfer that balance into 2024/25 at 31/3/24 year end.
- 4.4 Paragraph 7.1 proposes that £120k of the 2024/25 hardship fund is vired to capital to fund a project on individual billing of heating charges. A further £30k will be required for inspection and preparation works so it is proposed to vire £30k within revenue too. In addition, as the cost of living crisis continues, and in light of the issue highlighted in paragraph 4.5 below, it is anticipated that the remaining funds will be required in 2024/25.
- 4.5 Weekly rent and service charge billing is always carried out on a Monday, and, as a consequence, every few years there are 53 Mondays, (53 rent weeks), in a calendar year rather than 52. 2024/25 will be a year with 53 rent weeks. The implications of this for the HRA business plan and individual tenants have been considered as follows:
- Increased hardship for some tenants, particularly those on Universal Credit because DWP rules don't recognise the financial impact of the additional week. Operational officers plan to communicate the implications for residents with suggestions as to how they can financially prepare. Remaining financial hardship funding (paragraph 4.3) is also available in the most serious cases.
  - Tenants who pay by monthly direct debit will see what seems to be an increase in their monthly direct debit that is more than the expected percentage change. This is because 49 charging weeks will be split between twelve months rather than the usual 48 weeks. As this is just a timing difference, the same tenants will see what appears to be a smaller increase in their rent and service charges in 2025/26 than the expected increase as this levels out again the following year. Tenants who pay weekly will not be affected and will see their weekly charges changing by the expected amounts. The table below seeks to illustrate the effect on a notional rent of £100 pw in 2023/24 and assumed rent increase of 3% in 2025/26:

	2023/24	2024/25	2025/26
Cpi + 1% increase to weekly rent		7.70%	3.00%

Weekly rent is	£100.00	£107.70	£110.93
Full year (48 weeks)	£4,800.00		£5,324.69
Full year (49 weeks)		£5,277.30	
Monthly DD	£400.00	£439.78	£443.72
Increase in DD seems to be		9.9%	0.9%

4.6 The rent budget is also affected by the number of properties within the Housing Stock which will be influenced by Right to Buy Council house sales (which is outside the Council's control), the number of homes built or purchased, and the number of homes demolished as part of revival and development projects. To reflect average right to buy sales over the medium term, the HRA business plan and the 2024/25 budget now assume 60 rtb sales a year rather than the previous 50.

## 5.0 OTHER CHARGES

5.1 The general principle applied to service charges is that they should be sufficient to recover the full cost of service provision. In addition, the Government has advised, but not directed, that it would expect service charge increases to be limited to CPI + 1% unless there is a clear rationale.

5.2 Following the WLBC response to the covid pandemic which was resource intensive, the Russian invasion of Ukraine exacerbated the cost of living crisis with unusually high cpi and energy costs. This has made cost estimation more difficult because the timing with which inflation hits costs varies from contract to contract. For this reason and in-keeping with the general principles outlined in paragraph 5.1, service charges have been reviewed using 2022/23 actual costs plus updated estimates for 2023/24 and estimates for 2024/25. In addition, ongoing issues around affordability for tenants at this time and the ability to let properties for the HRA business plan have also been considered.

5.3 The table below charts the changes in weekly service charges from 2022/23 budget setting to 2024/25, with comparison to the headline cpi inflation rate applicable to that year. Below the table are additional comments about some of the key service charges. The apparent effect of 49 billing weeks in 2024/25 for tenants who pay by monthly direct debit, illustrated in table 4.5 above, will also affect service charge monthly dd payments.

	2022/23	2023/24	2024/25
<i>Applicable CPI</i>	3.1%	10.1%	6.7%
Caretaking	4.1%	7%	0%

Communal Lighting	4.1%	50%	-25%
Door Entry	4.1%	11%	7.7%
Painting (pw)	1 pence	1 pence	1 pence
District Heating – typical/average	2%	88%	-10% to -40%
Sheltered Maintenance incl. communal energy but not DHS	4.1%	14%	5.5%
Independent Living category 1	-16.0%	7%	5.4%
Independent Living category 2	-4.8%	7%	-5.0%

- 5.4 The changes in charges highlighted in the table above will apply to the significant majority of residents liable for that charge. Given that most of the charges are being changed by less than the general cpi+1% approach, if anomalies are found, then individual residents will have their charge changed to bring them more in line. This will be limited to cpi+1% if there are any tenants, and the terms of the lease for any leaseholders.
- 5.5 **Communal Lighting** charges in 2022/23 were less than the costs of the electricity due to energy price inflation being more than anticipated. This is expected to be the case in 2023/24 as well, despite service charges being increased by 50% at budget setting. Electricity costs are expected to fall in 2024/25 in the region of 40% to 60%, say 50%. In order to broadly rebalance the charges versus the costs, the communal lighting charge will be reduced in 2024/25 by 25%
- 5.6 The **Door Entry** contract is being retendered in the second half of 2023/24. Until the outcome is known and without prejudice, charges have been increased by cpi + 1% in anticipation that the likely outcome is a significant contract increase, due to high cpi and a broadly 16% increase in materials costs during the last year alone.
- 5.7 There are nearly 750 residents who are part of the WLBC **district heating scheme** (DHS). In recent years the DHS has been in surplus so residents have benefited from low heating charges and a general trend of annual reductions to charges. Previous reporting charts that gas prices have been substantially more than was anticipated for 2022/23 budget setting, the full use of the heating reserve to mitigate the impact for residents, and that despite significant increases to 2023/24 charges most residents will still be in deficit at 31 March 2024.
- 5.8 The Council's gas provider has forecast a reduction in costs of around 60% for 2024/25 compared to 2023/24, though it should be noted that 2023/24 costs look like they will be more than in 2022/23 due to the mechanics of the providers forward purchasing. This assumption has been recognised in calculating estimated balances to inform heating charges.
- 5.9 The majority of DHS residents are forecast to remain in deficit at 31/3/25, even allowing for reduced heating costs in that year, there are however a significant minority who it is anticipated will be out of deficit by then.

5.10 2023/24 budget setting discussed the balance being sought by officers between collecting the full costs of heating over a reasonable period of time, the needs of residents in a cost of living crisis, and the importance to the HRA business plan that WLBC don't charge so high a rate that we cannot fill vacant homes. In 2023/24 all tenants and the majority of leaseholders in the DHS were therefore charged £25pw. The additional rent week in 2024/25 is also a factor to now be considered.

5.11 In light of this and the significantly lower gas prices forecast in 2024/25, it is proposed to reduce all tenant heat charges in 2024/25 and most leasehold charges. The level of the reduction will depend upon the forecast position at 31/3/25. This will extend the period until all residents are out of deficit but will reflect the generally better news in regard 2024/25 energy prices. As in 2023/24 officers are seeking to find the right balance. The table below summarises the proposal

Approx. no.	% of residents	Reduction %	Reduction £pw	2024/25 weekly charge
418	57%	10%	£2.50	£22.50
80	11%	20%	£5.00	£20.00
237	32%	40%	£10.00	£15.00

5.12 **Independent Living** customers benefited from a reduction in charges for 2022/23 due to Homecare Link being closed and the lifeline service being operated by an external partner instead. Category 1 tenants benefited more in % terms. Since then the number of category 1 tenants opting for the category 2 service offer has reduced. This changes the respective cost recovery for each service and this is reflected in the changes for 2024/25 along with a refresh of the cost estimates. Over the three years, category 1 customers have seen a net reduction of 5.1% and category 2 customers a net reduction of 3.3%

5.13 In broad terms, within the existing budget envelope and staffing resource, the more sheltered tenants who opt for the category 2 service, the lower the charge will be for both category 1 and category 2 customers.

5.14 The **furnishing service** offered to tenants saw an increase in prices during 2022/23 of around 17% February 2023 budget setting proposed to reflect this change over three years, with a 5% increase in 2023/24 charges. Given that most service charges are being increased by less than cpi + 1% the charges in 2024/25 will therefore be increased by 17%, reflecting previous contract price increases and current cpi rates. The charges will be reviewed again as part of 2025/26 service charge setting.

5.15 **Garage rents** will be increased by 7.7% being cpi + 1%

## 6.0 REVENUE ESTIMATES

- 6.1 The HRA revenue estimates for 2024/25 are shown in Appendix 1 and provide the detailed information that sets out the financial basis for how HRA service objectives will be achieved. They cover all areas of revenue expenditure and income and include changes in the base budget required to roll forward agreed service levels, such as pay and contract inflation.
- 6.2 The HRA estimates summary in table 6.7 below provides a high-level picture consistent with 2023/24 mid-year reporting, and makes clear the main assumptions being applied. Smaller adjustments, contractual uplifts and virements are reflected in the detailed budget presented in Appendix 1.
- 6.3 The **repairs contract** is key for the HRA repairs offer to residents and is often a primary measure of their satisfaction. During 2022/23 Members approved that the Director of Transformation, Housing & Resources has delegated authority to agree annual contract variations. This is to allow WLBC the flexibility required to ensure that the contract remains financially viable for the contractor as economic conditions change over time, whilst ensuring a back-stop by requiring the contractor to submit a business case each year if they wish to vary the contract from the original 2020 base terms and value.
- 6.4 High materials costs and general inflation continue to put financial pressure on this contract. Benchmarking in 2022/23 showed that variations agreed in year kept the contract competitive. Recent benchmarking suggests that although the 2024/25 contract increase is significant, the contract remains broadly consistent with general market repair contract conditions at present.
- 6.5 The reserves policy in appendix 2 includes the repairs reserve which aims to maintain a balance of at least 10% of the repairs budget. Given the increase in the repairs budget, £175k has been budgeted to add to the repairs reserve to maintain this aim.
- 6.6 In order to make the budget balance the **revenue contribution** has been flexed down slightly from its 2023/24 level. The larger the revenue contribution, the smaller the amount of additional borrowing required in year to fund the capital programme. This has particular implications for the HRA business plan in the long-term rather than any particular individual year.

Budget Area	2023/24 Budget £000	Mid-year Forecast Variance £000	2024/25 Summary £000	Assumptions
Employee Expenses	4,524	200	5,470	Based on latest establishment. Includes unbudgeted 23/24 pay uplift and assumes 4% pay uplift 24/25, as well as restructure of Property Services.
Void and response repairs plus electrical testing contract	5,370	0	7,006	Base budget plus cpi uplift Annual variations agreed to reflect the current market, these have been benchmarked to ensure vfm.
Other premises costs	4,271	0	3,974	£372k District Heating Scheme expenditure budget reduced. £95k increase in furnishing expenditure budget, offset by more income from growing the service Insurance uplift and various budget-neutral virements.
Transport costs	191	0	232	Pooled vehicles charged directly rather than recharge
Budget contingency	390	-150	290	£100k vired to fund ICT posts through recharges in order to implement system upgrades and effective IT solutions for service delivery.

Supplies and Services	1,527	0	1,177	<p>Reduce temporary budget for additional hardship support from £500k to £250k as approved Feb 2023.</p> <p>£120k vired to capital to support Heat Account itemised billing project, £30k vired within supplies and services for inspection works in preparation.</p> <p>Various budget-neutral virements and small contract uplifts.</p>
Support Services and internal income (net)	2,905	-110	2,816	<p>Reduction fir pooled vehicles; Estates valuations recharges</p> <p>£100k for ICT posts vired from contingency, above.</p> <p>£175k to go to the Repairs reserve, reflecting the increased Repairs Contractor budget</p> <p>Broadly assuming 4% uplift on most others.</p>
Loan interest & Contribution towards Repayment	3,492	0	3,726	<p>£3,057k interest – self-financing debt</p> <p>£222k interest – new/other debt</p> <p>£388k existing debt repayment set aside</p>
Contributions to capital	7,205	0	7,168	Balancing item, towards funding capital programme
Dwelling rents	-25,900	-150	-28,100	New stock. 7.7% uplift. 60 rtb sales.

Other external income	-3,975	-50	-3,759	<p>Several different income streams that behave in different ways.</p> <p>Service charges per this report. Furniture charges income budget to match expenditure.</p> <p>Heating income budget reduced £372k to balance to the expenditure budget.</p> <p>Rtb sale admin fees assume 60 rather than previous 50.</p>
<b>Total</b>	<b>0</b>	<b>-260</b>	<b>0</b>	



## 7.0 CAPITAL INVESTMENT PROGRAMME

7.1 The 30 year HRA capital budget was approved in February 2023 following updated stock condition survey information. This budget still applies along with the amendments below. Operational changes between years will be reflected in budget adjustments forwards or backwards, as is our standard practice.

- 2023/24 slippage approved by Council at mid-year, has been added to 2024/25.
- A proportion of the 2024/25 budgets for walls (£976k); windows and doors (£161k); and external areas (£867k) have been reprofiled broadly equally into 2025/26 and 2026/27. This is to enable the team to focus on delivering the remaining programme whilst also planning for 2025/26 and beyond.
- The budget for smoke detection has been increased by £298k for the next three years to reflect the current level of activity and contract inflation.
- After reorganisation of Property Services and review of salary capitalisations, the salaries & professional fees budget has been increased by £191k per annum for the five years from 2024/25 to 2028/29.
- £120k has been vired from the £250k revenue budget issue approved in February 2023 for 2024/25, to implement a system for individual itemised billing to residents in the District Heating scheme.

7.2 Updated 30 Year Capital programme (from 2024/25 – year 2)

Scheme	24/25 £000's	25/26 £000's	26/27 £000's	Years 5-10 £000's	Years 11-20 £000's	Years 21-30 £000's
Kitchens	842	842	842	5,054	20,153	8,369
Bathrooms	425	225	225	1,350	9,046	10,541
Electrics	608	608	608	3,651	8,344	12,341
Heating	936	936	936	5,615	11,710	15,533
Roofs	550	550	550	3,298	5,354	8,309
Walls	900	2,054	2,054	9,396	3,484	5,127
Windows and Doors	200	441	442	2,163	19,673	7,915
External Areas	200	1,500	1,501	6,401	7,927	6,317
Communal Areas	173	173	173	1,040	4,371	2,539
<b>Housing Investment Plan</b>	<b>4,834</b>	<b>7,329</b>	<b>7,331</b>	<b>37,968</b>	<b>90,062</b>	<b>76,991</b>
Digmoor Redevelopment	8,750					
Decarbonisation – wave 2.1	4,593					

Salaries & Professional Fees	791	791	791	3,982	6,000	6,000
Disabled Adaptations	502	502	502	3,012	5,020	5,020
Contingency	330	330	330	1,980	3,300	3,300
Smoke Detection	650	650	650	2,112	3,520	3,520
Environmental Programme	200	200	200	1,200	2,000	2,000
Sheltered Housing Upgrades	140	140	140	840	1,400	1,400
Fire Safety Works	101	101	101	606	1,010	1,010
Lifts	37					
Heat Meter & Billing Project	120					
<b>Other Housing Schemes</b>	<b>16,214</b>	<b>2,714</b>	<b>2,714</b>	<b>13,732</b>	<b>22,250</b>	<b>22,250</b>
<b>Total Expenditure</b>	<b>21,048</b>	<b>10,043</b>	<b>10,045</b>	<b>51,700</b>	<b>112,312</b>	<b>99,241</b>
<i>Budget per annum</i>				<i>8,617</i>	<i>11,231</i>	<i>9,924</i>

- 7.3 **Tawd Valley Developments** budget for existing HRA approvals to be completed in 2023/24 will be reprofiled at year end, once the 2023/24 outturn position is known. Funding plans were to utilise borrowing as well as Homes England Grants. If the financial position at the end of 2023/24 supports it, funding may be switched to revenue contributions to avoid the unnecessary use of borrowing.
- 7.4 HRA budget relating to future Tawd Valley Developments schemes will be in line with updates and approvals of the TVD business plan values for HRA stock at February 2024 Council.
- 7.5 Given substantial right to buy sales each year, this leads to a reduction in total Council housing stock available to West Lancashire residents. The work of TVD in building new Council housing helps to mitigate/offset the rtb losses.
- 7.6 In addition, by building modern homes the expectation is that less repairs and maintenance will be required, certainly in the earlier years. Whilst the business case for each scheme is calculated to reflect expected costs, including interest, over a number of decades, it is likely that these properties will stand for much longer than the business case criteria and so will provide a positive very long-term contribution to the HRA business plan.

## 8.0 SUSTAINABILITY IMPLICATIONS

8.1 The Council with its Tenants wants to ensure that the future business plan allows properties to be brought up to a reasonable standard and that appropriate investment can be made at the appropriate time. Business plan modelling enables a well-informed investment plan to be developed in keeping with the requirements of an effective asset management strategy.

## **9.0 RISK ASSESSMENT**

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

## **10.0 HEALTH AND WELLBEING IMPLICATIONS**

10.1 The health and wellbeing implications arising from this report will be dependent on the particular circumstances for that budget.

### **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 direct impact on members of the public, employees, elected members and / or stakeholders is dependent on the proposals to be put forward at the Council meeting. Therefore no Equality Impact Assessment has been produced at this time. However, an Assessment will be produced and made available at the Council meeting if required.

## Appendix One – Draft HRA Estimates 2024/25

Budget 2024/25	Employees £	Running Expenses £	External income £	Total Cash £	Support Services & Capital Charges £	Net budget £
<b>General Expenses</b>						
Premises Related Expenses	0	184,980	0	<b>184,980</b>	0	<b>184,980</b>
Bad Debts Provision	0	130,000	0	<b>130,000</b>	0	<b>130,000</b>
Capital Programme Contribution	0	0	0	0	7,168,017	<b>7,168,017</b>
Debt Principal Repayment	0	0	0	0	387,900	<b>387,900</b>
Debt Charges	0	0	0	0	3,338,558	<b>3,338,558</b>
<b>Sub-Total</b>	<b>0</b>	<b>314,980</b>	<b>0</b>	<b>314,980</b>	<b>10,894,476</b>	<b>11,209,456</b>
<b>Supervision, Management, Repairs &amp; Maintenance</b>						
Central Administration	-157,996	583,660	-140,100	<b>285,564</b>	2,772,122	<b>3,057,686</b>
Transformation & Housing Regulation	303,475	0	0	<b>303,475</b>	43,560	<b>347,035</b>
Income & Financial Inclusion	779,871	221,370	0	<b>1,001,241</b>	162,555	<b>1,163,796</b>
<b>Tenancy Services</b>						
Allocations	358,623	100,501	0	<b>459,124</b>	10,712	<b>469,836</b>
Estate Management	343,270	395,394	0	<b>738,663</b>	26,115	<b>764,779</b>
Furnished Homes	41,435	347,400	-610,000	<b>-221,165</b>	0	<b>-221,165</b>
Other Tenancy Services	7,401	49,780	-25,000	<b>32,181</b>	0	<b>32,181</b>
Elderly & Disabled Support	371,234	145,230	-532,000	<b>-15,536</b>	89,403	<b>73,866</b>
<b>Sub-Total</b>	<b>1,121,962</b>	<b>1,038,305</b>	<b>-1,167,000</b>	<b>993,266</b>	<b>126,230</b>	<b>1,119,496</b>
<b>Property Services</b>						
Property Services Management	734	7,680	0	<b>8,414</b>	74,917	<b>83,331</b>
Caretakers	649,267	202,365	-364,000	<b>487,632</b>	-67,308	<b>420,324</b>
Maintenance of Grassed Areas	71,130	768,807	-31,440	<b>808,497</b>	0	<b>808,497</b>
Responsive & Void Repairs	1,019,758	6,728,570	-69,000	<b>7,679,328</b>	59,826	<b>7,739,154</b>
Compliance	393,691	1,322,560	-100	<b>1,716,151</b>	-118,119	<b>1,598,032</b>
Independent Living Premises Costs	291,227	445,632	-855,250	<b>-118,391</b>	220,322	<b>101,931</b>
District Heating Service	0	510,000	-510,000	0	0	0
Programmed Maintenance	996,540	534,810	-149,500	<b>1,381,850</b>	-632,787	<b>749,063</b>
<b>Sub-Total</b>	<b>3,422,346</b>	<b>10,520,424</b>	<b>-1,979,290</b>	<b>11,963,480</b>	<b>-463,148</b>	<b>11,500,332</b>
<b>General Income</b>						
Customer & Client Receipts	0	0	-28,572,800	<b>-28,572,800</b>	0	<b>-28,572,800</b>
Interest	0	0	0	0	0	0
<b>Sub-Total</b>	<b>0</b>	<b>0</b>	<b>-28,572,800</b>	<b>-28,572,800</b>	<b>0</b>	<b>-28,572,800</b>
Transfers to/from Reserves				0	175,000	<b>175,000</b>
<b>Grand Total</b>	<b>5,469,657</b>	<b>12,678,739</b>	<b>-31,859,190</b>	<b>-13,710,794</b>	<b>13,710,794</b>	<b>0</b>

### Notes:

- Tenant service charge income of £315k for caretaking services and staircase lighting has been vired from General Income - Customer & Client Receipts, to Caretakers. A further £139k for door entry and painting has been vired to Programmed Maintenance. This reflects where the relevant expenditure is incurred.
- Furnished Homes and District Heating Scheme have been allocated to individual lines to aid transparency.

Budget 2023/24	Employees £	Running Expenses £	External income £	Total Cash £	Support Services & Capital Charges £	Net budget £
<b>General Expenses</b>						
Premises Related Expenses	0	184,787	0	184,787	0	184,787
Bad Debts Provision	0	130,000	0	130,000	0	130,000
Capital Programme Contribution	0	0	0	0	7,454,630	7,454,630
Debt Principal Repayment	0	0	0	0	374,784	374,784
Debt Charges	0	0	0	0	3,116,990	3,116,990
<b>Sub-Total</b>	<b>0</b>	<b>314,787</b>	<b>0</b>	<b>314,787</b>	<b>10,946,404</b>	<b>11,261,191</b>
<b>Supervision, Management, Repairs &amp; Maintenance</b>						
Central Administration	17,215	1,565,670	-1,009,100	573,785	2,692,244	3,266,029
Transformation & Housing Regulation	186,261	0	0	186,261	0	186,261
Income & Financial Inclusion	714,121	113,770	0	827,891	156,303	984,193
<u>Tenancy Services</u>						
Allocations	310,051	70,520	0	380,571	4,182	384,753
Estate Management	317,129	347,757	0	664,886	25,111	689,997
Other Tenancy Services	45,392	302,000	-470,000	-122,608	0	-122,608
Elderly & Disabled Support	329,243	145,230	-597,000	-122,528	85,964	-36,564
<b>Sub-Total</b>	<b>1,001,814</b>	<b>865,507</b>	<b>-1,067,000</b>	<b>800,321</b>	<b>115,257</b>	<b>915,578</b>
<u>Property Services</u>						
Property Services Management	378,471	7,680	0	386,151	-51,534	334,618
Compliance	235,352	1,153,305	-100	1,388,557	24,844	1,413,400
Caretakers	532,483	171,062	-49,000	654,545	-10,947	643,599
Maintenance of Grassed Areas	71,130	798,440	-31,440	838,130	0	838,130
Responsive & Void Repairs	356,027	5,185,570	-69,000	5,472,597	-14,554	5,458,043
Independent Living Premises Costs	270,115	432,946	-825,250	-122,189	223,848	101,659
Programmed Maintenance	540,676	534,810	-500	1,074,986	-326,386	748,600
<b>Sub-Total</b>	<b>2,384,254</b>	<b>8,283,813</b>	<b>-975,290</b>	<b>9,692,777</b>	<b>-154,729</b>	<b>9,538,048</b>
<b>General Income</b>						
Customer & Client Receipts	0	0	-26,823,300	-26,823,300	0	-26,823,300
Interest	0	0	0	0	0	0
<b>Sub-Total</b>	<b>0</b>	<b>0</b>	<b>-26,823,300</b>	<b>-26,823,300</b>	<b>0</b>	<b>-26,823,300</b>
Transfers to/from Reserves	0	0	0	0	0	0
<b>Grand Total</b>	<b>4,303,664</b>	<b>11,143,547</b>	<b>-29,874,690</b>	<b>-14,427,479</b>	<b>13,755,478</b>	<b>-672,000</b>

## Appendix 2 - HRA Reserves Policy

### Reserves Protocol

1.1 For each reserve held by the Council there must be a clear protocol setting out:

- The reason for and purpose of the reserve;
- How and when the reserve can be used;
- Procedures for the reserve's management and control; and
- A process and timescale for review of the reserve to ensure continuing relevance and adequacy.

1.2 Details for each HRA reserve are set out below. Each reserve is managed and controlled by a Chief Officer. The responsible officer can authorise amounts of up to £10,000 to be taken from a reserve provided that its use is in line with the stated purpose of the reserve.

1.3 In addition the responsible officer must also consult with the Housing and / or Finance Portfolio Holders before authorising uses from reserves in excess of £10,000.

1.4 Reserves are reviewed and updated as part of the annual budget preparation and as part of the closure of accounts process to ensure that they continue to be required and are adequate in size. Earmarked reserves represent money that has been set aside for a clearly defined purpose, and which is available to meet future expenditure in that area. Balances represent unallocated funds which have not been earmarked and consequently are available to support any service area.

1.5 The values shown below for each reserve reflect their current position. The process for closing down the accounts at the year-end will then allow for any outstanding in year commitments and contributions.

1.6 The underlying level of reserves is adequate.

<b>Description</b>	<b>Purpose</b>	<b>How and When Used</b>	<b>Responsible Officer</b>	<b>Value £000</b>
HRA BALANCES	Balances are held by every organisation and are used to cushion the impact of unexpected	Can be used as a general contingency and should be maintained at a level of at least £100 per property.	Head of Housing	620

	events or emergencies, uneven cash flows and to avoid temporary borrowing			
HRA ELEMENT OF INSURANCE FUND	Funds held to meet the Council's self-insured liabilities where this is a more cost effective method of insuring than using an external company	Costs are incurred when insurance claims are settled. The level of the reserve is determined through actuarial reviews	Head of Finance & Procurement	331
DISTRICT HEATING CHARGES RESERVE	This reserve holds the difference between the income raised from charges to tenants for the District Heating scheme and the cost of running this scheme (primarily gas charges).	It is Council policy to run this scheme on a cost recovery basis, and so it is necessary to maintain this reserve so that any surpluses that are achieved can be carried forward to fund lower charges to tenants in the future than otherwise would be possible	Head of Housing	0
REPAIRS RESERVE	This reserve is used to deal with demand led and other spending pressures on the	Can be used as a general contingency for repairs expenditure	Head of Housing	550

	response and void repairs budgets	and should be maintained at a level of at least 10% of the repairs budgets		
GENERAL SLIPPAGE RESERVE	This reserve is used to carry forward slippage on revenue and capital projects, where required	Enables the funding on schemes that are not completed at the financial year end to be carried forward so that the scheme can be completed in the next financial year	Head of Housing	30
TRANSFORMATION AND EFFICIENCY SAVINGS	This reserve is available to support the overall budget position	Used to deal with the financial challenges facing the HRA over a medium term period	Head of Housing	1,181



## Appendix 3 – HRA Business Plan

The table below summarises the HRA business plan over the next 30 years, built on the draft 2024/25 HRA revenue and capital budgets, with assumptions applied to future years. It shows that the HRA is viable over the life of the business plan for revenue, capital and approved new build, though with little long-term headroom.

Although the assumptions are considered to be reasonable, it is very likely that over 30 years the picture will differ to current projections. The purpose of the model is therefore to demonstrate that, with reasonable assumptions, current and proposed approvals are expected to be affordable over the lifetime of the business plan.

Budget Area	1	2	3	4	5	Years	Years	Years
	2024/25	2025/26	2026/27	2027/28	2028/29	6-10	11-20	21-30
	£000's	£000's	£000's	£000's	£000's	£000's	£000's	£000's
Employee Related Costs	5,470	5,575	5,692	5,802	5,187	27,493	63,692	77,087
Response Repairs, Void Repairs & Electrical testing	7,006	7,108	7,219	7,334	7,402	37,995	80,789	86,593
Other Premises Related Costs	3,974	3,971	4,041	4,114	4,173	21,778	48,433	55,606
Transport Related Costs	232	232	237	242	247	1,309	3,041	3,707
Budget Contingency	290	290	296	302	308	1,634	3,795	4,626
Supplies & Services	1,177	924	943	962	981	5,207	12,096	14,744
Support Services & Internal Income	2,816	2,694	2,748	2,803	3,054	16,209	37,656	45,902
Loan Interest & Contribution Towards Repayment	3,726	3,785	4,191	4,155	3,965	20,316	43,248	50,093
Revenue Contribution/MRR	7,168	8,185	8,455	9,205	10,358	54,375	105,259	90,617
Dwelling Rents	-28,100	-28,925	-29,892	-30,893	-31,570	-164,876	-351,072	-376,292
Other External Income	-3,760	-3,840	-3,931	-4,025	-4,104	-21,439	-46,937	-52,684
<b>HRA TOTAL IN YEAR</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
Investment Programme - per scs	4,834	7,329	7,477	6,583	6,711	38,734	115,658	122,152
Other Property Services Budgets	7,464	2,714	2,768	2,513	2,562	29,782	29,034	35,312
<b>Total Housing Capital Budget</b>	<b>12,298</b>	<b>10,043</b>	<b>10,245</b>	<b>9,096</b>	<b>9,274</b>	<b>68,516</b>	<b>144,692</b>	<b>157,464</b>
Investment in New Build	4,357	5,569	14,469	6,583	0	0	0	0
<b>Total Capital Expenditure</b>	<b>16,655</b>	<b>15,612</b>	<b>24,714</b>	<b>15,679</b>	<b>9,274</b>	<b>68,516</b>	<b>144,692</b>	<b>157,464</b>
MRR	-4,780	-4,849	-4,926	-5,004	-5,050	-25,923	-55,121	-59,081
Revenue Contributions	-2,388	-3,336	-3,529	-4,201	-5,308	-28,452	-50,138	-31,536
Capital Grants	-3,122	-1,489	-1,987	-1,461	0	0	0	0
141 Receipts	0	-482	-1,616	-469	0	0	0	0
Other Capital Receipts	-401	-1,794	-1,853	-1,466	-1,138	-7,704	-11,789	-12,219
Borrowing	-5,964	-3,663	-10,803	-3,078	2,223	-6,437	-27,644	-54,628
<b>Total Capital Funding</b>	<b>-16,655</b>	<b>-15,612</b>	<b>-24,714</b>	<b>-15,679</b>	<b>-9,274</b>	<b>-68,516</b>	<b>-144,692</b>	<b>-157,464</b>

Key assumptions include:

- Cpi of 2% in the medium- and long-term, reflecting the Bank of England target
- Pay uplift of 4% in 2024/25 and 2% pa thereafter
- Government rent policy – yet to be announced – from 2025/26 to 2029/30 continues with an approach of cpi+1% as at present. It is assumed that rents will increase by cpi only after this date
- The cost of borrowing for the HRA reduces from 5.0% in 2024/25 to 3.0% in the medium- and long-term

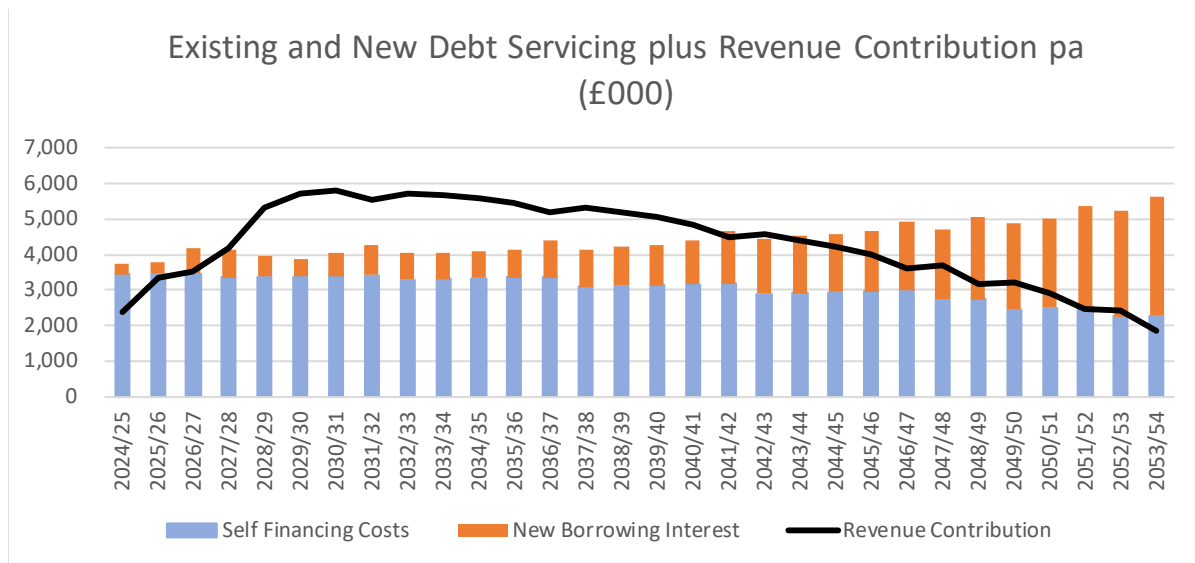
Key risks to the HRA business plan have been identified as:

- **Government rent policy** being less favourable than anticipated in this model, leading to a significant loss of income over 30 years. Conversely, if Government rent policy is more favourable there will be additional funding available for other work.
- **Interest rates** available to the HRA being substantially higher or lower than 3% on average over the lifetime of the business plan. This will create additional pressure if they are higher and additional benefit if they are lower.
- **Inflation** could have a significant cumulative effect over 30 years. However, it is expected that with the 2% target set for the Bank of England by Government, the average is likely to be around 2% in the long term.
- **Increased revenue costs** from contract inflation above cpi or increased activity. This will tend to use resources otherwise available as revenue contribution, so leading to greater borrowing requirement for capital and more interest to pay within the HRA.
- **Increased capital expenditure** from contract inflation above cpi or increased activity. This will lead to increased borrowing levels and therefore increased interest payments within the HRA. Invest to save projects and new build housing should pay for themselves over time within the business plan.

If adverse events occur to make the HRA business plan unviable then action will need to be taken to mitigate or offset this. Likewise, if favourable events occur and the position improves then there will be more room for additional ambitions.

The interplay in the business plan between interest payments on capital borrowing and available revenue contributions within the business plan are illustrated in the graph below. The more capital borrowing required over 30 years, the higher the interest strain on the HRA with less rental income being available to part-fund capital projects through revenue contributions. This in turn requires greater capital borrowing, potentially creating a vicious circle. On the other hand, additional borrowing allows additional capital projects to be delivered.

The graph below shows that current approvals and firm plans are fundable.







**Executive Overview & Scrutiny:**  
**25 January 2024**

**Cabinet: 6 February 2024**

**Council:**  
**28 February 2024**

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

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**Relevant Portfolio Holder:** Councillor R Molloy

**Contact for further information:** Mr J. Smith (Ext 5093)  
(E-mail: [jonas.smith@westlancs.gov.uk](mailto:jonas.smith@westlancs.gov.uk))

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**SUBJECT: CAPITAL FINANCE AND TREASURY MANAGEMENT STRATEGY**

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**Wards affected: Borough Wide**

## **1.0 PURPOSE OF REPORT**

- 1.1 To set the framework for capital financing and treasury management operations for the next financial year.

## **2.0 RECOMMENDATIONS**

### **Executive Overview & Scrutiny and Cabinet**

Are asked to recommend the following items to Council for approval:

- 2.1 That the projected position in respect of the Prudential Indicators for 2023-24 set out in Appendix 1 be noted.
- 2.2 That the Treasury and Prudential Indicators for the next three years set out in Appendix 1 be agreed.
- 2.3 That the capital expenditure projections in Appendix 1 be agreed.
- 2.4 That the CFR projections set out in Appendix 1 be agreed.
- 2.5 That the MRP policy as set out in section 4.5 be agreed.

### **Council**

- 2.6 That the projected position in respect of the Prudential Indicators for 2023-24 set out in Appendix 1 be noted.

- 2.7 That the Treasury and Prudential Indicators for the next three years set out in Appendix 1 be agreed.
- 2.8 That the capital expenditure projections in Appendix 1 be agreed.
- 2.9 That the CFR projections set out in Appendix 1 be agreed.
- 2.10 That the MRP policy as set out in section 4.5 be agreed.

### **3.0 BACKGROUND**

The Authority is required to operate a balanced budget, which broadly means that cash raised during the year will meet cash expenditure. Part of the treasury management operation is to ensure that this cash flow is adequately planned, with cash being available when it is needed. Surplus monies are invested in low-risk counterparties or instruments commensurate with the Authority's low risk appetite, providing adequate liquidity initially before considering investment return.

The second main function of the treasury management service is the funding of the Authority's capital plans. These capital plans provide a guide to the borrowing need of the Authority, essentially the longer-term cash flow planning, to ensure that it can meet its capital spending obligations. This management of longer-term cash may involve arranging long or short-term loans or using longer-term cash flow surpluses. On occasion, when it is prudent and economic, any debt previously drawn may be restructured to meet risk or cost objectives.

### **3.1 Capital Strategy**

The CIPFA 2021 Prudential and Treasury Management Codes require all local authorities to prepare a Capital Strategy report which will provide the following:

- a high-level long-term overview of how capital expenditure, capital financing and treasury management activity contribute to the provision of services
- an overview of how the associated risk is managed
- the implications for future financial sustainability

The aim of the strategy is to ensure that all the Authority's elected members fully understand the overall long-term policy objectives and resulting Capital Strategy requirements, governance procedures and risk appetite. This strategy will be submitted for member consideration separately to this report.

### **3.2 Treasury Management Strategy for 2024/25**

The strategy for 2024/25 covers two main areas Capital Issues, including expenditure plans and associated prudential indicators and Treasury Management Issues, including the current position, treasury indicators which limit risk, prospects for interest rates, borrowing and investment strategy, creditworthiness policy and the use of external service providers

These elements cover the requirements of the Local Government Act 2003, DLUHC Investment Guidance, DLUHC MRP Guidance, the CIPFA Prudential Code and the CIPFA Treasury Management Code.

### **3.3 Training**

The CIPFA Treasury Management Code requires the responsible officer to ensure that members with responsibility for treasury management receive adequate training in treasury management. This especially applies to members responsible for scrutiny. Member training was undertaken on the 26<sup>th</sup> October 2022 and further training will be arranged as required. The training needs of treasury management officers are periodically reviewed.

A formal record of the training received by officers central to the Treasury function will be maintained by the Head of Finance. Similarly, a formal record of the treasury management/capital finance training received by members will also be maintained by Head of Finance.

### **3.4 Treasury Management Consultants**

The Authority uses Link Group, Link Treasury Services Limited as its external treasury management advisors.

The Authority recognises that responsibility for treasury management decisions always remains with the organisation and will ensure that undue reliance is not placed upon the services of our external service providers. All decisions will be undertaken with regards to all available information, including, but not solely, our treasury advisers.

It also recognises that there is value in employing external providers of treasury management services to acquire access to specialist skills and resources. The Authority will ensure that the terms of their appointment and the methods by which their value will be assessed are properly agreed and documented and subjected to regular review.

## **4.0 THE CAPITAL PRUDENTIAL INDICATORS 2024/25 – 2026/27**

The Authority's capital expenditure plans are the key driver of treasury management activity. The output of the capital expenditure plans is reflected in the prudential indicators, which are designed to assist members' overview and confirm capital expenditure plans.

### **4.1 Capital Expenditure and Financing**

This prudential indicator is a summary of the Authority's capital expenditure plans, both those agreed previously, and those forming part of this budget cycle. Members are asked to approve the capital expenditure forecasts detailed in table 1.1 of Appendix 1.

Other long-term liabilities - the financing need excludes other long-term liabilities, such as PFI and leasing arrangements that already include borrowing instruments.

The table 1.1 in Appendix 1 also details how these plans are being financed by capital or revenue resources. Any shortfall of resources results in a funding borrowing need.

## 4.2 The Authority's Borrowing Need (the Capital Financing Requirement)

The second prudential indicator is the Authority's Capital Financing Requirement (CFR). The CFR is simply the total historic outstanding capital expenditure which has not yet been paid for from either revenue or capital resources. It is essentially a measure of the Authority's indebtedness and so its underlying borrowing need. Any capital expenditure above, which has not immediately been paid for through a revenue or capital resource, will increase the CFR.

The CFR does not increase indefinitely, as the minimum revenue provision (MRP) is a statutory annual revenue charge which broadly reduces the indebtedness in line with each asset's life, and so charges the economic consumption of capital assets as they are used.

The CFR includes any other long-term liabilities (e.g., PFI schemes, finance leases). Whilst these increase the CFR, and therefore the Authority's borrowing requirement, these types of schemes include a borrowing facility by the PFI, PPP lease provider and so the Authority is not required to separately borrow for these schemes. The Authority currently has no such schemes within the CFR.

The Authority is asked to approve the CFR projections in table 1.2 of Appendix 1.

## 4.3 Liability Benchmark

A third prudential indicator for 2024/25 is the Liability Benchmark (LB). The Authority is required to estimate and measure the LB for the forthcoming financial year and the following two financial years, as a minimum.

There are four components to the LB: -

1. **Existing loan debt outstanding:** the Authority's existing loans that are still outstanding in future years.
2. **Loans CFR:** this is calculated in accordance with the loans CFR definition in the Prudential Code and projected into the future based on approved prudential borrowing and planned MRP.
3. **Net loans requirement:** this will show the Authority's gross loan debt less treasury management investments at the last financial year-end, projected into the future and based on its approved prudential borrowing, planned MRP and any other major cash flows forecast.
4. **Liability benchmark** (or gross loans requirement): this equals net loans requirement plus short-term liquidity allowance.

The Liability Benchmark is detailed in table 1.3 of Appendix 1.

## 4.4 Core Funds and Expected Investment Balances

The application of resources (capital receipts, reserves etc.) to either finance capital expenditure or other budget decisions to support the revenue budget will have an ongoing impact on investments unless resources are supplemented each year from new sources (asset sales etc.). Detailed below are estimates of the year-end balances for each resource and anticipated day-to-day cash flow balances.



Year End Resources £m	2022/23 Actual	2023/24 Estimate	2024/25 Estimate	2025/26 Estimate	2026/27 Estimate
Fund balances / reserves	16,301	13,087	12,125	12,422	12,744
Capital receipts	5,072	4,473	2,484	2,920	3,353
Provisions	2,084	2,084	2,084	2,084	2,084
Capital Grants Unapplied	12,558	8,902	9,852	10,802	11,752
<b>Total core funds</b>	<b>36,015</b>	<b>28,546</b>	<b>26,545</b>	<b>28,228</b>	<b>29,933</b>
Working capital	6,711	6,500	6,500	6,500	6,500
Under/over borrowing	27,921	27,192	26,398	25,404	24,349
<b>Expected investments</b>	<b>14,805</b>	<b>7,854</b>	<b>6,647</b>	<b>9,324</b>	<b>12,083</b>

#### 4.5 Minimum Revenue Provision (MRP) Policy Statement

Under Regulation 27 of the Local Authorities (Capital Finance and Accounting) (England) Regulations 2003, where the Authority has financed capital expenditure by borrowing it is required to make a provision each year through a revenue charge (MRP).

The Authority is required to calculate a prudent provision of MRP which ensures that the outstanding debt liability is repaid over a period that is reasonably commensurate with that over which the capital expenditure provides benefits. The MRP Guidance (2018) gives four ready-made options for calculating MRP, but the Authority can use any other reasonable basis that it can justify as prudent.

The MRP policy statement requires full council approval (or closest equivalent level) in advance of each financial year.

The Authority is recommended to approve the following MRP Statement

For expenditure incurred before 1 April 2008 which forms part of supported capital expenditure, the MRP policy will be:

- **Asset life method (annuity)** – MRP will be based on an asset life of 50 years

From 1 April 2008 for all unsupported borrowing the MRP policy will be:

- **Asset life method (annuity)** – For regeneration and income generating assets MRP will be based on the estimated life of the assets
- **Asset life method (straight line)** – For service delivery assets MRP will be based on the estimated life of the assets

Capital expenditure incurred during 2023/24 will not be subject to an MRP charge until 2024/25, or in the year after the asset becomes operational

The Authority will apply the asset life method for any expenditure capitalised under a Capitalisation Direction.

There is no requirement on the HRA to make a minimum revenue provision but there is a requirement for a charge for depreciation to be made.

MRP in respect of assets acquired under Finance Leases or PFI will be charged at an amount equal to the principal element of the annual repayment.

For capital expenditure on loans to third parties where the principal element of the loan is being repaid in annual instalments, the capital receipts arising from the principal loan repayments will be used to reduce the CFR instead of MRP.

Where no principal repayment is made in a given year, MRP will be charged at a rate in line with the life of the assets funded by the loan.

**MRP Overpayments** – Under the MRP guidance, any charges made in excess of the statutory MRP can be made, known as voluntary revenue provision (VRP).

VRP can be reclaimed in later years if deemed necessary or prudent. In order for these amounts to be reclaimed for use in the budget, this policy must disclose the cumulative overpayment made each year.

Cumulative VRP overpayments made to date are £2.365m.

## **5.0 BORROWING**

The capital expenditure plans set out in Section 2 provide details of the service activity of the Authority. The treasury management function ensures that the Authority's cash is organised in accordance with the relevant professional codes, so that sufficient cash is available to meet this service activity and the Authority's Capital Strategy. This will involve both the organisation of the cash flow and, where capital plans require, the organisation of appropriate borrowing facilities. The strategy covers the relevant treasury / prudential indicators, the current and projected debt positions, and the Annual Investment Strategy.

### **5.1 Current Portfolio Position**

The overall treasury management portfolio as at 31.3.23 and for the position as at 31.12.23 are shown below for both borrowing and investments.

<b>TREASURY PORTFOLIO</b>				
	<b>Actual</b>	<b>Actual</b>	<b>Current</b>	<b>Current</b>
	<b>31.03.23</b>	<b>31.03.23</b>	<b>31.12.23</b>	<b>31.12.23</b>
<b>Treasury investments</b>	<b>£,000</b>	<b>%</b>	<b>£,000</b>	<b>%</b>
Banks	5,000	41%	10,000	51%
Building societies - unrated		0%	0	0%
Building societies - rated	1,000	8%	5,000	26%
Local authorities	5,000	41%	3,250	17%
Other (TVD loans)	1,300	11%	1,300	7%
DMADF (H.M.Treasury)		0%		0%
Money Market Funds		0%		0%
Certificates of Deposit		0%		0%
<b>Total managed in house</b>	<b>12,300</b>	<b>100%</b>	<b>19,550</b>	<b>100%</b>
Bond Funds	0	0	0	0
Property Funds	0	0	0	0
<b>Total managed externally</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Total treasury investments</b>	<b>12,300</b>	<b>100%</b>	<b>19,550</b>	<b>100%</b>
<b>Treasury external borrowing</b>				
Local Authorities	0	0	0	0
PWLB	88,212	100%	88,212	100%
Market Loans		0		0
LOBOs		0		0
<b>Total external borrowing</b>	<b>88,212</b>	<b>100%</b>	<b>88,212</b>	<b>100%</b>
<b>Net treasury investments / (borrowing)</b>	<b>-75,912</b>		<b>-68,662</b>	

The Authority's forward projections for borrowing are summarised below. The table shows the actual external debt, against the underlying capital borrowing need, (the Capital Financing Requirement - CFR), highlighting any over or under borrowing.

<b>£m</b>	<b>2022/23</b>	<b>2023/24</b>	<b>2024/25</b>	<b>2025/26</b>	<b>2026/27</b>
	<b>Actual</b>	<b>Estimate</b>	<b>Estimate</b>	<b>Estimate</b>	<b>Estimate</b>
<b>External Debt</b>					
Debt at 1 April	88,212	88,212	99,483	122,251	128,872
Expected change in Debt	0	11,271	22,768	6,621	4,997
Other long-term liabilities (OLTL)	0	0	0	0	0
Expected change in OLTL	0	0	0	0	0
Actual gross debt at 31 March	<b>88,212</b>	<b>99,483</b>	<b>122,251</b>	<b>128,872</b>	<b>133,870</b>
The Capital Financing Requirement	<b>116,133</b>	<b>126,675</b>	<b>148,649</b>	<b>154,276</b>	<b>158,219</b>
Under / (over) borrowing	<b>27,921</b>	<b>27,192</b>	<b>26,398</b>	<b>25,404</b>	<b>24,349</b>

Within the range of prudential indicators there are several key indicators to ensure that the Authority operates its activities within well-defined limits. One of these is that the Authority needs to ensure that its gross debt does not, except in the short-term, exceed the total of the CFR in the preceding year plus the estimates of any additional CFR for 2023/24 and the following two financial years. This allows some flexibility for limited early borrowing for future years but ensures that borrowing is not undertaken for revenue or speculative purposes.

The Head of Finance reports that the Authority complied with this prudential indicator in the current year and does not envisage difficulties for the future. This view takes account of current commitments, existing plans and the proposals in this budget report.

## 5.2 Treasury Indicators: Limits to Borrowing Activity

**The Operational Boundary.** This is the limit beyond which external debt is not normally expected to exceed. In most cases, this would be a similar figure to the CFR, but may be lower or higher depending on the levels of actual debt and the ability to fund under-borrowing by other cash resources. Details of this indicator are shown in table 1.4 of Appendix 1.

**The Authorised Limit for external debt.** This is a key prudential indicator and represents a control on the maximum level of borrowing. This represents a legal limit beyond which external debt is prohibited, and this limit needs to be set or revised by the Full Council. It reflects the level of external debt which, while not desired, could be afforded in the short-term, but is not sustainable in the longer-term.

- This is the statutory limit determined under section 3 (1) of the Local Government Act 2003. The Government retains an option to control either the total of all local authority plans, or those of a specific authority, although this power has not yet been exercised.
- The Authority is asked to approve the following Authorised Limit in table 1.5 of Appendix 1

## 5.3 Prospects for Interest Rates

The Council has appointed Link Group as its treasury advisor and part of their service is to assist the Council to formulate a view on interest rates. Link provided the following forecasts on 08/01/2024. These are forecasts for certainty rates, gilt yields plus 80 bps.

Link Group Interest Rate View 08.01.24													
	Mar-24	Jun-24	Sep-24	Dec-24	Mar-25	Jun-25	Sep-25	Dec-25	Mar-26	Jun-26	Sep-26	Dec-26	Mar-27
<b>BANK RATE</b>	5.25	5.25	4.75	4.25	3.75	3.25	3.00	3.00	3.00	3.00	3.00	3.00	3.00
3 month ave earnings	5.30	5.30	4.80	4.30	3.80	3.30	3.00	3.00	3.00	3.00	3.00	3.00	3.00
6 month ave earnings	5.20	5.10	4.60	4.10	3.70	3.30	3.10	3.10	3.10	3.10	3.10	3.10	3.10
12 month ave earnings	5.00	4.90	4.40	3.90	3.60	3.20	3.10	3.10	3.10	3.10	3.10	3.20	3.20
5 yr PWLB	4.50	4.40	4.30	4.20	4.10	4.00	3.80	3.70	3.60	3.60	3.50	3.50	3.50
10 yr PWLB	4.70	4.50	4.40	4.30	4.20	4.10	4.00	3.90	3.80	3.70	3.70	3.70	3.70
25 yr PWLB	5.20	5.10	4.90	4.80	4.60	4.40	4.30	4.20	4.20	4.10	4.10	4.10	4.10
50 yr PWLB	5.00	4.90	4.70	4.60	4.40	4.20	4.10	4.00	4.00	3.90	3.90	3.90	3.90

*Additional notes by Link on this forecast table: -*

Our central forecast for interest rates was previously updated on 7 November and reflected a view that the MPC would be keen to further demonstrate its anti-inflation credentials by keeping Bank Rate at 5.25% until at least H2 2024. We expect rate cuts to start when both the CPI inflation and wage/employment data are supportive of such a move, and when there is a likelihood of the overall economy enduring at least a slowdown or mild recession over the coming months (although most recent GDP releases have surprised with their on-going robustness).

Naturally, timing on this matter will remain one of fine judgment: cut too soon, and inflationary pressures may well build up further; cut too late and any downturn or recession may be prolonged.

In the upcoming months, our forecasts will be guided not only by economic data releases and clarifications from the MPC over its monetary policies and the Government over its fiscal policies, but also international factors such as policy development in the US and Europe, the provision of fresh support packages to support the faltering recovery in China as well as the on-going conflict between Russia and Ukraine, and Gaza and Israel.

### **PWLB Rates**

The short and medium part of the gilt curve has rallied since the start of November as markets price in a quicker reduction in Bank Rate through 2024 and 2025 than held sway back then. This reflects market confidence in inflation falling back in a similar manner to that already seen in the US and the Euro-zone. At the time of writing there is c70 basis points difference between the 5 and 50 year parts of the curve.

## **5.4 Borrowing Strategy**

The Authority is currently maintaining an under-borrowed position. This means that the capital borrowing need, (the Capital Financing Requirement), has not been fully funded with loan debt as cash supporting the Authority's reserves, balances and cash flow has been used as a temporary measure. This strategy is prudent as medium and longer dated borrowing rates are expected to fall from their current levels once prevailing inflation concerns are addressed by tighter near-term monetary policy. That is, Bank Rate remains high for the remainder of 2023/24 before beginning to reduce in 2024/25.

Against this background and the risks within the economic forecast, caution will be adopted with the 2024/25 treasury operations. The Head of Finance will monitor interest rates in financial markets and adopt a pragmatic approach to changing circumstances:

- *if it was felt that there was a significant risk of a sharp FALL in borrowing rates, then borrowing will be postponed.*
- *if it was felt that there was a significant risk of a much sharper RISE in borrowing rates than that currently forecast, fixed rate funding will be drawn whilst interest rates are lower than they are projected to be in the next few years.*

Any decisions will be reported to the appropriate decision-making body at the next available opportunity.

## **5.5 Policy on Borrowing in Advance of Need**

The Authority will not borrow more than or in advance of its needs purely to profit from the investment of the extra sums borrowed. Any decision to borrow in advance will be within forward approved Capital Financing Requirement estimates and will be considered carefully

to ensure that value for money can be demonstrated and that the Authority can ensure the security of such funds.

Risks associated with any borrowing in advance activity will be subject to prior appraisal and subsequent reporting through the mid-year or annual reporting mechanism.

## 5.6 Rescheduling

Rescheduling of current borrowing in our debt portfolio is unlikely to occur as there is still a large difference between premature redemption rates and new borrowing rates.

## 5.7 Approved Sources of Long and Short-term Borrowing

On Balance Sheet	Fixed	Variable
PWLB	●	●
UK Municipal Bond Agency	●	●
Local Authorities	●	●
Banks	●	●
Pension Funds	●	●
Insurance Companies	●	●
UK Infrastructure Bank	●	●
Market (long-term)	●	●
Market (temporary)	●	●
Local Temporary	●	●
Internal (capital receipts & revenue balances)	●	●
Finance Leases	●	●

## 6.0 ANNUAL INVESTMENT STRATEGY

### 6.1 Investment Policy – Management of Risk

The Department of Levelling Up, Housing and Communities (DLUHC - this was formerly the Ministry of Housing, Communities and Local Government (MHCLG)) and CIPFA have extended the meaning of 'investments' to include both financial and non-financial investments. This report deals solely with treasury (financial) investments, (as managed by the treasury management team). Non-financial investments, essentially the purchase of income yielding assets and service investments, are covered in the Capital Strategy, (a separate report).

The Authority's investment policy has regard to the following: -

- DLUHC's Guidance on Local Government Investments ("the Guidance")
- CIPFA Treasury Management in Public Services Code of Practice and Cross Sectoral Guidance Notes 2021 ("the Code")
- CIPFA Treasury Management Guidance Notes 2021

The Authority's investment priorities will be security first, portfolio liquidity second and then yield (return). The Authority will aim to achieve the optimum return (yield) on its investments commensurate with proper levels of security and liquidity and with regard to the Authority's risk appetite.

In the current economic climate, it is considered appropriate to maintain a degree of liquidity to cover cash flow needs but to also consider "laddering" investments for periods up to 12 months with high credit rated financial institutions, whilst investment rates remain elevated, as well as wider range fund options.

The above guidance from the DLUHC and CIPFA places a high priority on the management of risk. This Authority has adopted a prudent approach to managing risk and defines its risk appetite by the following means: -

1. Minimum acceptable **credit criteria** are applied to generate a list of highly creditworthy counterparties. This also enables diversification and thus avoidance of concentration risk. The key ratings used to monitor counterparties are the short-term and long-term ratings.
2. **Other information:** ratings will not be the sole determinant of the quality of an institution; it is important to continually assess and monitor the financial sector on both a micro and macro basis and in relation to the economic and political environments in which institutions operate. The assessment will also take account of information that reflects the opinion of the markets. To achieve this consideration the Authority will engage with its advisors to maintain a monitor on market pricing such as "**credit default swaps**" and overlay that information on top of the credit ratings.
3. **Other information sources** used will include the financial press, share price and other such information pertaining to the financial sector in order to establish the most robust scrutiny process on the suitability of potential investment counterparties.
4. This Authority has defined the list of **types of investment instruments** that the treasury management team are authorised to use. The list is outlined in 6.2 below.

**Specified investments** are those with a high level of credit quality and subject to a maturity limit of one year or have less than a year left to run to maturity, if originally they were classified as being non-specified investments solely due to the maturity period exceeding one year.

**Non-specified investments** are those with less high credit quality, may be for periods in excess of one year, and/or are more complex instruments which require greater consideration by members and officers before being authorised for use.

5. **Non-specified and loan investment limits.** The Authority has determined that it will set a limit to the maximum exposure of the total treasury management investment portfolio to non-specified treasury management investments as set out in 6.2 below.
6. **Lending limits**, (amounts and maturity), for each counterparty will be set through applying the matrix table in paragraph 6.2.
7. **Transaction limits** are set for each type of investment in 6.2.
8. This Authority will set a limit for its investments which are invested for **longer than 365 days**, (see paragraph 6.2).
9. Investments will only be placed with counterparties from the UK.
10. This Authority has engaged **external consultants**, Link Treasury Services, to provide expert advice on how to optimise an appropriate balance of security, liquidity and yield, given the risk appetite of this Authority in the context of the expected level of cash balances and need for liquidity throughout the year.
11. All investments will be denominated in **sterling**.
12. As a result of the change in accounting standards for 2022/23 under IFRS 9, this Authority will consider the implications of investment instruments which could result in an adverse movement in the value of the amount invested and resultant charges at the end of the year to the General Fund. (In November 2018, the MHCLG, concluded a consultation for a temporary override to allow English local authorities time to adjust their portfolio of all pooled investments by announcing a statutory override to delay implementation of IFRS 9 for five years ending 31.3.23. At the current juncture it has not been determined whether a further extension to the override will be agreed by Government.

However, this Authority will also pursue **value for money** in treasury management and will monitor the yield from investment income against appropriate benchmarks for investment performance, (see paragraph 6.5). Regular monitoring of investment performance will be carried out during the year.

#### **Changes in risk management policy from last year.**

The above criteria are unchanged from last year.

## **6.2 Creditworthiness Policy**

The primary principle governing the Authority's investment criteria is the security of its investments, although the yield or return on the investment is also a key consideration. After this main principle, the Authority will ensure that: -

- It maintains a policy covering both the categories of investment types it will invest in, criteria for choosing investment counterparties with adequate security, and monitoring their security. This is set out in the specified and non-specified investment sections below; and



- It has sufficient liquidity in its investments. For this purpose, it will set out procedures for determining the maximum periods for which funds may prudently be committed. These procedures also apply to the Authority's prudential indicators covering the maximum principal sums invested.

The Head of Finance will maintain a counterparty list in compliance with the following criteria and will revise the criteria and submit them to Full Council for approval as necessary. These criteria are separate to that which determines which types of investment instrument are either specified or non-specified as it provides an overall pool of counterparties considered high quality which the Authority may use, rather than defining what types of investment instruments are to be used.

Credit rating information is supplied by Link Group, our treasury advisors, on all active counterparties that comply with the criteria below. Any counterparty failing to meet the criteria would be omitted from the counterparty (dealing) list. Any rating changes, rating Watches (notification of a likely change), rating Outlooks (notification of the longer-term bias outside the central rating view) are provided to officers almost immediately after they occur, and this information is considered before dealing. For instance, a negative rating Watch applying to a counterparty at the minimum Authority criteria will be suspended from use, with all others being reviewed in light of market conditions.

The criteria for providing a pool of high-quality investment counterparties, (both specified and non-specified investments) is:

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

#### **Use of additional information other than credit ratings**

Additional requirements under the Code require the Authority to supplement credit rating information. Whilst the above criteria rely primarily on the application of credit ratings to provide a pool of appropriate counterparties for officers to use, additional

operational market information will be applied before making any specific investment decision from the agreed pool of counterparties. This additional market information (for example Credit Default Swaps, rating Watches/Outlooks) will be applied to compare the relative security of differing investment opportunities.

### **Creditworthiness**

Significant levels of downgrades to Short and Long-Term credit ratings have not materialised since the crisis in March 2020. In the main, where they did change, any alterations were limited to Outlooks. However, more recently the UK sovereign debt rating has been placed on Negative Outlook by the three major rating agencies in the wake of the Truss/Kwarteng unfunded tax-cuts policy. Although the Sunak/Hunt government has calmed markets, the outcome of the rating agency reviews is unknown at present, but it is possible the UK sovereign debt rating will be downgraded. Accordingly, when setting minimum sovereign debt ratings, this Authority will not set a minimum rating for the UK.

### **CDS prices**

Although bank CDS prices, (these are market indicators of credit risk), spiked upwards during the days of the Truss/Kwarteng government, they have returned to more average levels since then. However, sentiment can easily shift, so it will remain important to undertake continual monitoring of all aspects of risk and return in the current circumstances. Link monitor CDS prices as part of their creditworthiness service to local authorities and the Authority has access to this information via its Link-provided Passport portal.

## **6.3 Limits**

Due care will be taken to consider the exposure of the Authority's total investment portfolio to non-specified investments, countries, groups and sectors.

- a. **Non-specified treasury management investment limit.** The Authority has determined that it will limit the maximum total exposure of treasury management investments to non-specified treasury management investments as per paragraph 6.2.
- b. **Country limit.** The Authority has determined that it will only use approved counterparties from the UK.

## **6.4 Investment Strategy**

**In-house funds.** Investments will be made with reference to the core balance and cash flow requirements and the outlook for short-term interest rates (i.e., rates for investments up to 12 months). Greater returns are usually obtainable by investing for longer periods. The current shape of the yield curve suggests that is the case at present, but there is the prospect of Bank Rate peaking in the first half of 2023 and possibly reducing as early as the latter part of 2023 so an agile investment strategy would be appropriate to optimise returns.

Accordingly, while most cash balances are required in order to manage the ups and downs of cash flow where cash sums can be identified that could be invested for longer periods, the value to be obtained from longer-term investments will be carefully assessed.

## **6.5 Investment Performance / Risk Benchmarking**

This Authority will use an investment benchmark of 3-month Sterling Overnight Interbank Average Rate (SONIA) to assess the investment performance of its investment portfolio.

## **6.6 MifiD II Status**

The Market in Financial Instruments Directive II (MIFID II) changed the classification of local authority investors. It reclassified local and public authorities as retail investors from 3 January 2018. Authorities could elect for a return to professional status provided they met certain criteria. If the Authority decided against opting up it would have had access to a more limited a range of financial investment instruments. Therefore, the decision has been taken to opt for profession status with all counterparties in which it currently invests and will do the same for any future eligible ones if required.

## **6.7 End of Year Investment Report**

At the end of the financial year, the Authority will report on its investment activity as part of its Annual Treasury Report.

## **7.0 SUSTAINABILITY IMPLICATIONS**

7.1 The Capital Financing and Treasury Management Framework ensures that robust financial decisions are made. The strategies in place provide for sound financial management decision making with regards to the Council's assets and their sustainability. This report has no significant impacts on crime and disorder.

## **8.0 RISK ASSESSMENT**

8.1 The Council is signed up to the CIPFA Treasury Management Code of Practice and it reviews the Prudential Indicators on a regular basis. It is, therefore, minimising the risks associated with financing decisions.

## **9.0 HEALTH AND WELLBEING IMPLICATIONS**

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

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### **Background Documents**

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

### **Equality Impact Assessment**

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

# APPENDICES

1. Prudential and treasury indicators
2. Economic background
3. Treasury management practice 1 – credit and counterparty risk management
4. Treasury management scheme of delegation
5. The treasury management role of the section 151 officer
6. Minute of Executive Overview & Scrutiny Committee
7. Minute of Cabinet

## 1. THE CAPITAL PRUDENTIAL AND TREASURY INDICATORS 2024/25 – 2026/27

The Authority's capital expenditure plans are the key driver of treasury management activity. The output of the capital expenditure plans is reflected in the prudential indicators, which are designed to assist members' overview and confirm capital expenditure plans.

### 1.1 Capital Expenditure and Financing

Capital expenditure £,000	2022/23 Actual	2023/24 Estimate	2024/25 Estimate	2025/26 Estimate	2026/27 Estimate
Non-HRA	7,709	6,462	11,364	2,304	1,888
HRA	13,097	17,906	27,164	14,517	13,311
<b>Total</b>	<b>20,806</b>	<b>24,368</b>	<b>38,529</b>	<b>16,821</b>	<b>15,199</b>

Financing of capital expenditure £,000	2022/23 Actual	2023/24 Estimate	2024/25 Estimate	2025/26 Estimate	2026/27 Estimate
Capital receipts	1,203	1,022	2,788	363	366
Capital grants	7,051	3,123	4,308	2,632	2,631
Capital reserves	4,506	4,066	4,188	4,314	4,443
Revenue	2,928	4,886	4,477	2,891	2,762
<b>Net financing need for the year</b>	<b>5,118</b>	<b>11,271</b>	<b>22,768</b>	<b>6,621</b>	<b>4,997</b>

### 1.2 The Authority's Borrowing Need (the Capital Financing Requirement)

£m	2022/23 Actual	2023/24 Estimate	2024/25 Estimate	2025/26 Estimate	2026/27 Estimate
<b>Capital Financing Requirement</b>					
Non-HRA	25,198	26,635	30,114	30,382	30,173
Housing	90,935	100,039	118,535	123,894	128,046
<b>Total CFR</b>	<b>116,133</b>	<b>126,675</b>	<b>148,649</b>	<b>154,276</b>	<b>158,219</b>
<b>Movement in CFR</b>	<b>4,442</b>	<b>10,541</b>	<b>21,974</b>	<b>5,628</b>	<b>3,943</b>
<b>Movement in CFR represented by</b>					
Net financing need for the year (above)	5,118	11,271	22,768	6,621	4,997
Less MRP/VRP and other financing movements	-676	-730	-794	-993	-1055
<b>Movement in CFR</b>	<b>4,442</b>	<b>10,541</b>	<b>21,975</b>	<b>5,628</b>	<b>3,943</b>

External borrowing £m	2022/23	2023/24	2024/25	2025/26	2026/27
	Actual	Estimate	Estimate	Estimate	Estimate
Service spend		232	1,805	2,249	2,693
Housing	88,212	97,691	116,575	122,336	126,889
Regeneration		1,560	3,871	4,287	4,287
Preventative action					
Treasury Management					
Projects for yield					
<b>TOTAL</b>	<b>88,212</b>	<b>99,483</b>	<b>122,251</b>	<b>128,872</b>	<b>133,869</b>

### 1.3 Liability Benchmark

West Lancashire Borough Council		£'000	£'000	£'000	£'000
Financial Year End		Estimate	Estimate	Estimate	Estimate
		2023/24	2024/25	2025/26	2026/27
PWLB Loans		88,212	88,212	88,212	88,212
Market Loans (excl LOBO loans)					
LOBO Loans					
Short Term inc LA Temporary Borrowing (<1 year)					
Variable rate loans					
<b>Existing Loan Debt Outstanding</b>		<b>88,212</b>	<b>88,212</b>	<b>88,212</b>	<b>88,212</b>
Opening Loan Debt					
<b>Less:</b> opening treasury investments					
<b>Plus:</b> planned prudential borrowing		11,271	22,768	6,621	4,997
<b>Less:</b> MRP & Capital Receipts set aside		-730	-794	-993	-1,055
+/- other forecast cashflows		6,677	1,985	-2,613	-2,696
<b>Net Loans Requirement (forecast net loan debt)</b>		<b>93,130</b>	<b>117,089</b>	<b>120,104</b>	<b>121,351</b>
Opening Loans CFR					
<b>Plus:</b> planned Prudential Borrowing		11,271	22,768	6,621	4,997
<b>Less:</b> MRP & Capital Receipts set aside		-730	-794	-993	-1,055
<b>Loans CFR</b>		<b>126,674</b>	<b>148,648</b>	<b>154,276</b>	<b>158,219</b>
Liquidity allowance above net debt (liquidity buffer)		£250	£250	£250	£250
<b>Liability Benchmark (Gross Loans Requirement)</b>		<b>93,380</b>	<b>117,339</b>	<b>120,354</b>	<b>121,601</b>
<b>Forecast Investments</b>		<b>8,128</b>	<b>6,143</b>	<b>8,756</b>	<b>11,451</b>
<b>(Over)/Under Liability Benchmark</b>		<b>5,168</b>	<b>29,127</b>	<b>32,142</b>	<b>33,389</b>

### 1.4 Operational Boundary

Operational Boundary £m	2022/23	2023/24	2024/25	2025/26
	Estimate	Estimate	Estimate	Estimate
Debt	126,675	148,649	154,276	158,219
Other long-term liabilities	0	0	0	0
Total	126,675	148,649	154,276	158,219

## 1.5 Authorised Limit for external debt

Authorised Limit £m	2022/23	2023/24	2024/25	2025/26
	Estimate	Estimate	Estimate	Estimate
Debt	136,675	158,649	164,276	168,219
Other long-term liabilities	500	500	500	500
Total	137,175	159,149	164,776	168,719

## 1.6 Maturity Structure of Borrowing

Maturity analysis of loans	Average Rate %	Interest Payable £'000	2024/2025 £'000
Between 2 and 5 years	3.01	132.76	4,411
Between 5 and 10 years	3.30	145.55	4,411
Between 10 and 15 years	3.44	303.45	8,821
Between 15 and 20 years	3.50	308.74	8,821
Between 20 and 25 years	3.52	310.51	8,821
Between 25 and 30 years	3.53	621.89	17,642
Between 30 and 35 years	3.51	618.37	17,642
Between 35 and 40 years	3.49	615.72	17,642
Between 40 and 45 years			
Total	3.47	3,056.99	88,212

Maturity structure of borrowing	2022/23 Actual	2023/24 Estimate Limit	2024/25 Estimate Limit	2025/26 Estimate Limit	2026/27 Estimate Limit
Under 12 months	0%	0%	0%	0%	5%
12 months and within 24 months	0%	0%	0%	5%	0%
24 months and within 5 years	5%	5%	5%	0%	0%
5 years and within 10 years	5%	5%	5%	5%	5%
10 years and above	90%	90%	90%	90%	90%

## 1.7 Limits for Long Term Treasury Management Investments

Limits for Long Term Treasury Management Investments	2022/23 Actual %	2023/24 Estimate Limit %	2024/25 Estimate Limit %	2025/26 Estimate Limit %	2026/27 Estimate Limit %
Limit for investments > a year	0	Higher of £3m and 20%	Higher of £3m and 20%	Higher of £3m and 20%	Higher of £3m and 20%

## 1.8 Affordability Prudential Indicators

The previous sections cover the overall capital and control of borrowing prudential indicators, but within this framework prudential indicators are required to assess the affordability of the capital investment plans. These provide an indication of the impact of the capital investment plans on the Authority's overall finances. The Authority is asked to approve the following indicators: -

### **1.8.1 Ratio of Financing Costs to Net Revenue Stream**

This indicator identifies the trend in the cost of capital, (borrowing and other long-term obligation costs net of investment income), against the net revenue stream.



Capital expenditure £m	2022/23 Actual	2023/24 Estimate	2024/25 Estimate	2025/26 Estimate	2026/27 Estimate
<b>Non-HRA</b>	7,709	6,462	11,364	2,304	1,888
<b>HRA</b>	13,097	17,906	27,164	14,517	13,311
<b>Total</b>	<b>20,806</b>	<b>24,368</b>	<b>38,529</b>	<b>16,821</b>	<b>15,199</b>
<b>Ratio of Financing Costs to Net Revenue Stream</b>					
	2022/23 Actual	2023/24 Estimate	2024/25 Estimate	2025/26 Estimate	2026/27 Estimate
Non-HRA	-0.54%	-1.88%	0.05%	2.37%	2.72%
HRA	12.63%	13.37%	13.64%	14.14%	14.49%
<b>Non-HRA £,000</b>					
	2022/23 Actual	2023/24 Estimate	2024/25 Estimate	2025/26 Estimate	2026/27 Estimate
Interest received on existing investments	-398	-649	-544	-344	-344
Interest cost for new borrowing	0	0	147	166	166
Interest cost existing finance leases/PFI	0	0	0	0	0
Interest cost for new finance leases/PFI	0	0	0	0	0
Gains and losses on the repurchase or early settlement of borrowing	0	0	0	0	0
MRP and VRP	314	355	406	591	653
<b>Total Financing Costs</b>	<b>-84</b>	<b>-294</b>	<b>8</b>	<b>413</b>	<b>474</b>
Taxation, precepts	14,446	11,698	12,839	13,209	13,706
Non-specific grant income	1,186	3,934	4,839	4,563	4,302
<b>Net Revenue Stream</b>	<b>15,478</b>	<b>15,632</b>	<b>17,108</b>	<b>17,449</b>	<b>17,449</b>
Ratio of Financing Costs	-0.54%	-1.88%	0.05%	2.37%	2.72%
<b>HRA £,000</b>					
	2022/23 Actual	2023/24 Estimate	2024/25 Estimate	2025/26 Estimate	2026/27 Estimate
Interest received on existing investments	-78	-119	-119	-119	-119
Interest cost on existing borrowing	3,057	3,057	3,057	3,057	3,057
Interest cost for new borrowing	0	332	993	1,194	1,354
Interest cost existing finance leases/PFI	0	0	0	0	0
Interest cost for new finance leases/PFI	0	0	0	0	0
Gains and losses on the repurchase or early settlement of borrowing	0	0	0	0	0
MRP and VRP	350	375	388	402	402
HRA Depreciation	0	0	0	0	0
<b>Total Financing Costs</b>	<b>3,329</b>	<b>3,644</b>	<b>4,318</b>	<b>4,534</b>	<b>4,693</b>
<b>HRA Rental Income</b>	<b>26,354</b>	<b>27,254</b>	<b>31,664</b>	<b>32,062</b>	<b>32,382</b>
Ratio of Financing Costs	12.63%	13.37%	13.64%	14.14%	14.49%

The estimates of financing costs include current commitments and the proposals in this budget report.

### 1.8.2 Ratio of income from commercial and service investments to net revenue stream

%	2022/23	2023/24	2024/25	2025/26	2026/27
	Actual	Estimate	Estimate	Estimate	Estimate
Non-HRA	11.83%	8.43%	6.18%	6.08%	6.86%
£,000	2022/23	2023/24	2024/25	2025/26	2026/27
	Actual	Estimate	Estimate	Estimate	Estimate
Income from financial investments	0	0	0	0	0
Income from assets held primarily for financial return	3,107	2,253	2,463	2,480	2,438
Investment management costs	0	0	0	0	0
Other direct revenue costs of investments	-1,257	-935	-1,370	-1,399	-1,202
<b>Total Net Commercial &amp; Service Income</b>	<b>1,850</b>	<b>1,318</b>	<b>1,092</b>	<b>1,081</b>	<b>1,235</b>
Taxation, precepts	14,446	11,698	12,839	13,209	13,706
Non-specific grant income	1,186	3,934	4,839	4,563	4,302
<b>Net Revenue Stream</b>	<b>15,632</b>	<b>15,632</b>	<b>17,678</b>	<b>17,773</b>	<b>18,008</b>
Ratio of net income from commercial & service investments	11.83%	8.43%	6.18%	6.08%	6.86%

### 1.8.3 HRA Ratios

	2022/23	2023/24	2024/25	2025/26	2026/27
	Actual	Estimate	Estimate	Estimate	Estimate
HRA debt £,000	88,212	97,691	116,575	122,336	126,889
HRA revenues £,000	27,872	29,810	31,664	32,062	32,382
Ratio of debt to revenues %	<b>31.60</b>	<b>30.51</b>	<b>27.16</b>	<b>26.21</b>	<b>25.52</b>
	2022/23	2023/24	2024/25	2025/26	2026/27
	Actual	Estimate	Estimate	Estimate	Estimate
HRA debt £,000	88,212	97,691	116,575	122,336	126,889
Number of HRA dwellings	5,843	5,793	5,733	5,673	5,613
Debt per dwelling £	<b>15,097</b>	<b>16,864</b>	<b>20,334</b>	<b>21,565</b>	<b>22,606</b>

Assumed RtB sales of 60 per annum without replacement for 2024/25 onwards as per HRA Business Plan (from 50)

## 2. ECONOMIC BACKGROUND

The first half of 2023/24 saw:

Interest rates rise by a further 100bps, taking Bank Rate from 4.25% to 5.25% and, possibly, the peak in the tightening cycle.

Short, medium and long-dated gilts remain elevated as inflation continually surprised to the upside.

CPI inflation falling from 8.7% in April to 6.7% in September, its lowest rate since February 2022, but still the highest in the G7.

Core CPI inflation declining to 6.1% in September from 7.1% in April and May, a then 31 years high.

A cooling in labour market conditions, but no evidence yet that it has led to an easing in wage growth (as the 3myy growth of average earnings rose by 7.8% for the period June to August, excluding bonuses).

The registering of 0% GDP for Q3 suggests that underlying growth has lost momentum since earlier in the year. Some of the weakness in July was due to there being almost twice as many working days lost to strikes in July (281,000) than in June (160,000). But with output falling in 10 out of the 17 sectors, there is an air of underlying weakness.

The fall in the composite Purchasing Managers Index from 48.6 in August to 46.7 in September left it at its lowest level since COVID-19 lockdowns reduced activity in January 2021. At face value, it is consistent with the 0% q/q rise in real GDP in the period July to September, being followed by a contraction in the next couple of quarters.

The 0.4% m/m rebound in retail sales volumes in August is not as good as it looks as it partly reflected a pickup in sales after the unusually wet weather in July. Sales volumes in August were 0.2% below their level in May, suggesting much of the resilience in retail activity in the first half of the year has faded.

As the growing drag from higher interest rates intensifies over the next six months, we think the economy will continue to lose momentum and soon fall into a mild recession. Strong labour demand, fast wage growth and government handouts have all supported household incomes over the past year. And with CPI inflation past its peak and expected to decline further, the economy has got through the cost-of-living crisis without recession. But even though the worst of the falls in real household disposable incomes are behind us, the phasing out of financial support packages provided by the government during the energy crisis means real incomes are unlikely to grow strongly. Higher interest rates will soon bite harder too. We expect the Bank of England to keep interest rates at the probable peak of 5.25% until the second half of 2024. Mortgage rates are likely to stay above 5.0% for around a year.

The tightness of the labour market continued to ease, with employment in the three months to July falling by 207,000. The further decline in the number of job vacancies from 1.017m in July to 0.989m in August suggests that the labour market has loosened a bit further since July. That is the first time it has fallen below 1m since July 2021. At 3.0% in July, and likely to have fallen to 2.9% in August, the job vacancy rate is getting closer to 2.5%, which would be consistent with slower wage growth. Meanwhile, the 48,000 decline in the supply of workers in the three months to July offset some of the loosening in the tightness of the labour market. That was due to a 63,000 increase in inactivity in the three months to July as more people left the labour market due to long

term sickness or to enter education. The supply of labour is still 0.3% below its pre-pandemic February 2020 level.

But the cooling in labour market conditions still has not fed through to an easing in wage growth. The headline 3myy rate rose 7.8% for the period June to August, which meant UK wage growth remains much faster than in the US and in the Euro-zone. Moreover, while the Bank of England's closely watched measure of regular annual average total pay growth for the private sector was 7.1% in June to August 2023, for the public sector this was 12.5% and is the highest total pay annual growth rate since comparable records began in 2001. However, this is affected by the NHS and civil service one-off non-consolidated payments made in June, July and August 2023. The Bank of England's prediction was for private sector wage growth to fall to 6.9% in September.

CPI inflation declined from 6.8% in July to 6.7% in August and September, the lowest rate since February 2022. The biggest positive surprise was the drop in core CPI inflation, which declined from 6.9% to 6.1%. That reverses all the rise since March.

In its latest monetary policy meeting on 06 November, the Bank of England left interest rates unchanged at 5.25%. The vote to keep rates on hold was a split vote, 6-3. It is clear that some members of the MPC are still concerned about the stickiness of inflation.

Like the US Fed, the Bank of England wants the markets to believe in the higher for longer narrative. In terms of messaging, the Bank once again said that "further tightening in monetary policy would be required if there were evidence of more persistent inflationary pressures", citing the rise in global bond yields and the upside risks to inflation from "energy prices given events in the Middle East". So, like the Fed, the Bank is keeping the door open to the possibility of further rate hikes. However, it also repeated the phrase that policy will be "sufficiently restrictive for sufficiently long" and that the "MPC's projections indicate that monetary policy is likely to need to be restrictive for an extended period of time". Indeed, Governor Bailey was at pains in his press conference to drum home to markets that the Bank means business in squeezing inflation out of the economy.

This narrative makes sense as the Bank of England does not want the markets to decide that a peak in rates will be soon followed by rate cuts, which would loosen financial conditions and undermine its attempts to quash inflation. The language also gives the Bank of England the flexibility to respond to new developments. A rebound in services inflation, another surge in wage growth and/or a further leap in oil prices could conceivably force it to raise rates in the future.

### **3. TREASURY MANAGEMENT PRACTICE (TMP1) – CREDIT AND COUNTERPARTY RISK MANAGEMENT**

The DLUHC issued Investment Guidance in 2018, and this forms the structure of the Authority's policy below. These guidelines do not apply to either trust funds or pension funds which operate under a different regulatory regime.

The key intention of the Guidance is to maintain the current requirement for local authorities to invest prudently, and that priority is given to security and liquidity before yield. In order to facilitate this objective, the Guidance requires this Authority to have regard to the CIPFA publication Treasury Management in the Public Services: Code of Practice and Cross-Sectoral Guidance Notes. This Council adopted the Code on 24/02/2022 and will apply its principles to all investment activity. In accordance with the Code, the Head of Finance has

produced its treasury management practices (TMPs). This part, TMP 1(1), covering investment counterparty policy requires approval each year.

**Annual Investment Strategy** - The key requirements of both the Code and the investment guidance are for the Authority to set an Annual Investment Strategy, as part of its annual treasury strategy for the following year, covering the identification and approval of the following:

- The strategy guidelines for choosing and placing investments, particularly non-specified investments.
- The principles to be used to determine the maximum periods for which funds can be committed.
- Specified investments that the Authority will use. These are high security and high liquidity investments in sterling and with a maturity of no more than a year.
- Non-specified investments, clarifying the greater risk implications, identifying the general types of investment that may be used and a limit to the overall amount of various categories that can be held at any time.

The investment policy proposed for the Authority is:

**Strategy guidelines** – The main strategy guidelines are contained in the body of the Treasury Management Strategy Statement.

**Specified investments** – These investments are sterling investments of not more than one-year maturity, or those which could be for a longer period but where the Authority has the right to be repaid within 12 months if it wishes. They also include investments which were originally classed as being non-specified investments, but which would have been classified as specified investments apart from originally being for a period longer than 12 months once the remaining period to maturity falls to under 12 months.

These are considered low risk assets where the possibility of loss of principal or investment income is small. These would include sterling investments which would not be defined as capital expenditure with: -

- The UK Government (such as the Debt Management Account deposit facility, UK Treasury Bills or a Gilt with less than one year to maturity).
- Supranational Bonds of less than one year's duration.
- A Local Authority, Housing Association, Parish Council or Community Council.
- Pooled investment vehicles (such as Money Market Funds) that have been awarded a high credit rating by a credit rating agency e.g., Standard and Poor's, Moody's and/or Fitch rating agencies.
- A body that is considered of a high credit quality.

In accordance with the Code, the Authority has set out additional criteria to limit the time and the amount of monies which will be invested in these bodies. These criteria are set out in section 4.2 above.

**Non-specified investments** – are any other type of investment (i.e., not defined as specified above). The identification and rationale supporting the selection of these other investments and the maximum limits to be applied are also set out in 4.2.

**The monitoring of investment counterparties** - The credit rating of counterparties will be monitored regularly. The Authority receives credit rating information (changes, rating watches and rating outlooks) from Link as and when ratings change, and counterparties are checked promptly. On occasion ratings may be downgraded when

an investment has already been made. The criteria used are such that a minor downgrading should not affect the full receipt of the principal and interest. Any counterparty failing to meet the criteria will be removed from the list immediately by the Head of Finance, and if required new counterparties which meet the criteria will be added to the list.

#### **4. TREASURY MANAGEMENT SCHEME OF DELEGATION**

##### **(i) Full board/council**

- receiving and reviewing reports on treasury management policies, practices and activities;
- approval of annual strategy.

##### **(ii) Boards/committees/council/responsible body**

- approval of/amendments to the organisation's adopted clauses, treasury management policy statement and treasury management practices;
- budget consideration and approval;
- approval of the division of responsibilities;
- receiving and reviewing regular monitoring reports and acting on recommendations;
- approving the selection of external service providers and agreeing terms of appointment.

##### **(iii) Body/person(s) with responsibility for scrutiny**

- reviewing the treasury management policy and procedures and making recommendations to the responsible body.

#### **5. THE TREASURY MANAGEMENT ROLE OF THE SECTION 151 OFFICER**

##### **The S151 (responsible) officer**

- recommending clauses, treasury management policy/practices for approval, reviewing the same regularly, and monitoring compliance;
- submitting regular treasury management policy reports;
- submitting budgets and budget variations;
- receiving and reviewing management information reports;
- reviewing the performance of the treasury management function;
- ensuring the adequacy of treasury management resources and skills, and the effective division of responsibilities within the treasury management function;

- ensuring the adequacy of internal audit, and liaising with external audit;
- recommending the appointment of external service providers.
- preparation of a Capital Strategy to include capital expenditure, capital financing, non-financial investments and treasury management, with a long-term timeframe (*say 20+ years – to be determined in accordance with local priorities.*)
- ensuring that the Capital Strategy is prudent, sustainable, affordable and prudent in the long term and provides value for money
- ensuring that due diligence has been carried out on all treasury and non-financial investments and is in accordance with the risk appetite of the authority
- ensure that the Authority has appropriate legal powers to undertake expenditure on non-financial assets and their financing
- ensuring the proportionality of all investments so that the Authority does not undertake a level of investing which exposes the Authority to an excessive level of risk compared to its financial resources
- ensuring that an adequate governance process is in place for the approval, monitoring and ongoing risk management of all non-financial investments and long-term liabilities
- provision to members of a schedule of all non-treasury investments including material investments in subsidiaries, joint ventures, loans and financial guarantees
- ensuring that members are adequately informed and understand the risk exposures taken on by the Authority
- ensuring that the Authority has adequate expertise, either in house or externally provided, to carry out the above
- creation of Treasury Management Practices which specifically deal with how non treasury investments will be carried out and managed, to include the following: -
  - *Risk management (TMP1 and schedules), including investment and risk management criteria for any material non-treasury investment portfolios;*
  - *Performance measurement and management (TMP2 and schedules), including methodology and criteria for assessing the performance and success of non-treasury investments;*
  - *Decision making, governance and organisation (TMP5 and schedules), including a statement of the governance requirements for decision making in relation to non-treasury investments; and arrangements to ensure that appropriate professional due diligence is carried out to support decision making;*
  - *Reporting and management information (TMP6 and schedules), including where and how often monitoring reports are taken;*
  - *Training and qualifications (TMP10 and schedules), including how the relevant knowledge and skills in relation to non-treasury investments will be arranged.*







**CABINET: 6<sup>th</sup> February 2024**

**COUNCIL 28<sup>th</sup> February 2024**

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**Report of: Corporate Director of Transformation, Housing & Resources**

**Relevant Portfolio Holder: Councillor Pryce-Roberts**

**Contact for further information: Nicola Bradley (Ext. 5296)**  
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**SUBJECT: DEMOLITION OF FLAT BLOCKS IN BLYTHEWOOD & BANKSBARN TO FACILITATE PHASE 2 OF DIGMOOR REVIVAL SCHEME**

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Wards affected: Digmoor

## **1.0 PURPOSE OF THE REPORT**

- 1.1 To seek approval to proceed with the development of Digmoor area of Skelmersdale in accordance with the Digmoor Revival Scheme. Approval is sought to demolish the existing blocks of flats in Blythewood and Banksbarn, shown in the current site plan attached at Appendix 1 and thereafter take all steps necessary to develop the site. This demolition will facilitate the development of 45 new Council homes for affordable/social rent. In order to facilitate this development, approval is required from both Council and Cabinet on various aspects of the proposal.
- 1.2 The report is being brought forward to this meeting to avoid any delay in the project. The impact of a delay would be the loss of significant funding from Homes England if the project is not completed by the end of the current Homes England Affordable Housing Programme, in March 2026.

## **2.0 RECOMMENDATIONS TO CABINET**

- 2.1 That the proposed development, details of which are contained within this report, (including the demolition of the flat blocks in Blythewood and Banksbarn) be approved subject to Council approval where appropriate.
- 2.2 That the Head of Housing following discussion with the relevant Portfolio Holder be given delegated authority to take all steps necessary (subject to Council approval where necessary) to implement the development outlined within this report. This will include, but not be limited to, instructing TVD, obtaining planning permission, entering into grant funding arrangements with Homes England,

contracts with design and build businesses, demolition of existing properties, relocation of tenants and repurchase of leaseholds.

- 2.3 That the Head of Housing, following discussion with the relevant Portfolio Holder, be given delegated authority to, as a last resort, use the power of compulsory purchase.
- 2.4 That the Head of Housing be given delegated authority to make on going adjustments to the delivery of the scheme following discussions with the relevant Portfolio Holder.
- 2.5 In respect of matters reserved to Council the report be noted and any agreed comments be referred to Council for consideration.

### **3.0 RECOMMENDATIONS TO COUNCIL**

- 3.1 That having regard to the comments from Cabinet the development as outlined in this report be approved. The proposal to be funded from the £9m budget which has previously been set aside for this purpose.
- 3.2 That the Head of Housing be given delegated authority to take all steps necessary to implement the development outlined within this report. This will include, but not be limited to instructing TVD Ltd, obtaining planning permission, entering into grant funding arrangements with Homes England, contracts with design and build businesses, demolition of existing properties, relocation of tenants and repurchase of leaseholds.
- 3.3 That the Head of Housing, following discussion with the relevant Portfolio Holder, be given delegated authority to, as a last resort, use the power of compulsory purchase.
- 3.4 That the Head of Housing be given delegated authority to make on going adjustments to the delivery of the scheme following discussions with the relevant Portfolio Holder.

### **4.0 BACKGROUND**

- 4.1 Due to the age and condition of the flat blocks on Blythewood and Banksbarn, officers have been working closely with TVD to consider their long-term future.
- 4.2 The existing properties are approximately 50 years old and are constructed using the REEMA Conclad concrete panel system. As such they are difficult to improve, poorly insulated, and prone to defects. The flats have outdated electric heating systems, poor layouts, and the communal areas are in need of refurbishment.
- 4.3 There were a number of similar blocks built in the Digmoor area, those on Beechtrees have previously been demolished and replaced with new homes, and subject to due diligence, a full appraisal, funding and viability those on Blakehall have been identified as a potential next phase of the Digmoor Revival scheme.

- 4.4 Most of the flats have had a high tenancy turnover and as such have a low or negative net present value. The detached blocks of flats include bedsits and garages to the ground floors with 2 bed flats above. These bedsits have historically been unpopular and hard to let; demand for 1 bedroom apartments however significantly outweighs supply, the proposed development outlined below has taken account of this.
- 4.5 In January 2023, the Estates Regeneration Cabinet Working Group (ERCWG) concluded that a new build scheme was the preferred option for the site at Blythewood & Banksbarn and a subsequent phase at Blakehall. The project will deliver 45 new homes.
- 7 x 2 bed houses, each with front and rear gardens, and 2 parking spaces
  - 6 x 3 bed houses, each with front and rear gardens and 2 parking spaces
  - 2 x 3 storey blocks of apartments with internal communal areas, comprising of 18 x 1 bed dwellings and 6 x 2 bed dwellings, with landscaping and allocated parking to the surrounding areas.
  - 8 x 1 bed cottage apartments with communal landscaping and allocated parking
- 4.6 It is proposed to develop the Blythewood & Banksbarn site in two phases. Phase 1 involves building a new block of 12 apartments on the clear land at the entrance to Blythewood. Phase 2 would involve building the remaining flats and houses. The scheme was split into two phases for two reasons, firstly to commence delivery of phase 1 first, allowing the possibility of moving some tenants from phase 2 in accordance with Allocations Policy and secondly to attract Homes England funding to the phase 1 scheme only, although following ongoing dialogue with Homes England there is potential for an improved position with a possibility of funding for phase 2 also if the whole scheme can be delivered by the end of March 2026.
- 4.7 To facilitate phase 2 of the new development, the 6 detached blocks of flats (comprising 36 dwellings) currently on the site would need to be demolished.
- 4.8 Of the 36 dwellings to be demolished, 21 are tenanted, 10 are currently owned leasehold and would require the Council to buy back the leases, and 5 are empty or being used as temporary accommodation to house homeless people.

## **5.0 CONSULTATION**

- 5.1 All 21 tenants, and 10 leaseholders affected by the redevelopment were invited to 'drop-in' events held in the area, in early September 2023.
- 5.2 The aim of these events was to share initial plans for both phases with residents and to invite questions and feedback on the proposals. The intended timing of both phases was made clear to residents, with a planning application for phase 1 proposed for September/October 2023 and a planning application for phase 2 proposed for the Spring of 2024 subject to further resident consultation.

- 5.3 The drop in events were followed up by one-to-one discussions with those unable to attend. Every resident has been spoken to with the exception of 2 tenants, despite concerted efforts.
- 5.4 Overall, residents were in support of both phase 1 and 2. No residents were opposed to phase 1 and only 2 residents voiced their disagreement to phase 2. These residents were both leaseholders who are currently renting out their properties rather than residing in them. A planning application for phase 1 has subsequently been submitted week beginning 30<sup>th</sup> October 2023.

## **6.0 CURRENT POSITION / NEXT STEPS**

- 6.1 Following support from the Estates Regeneration Cabinet Working Group, the development was included in the TVD Business Plan 2022/27 which gained approval at the full Council meeting on 19<sup>th</sup> July 2023.
- 6.2 The development of phase 1 is progressing towards Gateway 3 stage, which involves final pre-development activities, preparing tender drawing packages, commissioning of site investigation stage 2 surveys, and contractor procurement.
- 6.3 It is anticipated that once planning permission is granted for phase 1, work would start on site in spring 2024, following Council approval to contract with TVD to build the scheme. The current plan forecasts phase 2 works to commence in 2025, following submission and approval of a separate planning application and Council approval at that point in time to contract with TVD to build phase 2.
- 6.4 Staff from Housing Services and TVD will continue to consult with residents and the wider community; and will support those needing to relocate as a result of the scheme.
- 6.5 In line with the Councils Allocations and Decant policies tenants will be supported to move to suitable alternative accommodation; and subject to qualification criteria will be recompensed via statutory Home Loss and Disturbance Allowance payments.
- 6.6 Negotiations to repurchase the leasehold properties will progress following external independent RICS qualified valuations. Whilst the Council is expected to make sound progress on the acquisition of the leaseholder properties, if for whatever reason the Council is unable to acquire all of the properties by negotiation then as a last resort Compulsory Purchase Order powers could be utilised.
- 6.7 Any occupying leaseholder who is unable to purchase a suitable alternative property will also be considered for social housing in line with the Councils Allocations Policy.
- 6.8 TVD have ongoing dialogue with Homes England regarding funding the Digmoor project. In July 2023 Homes England announced some flexibility to their current

Affordable Housing Programme (which finishes in March 2026) presenting an opportunity to secure a greater level of Homes England funding for the project if both Phases can be delivered and complete by the end of March 2026. The timetable to achieve this was endorsed by the ERCWG at its meeting of 19<sup>th</sup> September 2023 and again on the 5<sup>th</sup> December 2023.

## **7.0 SUSTAINABILITY IMPLICATIONS**

- 7.1 The scheme will provide WLBC with 45 new energy efficient homes for affordable/social rent providing a variety of house types that will meet an energy rating of B or higher.
- 7.2 The development of new quality homes will support the Council's vision of being a place of choice to live, work, visit and invest and will contribute to the Council's priorities. It will bring economic activity into the local area including employment and training opportunities.

## **8.0 FINANCIAL AND RESOURCE IMPLICATIONS**

- 8.1 Council have previously approved a budget of £9m for Digmaor Revival which is ringfenced for the wider project.
- 8.2 There are financial implications arising from this report in respect of the costs, associated with the demolition which have been accounted for in the financial appraisals for the development.
- 8.3 Homes England grant funding will be sought bringing additional funding into the project. If both phases of the project can be delivered by the end of March 2026 there is a possibility that Homes England may contribute funding toward the building of all 45 homes across both phases and not just the phase 1 scheme.
- 8.4 The Financial Appraisal for phase 1 & 2 based on 100% Affordable Rent is detailed below:

	Phase 1 - 12 units	Phase 2 - 33 units	Total
Demolition	£ -	£ 180,000.00	£ 180,000.00
Build cost	£ 1,890,263.00	£ 5,446,464.00	£ 7,336,727.00
Acquisitions / Relocations	£ -	£ 938,000.00	£ 938,000.00
Contingency	£ 66,159.00	£ 196,926.00	£ 263,085.00
Professional fees	£ 340,938.00	£ 921,027.00	£ 1,261,965.00
Interest	-£ 3,012.00	-£ 16,816.00	-£ 19,828.00
Total scheme cost	£ 2,294,348.00	£ 7,665,601.00	£ 9,959,949.00
Cost per unit	£ 191,196.00	£ 232,291.00	
<b>Total property value</b>	£ 1,128,000.00	£ 3,860,000.00	£ 4,988,000.00
<b>Average property value</b>	£ 94,000.00	£ 116,970.00	
<b>Net rent year 1</b>	£ 43,458.00	£ 140,012.00	£ 183,470.00
<b>Approved Revival Investment required</b>	£ 1,634,348.00	£ 5,851,855.00	£ 7,486,203.00
Homes England Subsidy PU	£ 55,000.00	£ 55,000.00	
<b>Homes England Subsidy total</b>	£ 660,000.00	£ 1,815,000.00	£ 2,475,000.00
<b>Net present value (NPV)</b>	£ 1,321,523.00	£ 4,192,926.00	
Repayment year	1	1	
Internal rate of return (IRR)	N/A	N/A	

8.5 The Financial Appraisal for phase 1 & 2 based on 100% Social Rent is detailed below:

	Phase 1 - 12 units	Phase 2 - 33 units	Total
Demolition	£ -	£ 180,000.00	£ 180,000.00
Build cost	£ 1,890,263.00	£ 5,446,464.00	£ 7,336,727.00
Acquisitions / Relocations	£ -	£ 938,000.00	£ 938,000.00
Contingency	£ 66,159.00	£ 196,926.00	£ 263,085.00
Professional fees	£ 340,938.00	£ 921,027.00	£ 1,261,965.00
Interest	-£ 3,841.00	-£ 18,535.00	-£ 22,376.00
Total scheme cost	£ 2,293,519.00	£ 7,663,882.00	£ 9,957,401.00
Cost per unit	£ 191,127.00	£ 232,238.85	
<b>Total property value</b>	£ 1,128,000.00	£ 3,860,000.00	£ 4,988,000.00
<b>Average property value</b>	£ 94,000.00	£ 116,970.00	
<b>Net rent year 1</b>	£ 48,242.00	£ 142,750.00	£ 180,934.00
<b>Approved Revival Investment required</b>	£ 1,513,519.00	£ 5,520,137.00	£ 7,033,656.00
Homes England Subsidy PU	£ 65,000.00	£ 65,000.00	
<b>Homes England Subsidy total</b>	£ 780,000.00	£ 2,145,000.00	£ 2,925,000.00
<b>Net present value (NPV)</b>	£ 1,550,292.00	£ 4,321,524.00	
Repayment year	1	1	
Internal rate of return (IRR)	NA	NA	

8.6 The above costs are indicative at this stage and will be subject to further due diligence, contractor tender returns and interest on the Councils investment, final costs will be presented to the Council for further approval in due course.

8.7 Based on the current financial assessment, developing for Social Rent is the more favourable option as it will require less subsidy from the Council if Homes England agree to an increase in grant funding for the scheme.

8.8 To replace 36 old properties with 45 new properties creates a relative financial benefit to the HRA business plan in excess of £10k pa in today's financial terms, £300k over the life of the HRA business plan, as well as a social benefit to our residents. This calculation does not replace the project appraisal, rather it takes

as the starting point the existing approval of £9m for Digmaor redevelopment. including the interest implication of that decision. In other words, it reflects the relative cost of this proposed rebuild approach – phases one and two.

8.9 Subject to planning approval the scheme will progress to Gateway 3 stage of the TVDL Development Appraisal Process, which involves final pre-development activities, preparing tender drawing packages and establishing contract sums to deliver the scheme. Following TVDL Gateway 3 approval the Council will be required to approve a further report to contract with TVDL to build the scheme.

## **9.0 RISK ASSESSMENT**

9.1 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.

## **10.0 HEALTH AND WELLBEING IMPLICATIONS**

10.1 The proposal will promote good health and wellbeing for the new residents who will reside within the affordable, high quality, energy efficient new homes.

10.2 The development will also have a positive impact on the wider community by regenerating the area.

## **Background Documents**

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

## **Equality Impact Assessment**

There is a direct impact on members of the public, employees, elected members and / or stakeholders, therefore an Equality Impact Assessment is required. A formal equality impact assessment is attached as an Appendix to this report, the results of which have been taken into account in the Recommendations contained within this report.

## **Appendices**

1. Current and Proposed site plans
2. Equality Impact Assessment
3. Minute of Cabinet (Council only)

# Appendix 1

## Current Site Plan





# Proposed Site Plan





# Equality Impact Assessment Form



<b>Directorate: Transformation, Housing and Resources</b>	<b>Service: Housing Services</b>
<b>Completed by: Nicola Bradley</b>	<b>Date: October 2023</b>
<b>Subject Title: DEMOLITION OF FLAT BLOCKS IN BLYTHEWOOD &amp; BANKSBARN TO FACILITATE PHASE 2 OF DIGMOOR REVIVAL SCHEME</b>	
<b>1. DESCRIPTION</b>	
Is a policy or strategy being produced or revised:	No
Is a service being designed, redesigned or cutback:	No
Is a commissioning plan or contract specification being developed:	No
Is a budget being set or funding allocated:	No
Is a programme or project being planned:	Yes
Are recommendations being presented to senior managers and/or Councillors:	Yes
Does the activity contribute to meeting our duties under the Equality Act 2010 and Public Sector Equality Duty ( <b>Eliminating unlawful discrimination/harassment, advancing equality of opportunity, fostering good relations</b> ):	Yes
Details of the matter under consideration:	Demolition of existing flat blocks in Blythewood and Banksbarn to facilitate building of 45 new homes
<i>If you answered <b>Yes</b> to any of the above <b>go straight to Section 3</b></i> <i>If you answered <b>No</b> to all the above <b>please complete Section 2</b></i>	
<b>2. RELEVANCE</b>	
Does the work being carried out impact on service users, staff or Councillors (stakeholders):	Yes/No*
If <b>Yes</b> , provide details of how this impacts on service users, staff or Councillors (stakeholders): <i>If you answered <b>Yes</b> go to <b>Section 3</b></i>	
If you answered <b>No</b> to both Sections 1 and 2 provide details of why there is no impact on these three groups: <i>You do not need to complete the rest of this form.</i>	
<b>3. EVIDENCE COLLECTION</b>	
Who does the work being carried out impact on, i.e. who is/are the stakeholder(s)?	Current tenants and leaseholders in the affected properties.

	Of the 36 dwellings to be demolished, 21 are tenanted, 10 are currently owned leasehold, and 5 are empty or being used as temporary accommodation to house homeless people.
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 majority of the household affected are all adult, male households.
Which of the protected characteristics are most relevant to the work being carried out?  Age Gender Disability Race and Culture Sexual Orientation Religion or Belief Gender Reassignment Marriage and Civil Partnership Pregnancy and Maternity	Yes No Yes No No No No No No Yes
<b>4. DATA ANALYSIS</b>	
In relation to the work being carried out, and the service/function in question, who is actually or currently using the service and why?	<p>The majority of the household affected are all adult households, with 14 of the primary tenants being male.</p> <p>Of the current residents:</p> <ul style="list-style-type: none"> <li>• Four are age over 60.</li> <li>• Four have indicated that they have ongoing health concerns or disabilities</li> <li>• 2 are pregnant</li> <li>• There are 3 families with children and 4 more who have regular access to children.</li> </ul> <p>Most of those households with health issues or young children have expressed a wish to move quickly, as their current home does not meet their long term needs.</p> <p>The properties being utilised as temporary accommodation for homeless people will be decommissioned well in advance of the demolition, with occupants being permanently rehoused or moved to alternative temporary accommodation</p>

	<p>dependent on the Councils statutory obligation toward them.</p>
<p>What will the impact of the work being carried out be on usage/the stakeholders?</p>	<p>The development will involve the relocation of current residents.</p> <p>We will prioritise applications for rehousing and support tenants to find alternative accommodation that meets their needs, in their areas of choice where possible.</p> <p>Tenants will qualify for a Home Loss payment which is currently £8,100 per property for any displaced tenant/s who has held a tenancy for over 12 months. Disturbance payments can also be paid to cover all reasonable costs associated with move e.g. removal costs, redirection of mail</p> <p>For leaseholders the Council would seek to agree to purchase their home at full market value and they would be entitled to Home Loss payment, which for a Leaseholder would be 10% of the value of their home with a minimum amount starting at £8,100 with effect from 1st October.</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>Most of those we consulted were in favour of the scheme.</p> <p>A consultation exercise was undertaken over 3 days in September 2023, with all secure tenants and leaseholders living within the 6 blocks of flats located in Blythewood and Banksbarn part of Digmoor. Following the 3-day engagement events Council staff have visited, phoned and emailed all residents who didn't attend, to ensure that their views were heard.</p> <p>When asked 'Based on what you have seen and heard today; do you feel redeveloping the site is a good idea?'</p> <p>Phase 1 – 26 all respondents said Yes. Phase 2 – 21 agreed Yes, 2 didn't agree and 3 were undecided.</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?	Feedback from one to one discussions with residents has formed the basis of the impact assessment.
If any further data/consultation is needed and is to be gathered, please specify:	A wider area consultation on phase 2 would be carried out before any planning application would be submitted in 2024.
<b>5. IMPACT OF DECISIONS</b>	
In what way will the changes impact on people with particular protected characteristics (either positively or negatively or in terms of disproportionate impact)?	<p>Moving home may be more difficult for those with health issues and disabilities, however given that the current accommodation in flats blocks with stairs servicing most homes, in the longer term a move to more suitable accommodation is likely to be of benefit.</p> <p>For the residents who are pregnant a move to a more family friendly property without the need to walk up a number of flight of stairs with shopping and children's prams will be a positive outcome.</p>
<b>6. CONSIDERING THE IMPACT</b>	
If there is a negative impact what action can be taken to mitigate it? (If it is not possible or desirable to take actions to reduce the impact, explain why this is the case (e.g. legislative or financial drivers etc.).	Assistance will be offered to all residents, in terms of finding suitable accommodation and supporting their move.
What actions do you plan to take to address any other issues above?	<p>No actions</p> <p><i>If no actions are planned state no actions</i></p>
<b>7. MONITORING AND REVIEWING</b>	
When will this assessment be reviewed and who will review it?	N/A



COUNCIL: 28 February 2024

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**Report of: Mr Simon Goacher, Independent Legal Advisor on Behalf of the Chief Operating Officer & Head of Legal & Democratic Services**

**Relevant Portfolio Holder: Councillor Y Gagen**

**Contact for further information: Jacky Denning, Democratic Services Manager  
(Tel: 01695 585384) (E-mail: jacky.denning@westlancs.gov.uk)**

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**SUBJECT: COMMITTEE SYSTEM - CONSTITUTION MAY 2024**

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Wards affected: (All Wards);

## **1.0 PURPOSE OF THE REPORT**

- 1.1 To provide the revisions to the constitution which must be adopted to implement the committee system form of governance from May 2024.

## **2.0 RECOMMENDATIONS TO COUNCIL**

- 2.1 That the revisions to the Constitution attached as Appendices to the report, be approved and implemented from the Annual Meeting of the Council in May 2024.
- 2.2 That the Head of Legal & Democratic Services, as Monitoring Officer, be given delegated authority to make any minor or inconsequential changes to the Constitution.

## **3.0 BACKGROUND**

- 3.1 The Council has resolved to change its form of governance to the committee system with effect from the Annual Council meeting in 2024. This is a significant change to the way in which the Council operates and requires major changes to the Council's constitution to reflect those changes.
- 3.2 On 18 October 2023 Council resolved that a single Policy and Resources Committee structure would be adopted, in addition to the current regulatory committees, would be adopted when the Council moves to the committee system. The proposed terms of reference of the Policy and Resources Committee were approved.
- 3.3 Work has been carried out on a revised constitution and the draft is attached. The principal aim of the changes has been to ensure that the new constitution reflects

the new form of governance and provides the Council with a legally compliant constitution within which to operate from Annual Council.

3.4 The opportunity has also been taken to simplify and update the constitution. The approach which has been taken is not to include anything in the revised constitution which is not required by law to be included unless there are very good reasons to incorporate them. As this is a significant change in the way the Council operates then there will be a period of transition and the new constitution will need to be kept under review and changes may be necessary as the Council implements the new governance structure.

3.5 The main features to note are;

- 1) The Articles have been removed as they are not legally required and duplicate some matters. Where necessary parts of the Articles have been incorporated into the summary and introduction or other parts;
- 2) All references to the Executive and Overview and Scrutiny Committee(s) and processes required where a council operates an executive form of governance have been removed, this has included the removal of:
  - a. the scheme of delegation to portfolio holders;
  - b. The cabinet procedure rules;
  - c. The Overview and Scrutiny Committee Procedure Rules;
  - d. The budget and policy framework rules;
  - e. The procedure on councillor's call for action;
- 3) Other items have been removed because they are no longer needed or relevant, this includes;
  - a. Temporary Changes to Contracts Procedure Rules – Covid;
  - b. Remote Meeting Procedure Rules;
- 4) Some items have been removed because they need not be included in the constitution, though they remain policies of the Council, this includes;
  - a. Pay Policy Statement;
  - b. Protocol on the use of ICT by Members;
  - c. Officer's code of conduct;
- 5) The new terms of reference of the Policy and Resources Committee have been included in Part 2;
- 6) References to Cabinet Working Groups have been removed as there will be no Cabinet, the Policy and Resources Committee will have power to set up Sub Committees and/or Working Groups. As the membership of the Committee will be subject to political balance rules it is suggested that the Working Groups should also, as far as possible, reflect political proportionality.
- 7) The Strategic Assets Committee has been removed. As the rules on borrowing have changed it is considered that this committee is no longer necessary;
- 8) The scheme of delegation to officers in Part 2 has been amended to reflect the fact that the Leisure service has now been brought back in house, the amendments relating to leisure are shown as tracked changes;
- 9) In the current scheme of delegation to officers there are certain decisions upon which officers must consult with members, usually the Leader, one or more portfolio holders or a combination. It has been amended to replace previous requirements with a requirement to consult with the Leader or the relevant Lead Member for the purposes of the relevant function(s) or service(s);
- 10) There have been some changes to the Officer Employment Procedure Rules to make the powers on suspension of statutory officers more clear;



- 11) The membership of the Independent Persons Panel has been amended to limit it to the Independent Persons to reflect good practice and JNC Guidance;
- 12) The Contracts Procedure Rules have been updated to reflect the change of governance and updated to reflect current legislative requirements. A separate project is under way to review the rules in light of the Procurement Act and so we have not reviewed it save to change mentioned above; and
- 13) Some existing provisions have been incorporated into other parts of the constitution to simplify it.

#### **4.0 THE LEGAL FRAMEWORK**

- 4.1 Chapter 4 of the Local Government Act 2000 (as amended by the Localism Act 2011) governs permissible forms of local authority governance which includes the committee system. Section 101 of the Local Government Act 1972 provides that a local authority may delegate the exercise of any of its functions (except any which by law must be exercised by full council) to a committee or sub-committee of councillors. Section 15 of the Local Government and Housing Act 1989 provides that committees must be politically balanced.
- 4.2 Section 9P of the Local Government Act 2000 requires that local authorities must prepare a constitution and keep it up to date. The constitution must by section 9P contain the authority's standing orders (procedural, and relating to contracts and to the appointment, discipline and dismissal of officers), the code of conduct for members and co-opted members and the members' allowances scheme. Other contents are prescribed by the Local Government Act 2000 (Constitutions) (England) Direction 2000.

#### **5.0 FINANCIAL AND RESOURCE IMPLICATIONS**

- 5.1 There are no specific implications arising from this report. Officer time will be required to support and service the committees and there will have to be a review of the members' allowances scheme and there will be special responsibility allowances payable to members with specific responsibilities relating to the committees.

#### **6.0 SUSTAINABILITY IMPLICATIONS**

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

#### **7.0 FINANCIAL AND RESOURCE IMPLICATIONS**

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

#### **8.0 RISK ASSESSMENT**

- 8.1 There are risks to the Council in ensuring that the new system is fit for purpose and it is clear where respective decisions will be made.

#### **9.0 HEALTH AND WELLBEING IMPLICATIONS**

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

## **Background Documents**

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

## **Equality Impact Assessment**

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

## **Appendices**

1. The Draft Constitution to be implemented wef the Annual Council meeting May 2024.

# West Lancashire Council – Draft New Constitution

## Contents

### Part 1 Summary and Explanation

### Part 2 Responsibility for functions

- 2.1 Responsibilities of Council
- 2.2 Responsibilities of Committees
- 2.3 Scheme of Delegation of Officers
- 2.4 Proper Officer Provisions

### Part 3 Rules of Procedure

- 3.1 Council Procedure Rules
- 3.2 Committee Procedure Rules
- 3.3 Public Participation Scheme
- 3.4 Petition Scheme
- 3.5 Access to Information Procedure Rules
- 3.6 Member's Update Procedure Rules
- 3.7 Financial Regulations
- 3.8 Contract Procedure Rules
- 3.9 Officer Employment Procedure Rules

### Part 4 Codes and Protocols

- 4.1 Code of Conduct for Members
- 4.2 Protocol for Member/Officer Relations
- 4.3 Monitoring Officer Protocol
- 4.4 Planning Code of Good Practice

### Part 5 Members' Allowance Scheme

Appendix 1 – Councillor role description and member champion role descriptions

Appendix 2 – management structure



## **Part 1 - Summary and Explanation**

### **The Council's Constitution**

West Lancashire Borough Council has agreed a Constitution which sets out how the Council operates, how decisions are made and the procedures which are followed to ensure that these are efficient, transparent and accountable to local people. Some of these processes are required by law, while others are a matter for the Council to choose.

The Constitution is divided into five parts which set out where responsibilities for functions lie, the procedures the Council must follow and codes of practice and protocols to be followed. The constitution also contains the members' scheme of allowances which explains the payments councillors will receive for carrying out their duties.

### **Powers of the Council**

The Council will exercise all its powers and duties in accordance with the law and this Constitution. The Constitution and all its appendices is the Constitution of West Lancashire Borough Council.

### **Purpose of the Constitution**

The purpose of the Constitution is to:

1. enable the Council to provide clear leadership to the community in partnership with citizens, businesses and other organisations;
2. help councillors represent their constituents more effectively;
3. enable decisions to be taken efficiently and effectively;
4. create an effective means of holding decision-makers to public account;
5. ensure that those responsible for decision making are clearly identifiable to local people and that they explain the reasons for their decisions;
6. provide a means by which citizens can be actively involved in the decision making process;
7. ensure that the review of decision making is carried out independently of the decision makers;
8. provide a means of improving the delivery of services to the community.

### **What is in the Constitution?**

The Constitution is made up of five parts:

#### **Part 1 Summary and Explanation**

#### **Part 2 Responsibility for functions**

- 2.1 Responsibilities of Council
- 2.2 Responsibilities of Committees
- 2.3 Scheme of Delegation to Officers
- 2.4 Proper Officer Provisions

### **Part 3 Rules of Procedure**

- 3.1 Council Procedure Rules
- 3.2 Committee Procedure Rules
- 3.3 Public Participation Scheme
- 3.4 Petition Scheme
- 3.5 Access to Information Procedure Rules
- 3.6 Members Update Procedure Rules
- 3.7 Financial Regulations
- 3.8 Contract Procedure Rules
- 3.9 Officer Employment Procedure Rules

### **Part 4 Codes and Protocols**

- 4.1 Code of Conduct for Members
- 4.2 Protocol for Member/Officer Relations
- 4.3 Monitoring Officer Protocol
- 4.4 Planning Code of Good Practice

### **Part 5 Members' Allowance Scheme**

## **COUNCILLORS**

The Council is composed of 45 Councillors with one-third elected three years in four. Councillors are democratically accountable to residents of their ward. The overriding duty of councillors is to the whole community, but they have a special duty to their constituents/residents, including those who did not vote for them.

Only registered voters of the borough or those living or working there are eligible to hold the office of councillor.

The ordinary election of a third (or as near as may be) of all councillors will be held on the first Thursday in May in each year, except that in 2027, and every fourth year after, there will be no regular election. The terms of office of councillors will be four years starting on the fourth day after being elected and finishing on the fourth day after the date of the regular election four years later.

Councillors have to agree to follow a Code of Conduct to ensure high standards in the way they undertake their duties. The Standards Committee trains and advises them on the Code of Conduct.

### **Roles and functions of all councillors:**

#### **(a) Key roles**

All councillors will:

- i. collectively be the ultimate policy-makers and carry out a number of strategic and corporate management functions;
- ii. represent their communities and bring their views into the Council's decision-making process, i.e. become the advocate of and for their communities;

- iii. deal with individual casework and act as an advocate for constituents in resolving particular concerns or grievances;
- iv. balance different interests identified within the ward and represent the ward as a whole;
- v. be involved in decision-making and participate constructively in the good governance of the Council's area;
- vi. be available to represent the Council on other bodies;
- vii. maintain the highest standards of conduct and ethics;
- viii. participate as a member of any Committee, Working Group or panel and undertake any specific responsibilities arising through that membership;
- ix. develop and maintain a working knowledge of:
  - a. the Council's services, management arrangements, powers, duties and constraints;
  - b. the services and activities of any organisation to which the Councillor is appointed; and
  - c. any other factors which impact on the community's well-being and identity.
- x. develop and maintain good working relations with all officers of the Council.

#### (b) Rights and duties

- i. Councillors will have such rights of access to such documents, information, land and buildings of the Council as are necessary for the proper discharge of their functions and in accordance with the law (more details can be seen in the Access to Information Procedure Rules in Part 3);
- ii. Councillors will not make public information which is confidential or exempt without the consent of the Council or divulge information given in confidence to anyone other than a councillor or officer entitled to know it;
- iii. For these purposes, "confidential" and "exempt" information are defined in the Access to Information Rules in Part 3.

Role descriptions for councillors and member champions are attached at Appendix 1 to this constitution.

### **The Leader and Deputy Leader of the Council**

The Council will appoint the Leader of the Council for such term as determined by full council (maximum four year term). The Leader will cease to be Leader at the Annual Council meeting after the expiry of their term of office as a councillor or if removed by a resolution of full council.

The Council will also appoint a Deputy Leader of the Council.

### **Role and Function of the Leader**

The Leader shall be the Chairperson of the Policy and Resources Committee.

The Leader will:

- provide a focal point for political leadership and strategic direction for the Council;
- represent the interests of the Council in circumstances where that is necessary;
- Be the political (rather than ceremonial) leader of the Council, for the benefit of

- all the Borough's communities - its citizens, taxpayers, businesses, public bodies and other public authorities.
- Represent and pursue the interests of the Council in the community and at international, national and regional levels.
- Be the key contact for outside organisations (including Central Government, Local Authority Associations and Council partners), and internally for the Council's Chief Officers.
- Be the representative voice of the Council, for example, in its dealings with Central Government, other Local Authorities and their Associations, and positively promote the Council as a whole to the media.
- Promote the long-term financial, business and economic stability of the Council and the Borough.
- Meet regularly to progress the Council's objectives with the Chief Officers, Group Leaders, partner organisations, stakeholders, community representatives, government representatives, local Members of Parliament and relevant others
- Promote high standards of corporate governance and ethical conduct throughout the Council including working with all political groups to seek to achieve, where possible, cross party co-operation.
- Promote and maintain professional working relationships and mutual respect between all Members and officers

### **Role and Function of the Deputy Leader**

The Deputy Leader will:

- Be the Vice-Chairperson of the Policy and Resources Committee
- assist the Leader of the Council in representing the Council to its citizens, stakeholders and partners and in providing political leadership for the Council and the Borough;
- assist the Leader in carrying out the key responsibilities associated with the role of Leader (as set out above);
- work with the Leader on budget and policy development; and
- undertake the powers, functions and responsibilities of the Leader in their absence.

### **Role and Function of Lead Members**

The Council may appoint Lead Members. The Lead Members will be members of the Policy and Resources Committee and will have responsibility for leading on specific functions and/or services. The Lead Members responsibilities are set out in Appendix 1.

## **HOW DECISIONS ARE MADE**

### **Responsibility for decision making**

The Council will issue and keep up to date a record of what part of the Council or individual has responsibility for particular types of decisions or decisions relating to particular areas or functions. This record is set out in Part 3 of this Constitution.

### **Principles of decision making**

All decisions of the Council, (whether they are the responsibility of the Council, one of the Committees, or an Officer), will be made in accordance with the following principles:



- (a) proportionality (i.e. the action must be proportionate to the desired outcome);
- (b) due consultation and the taking of professional advice from relevant Officers;
- (c) respect for human rights (see below for further details);
- (d) a presumption in favour of openness;

(e) clarity of aims and desired outcomes; and

(f) an explanation of the options that were considered and the reasons for the decision made.

### **Types of decision**

- (a) Decisions reserved to Council these are set out in Part 2 of this constitution.
- (b) other decisions are delegated to a committee or to an officer. The details of responsibilities are also set out in Part 2 of this constitution.

### **Decision making by Council bodies acting as tribunals**

The Council, a committee, or an Officer acting as a tribunal or in a quasi-judicial manner, or determining/considering (other than for the purpose of giving advice) the civil rights and obligations or the criminal responsibility of any person, will follow a proper procedure which accords with the requirements of natural justice and the right to a fair trial, contained in Article 6 of the European Convention on Human Rights.

### **Full Council and Committees**

The full Council consists of all councillors. Its meetings are generally held in public. It sets the budget for the year and makes other decisions on major policies and matters reserved to it by law or by it. The Council also appoints committees which have the responsibility for making certain decisions. The details of what these responsibilities are is set out in Part 2 of this constitution.

### **The Council's staff**

The Council has people working for it (called "officers") to give advice, implement decisions and manage the day-to-day delivery of its services. Some officers have a specific duty to ensure that the Council acts within the law and uses its resources wisely. A protocol has been introduced which will govern the relationships between officers and members of the Council. The powers of officers to make decisions are set out in the scheme of delegation which is in Part 2 of this constitution.

### **Management structure**

- (a) General. The Council may engage such staff as it considers necessary to carry out its functions.
- (b) Senior officers. The Council will engage persons for the posts set out in the management structure.
- (c) There are specific statutory roles the Head of Paid Service, Monitoring Officer and Chief Finance Officer which must be designated by the Council. The Council will designate the following posts as shown:

<b>Post</b>	<b>Designation</b>
Chief Operating Officer	Head of Paid Service
Head of Legal and Democratic Services	Monitoring Officer
Head of Finance, Procurement and Commercial Services	Chief Finance Officer (section 151 officer)

The Head of Paid Service will determine and publicise a description of the overall departmental structure of the Council showing the management structure and deployment of officers. This is set out at Appendix 2 to this constitution.

#### Functions of the Head of Paid Service

- (a) Discharge of functions by the Council. The Head of Paid Service will report to Council on the manner in which the discharge of the Council's functions is co-ordinated, the number and grade of officers required for the discharge of functions and the organisation of officers.
- (b) Restrictions on functions. The Head of Paid Service may not be the Monitoring Officer but may hold the post of Chief Finance Officer if a qualified accountant.

#### Functions of the Monitoring Officer

- a) Maintaining the Constitution. The Monitoring Officer will maintain an up to date version of the Constitution and will ensure that it is widely available for consultation by members, staff and the public.
- b) Ensuring lawfulness and fairness of decision making. After consulting with the Head of Paid Service and Chief Finance Officer, the Monitoring Officer will report to the Council, if they consider that any proposal, decision or omission would give rise to unlawfulness or if any decision or omission has given rise to maladministration. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered.
- c) Supporting the Standards Committee. The Monitoring Officer will contribute to the promotion and maintenance of high standards of conduct through provision of support to the Standards Committee.
- d) Receiving reports. The Monitoring Officer will receive and act on reports made by ethical standards officers and decisions of the case tribunals.
- e) Conducting investigations. The Monitoring Officer will conduct investigations into matters referred by ethical standards officers and make reports or recommendations in respect of them to the Standards Committee.
- f) Proper officer for access to information. The Monitoring Officer will ensure that decisions, together with the reasons for those decisions and relevant officer reports and background papers are made publicly available as soon as possible.
- g) Providing advice. The Monitoring Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to all councillors.
- h) Restrictions on posts. The Monitoring Officer cannot be the Chief Finance Officer or the Head of Paid Service.

The Monitoring Officer will act in accordance with the Protocol in Part 4 of this constitution.

## Functions of the Chief Finance Officer

- a) Ensuring lawfulness and financial prudence of decision making. After consulting with the Head of Paid Service and the Monitoring Officer, the Chief Finance Officer will report to the full Council and the Council's external auditor if they consider that any proposal, decision or course of action will involve incurring unlawful expenditure, or is unlawful and is likely to cause a loss or deficiency or if the Council is about to enter an item of account unlawfully.
- b) Administration of financial affairs. The Chief Finance Officer will have responsibility for the administration of the financial affairs of the Council.
- c) Contributing to corporate management. The Chief Finance Officer will contribute to the corporate management of the Council, in particular through the provision of professional financial advice.
- d) Providing advice. The Chief Finance Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to all councillors and the elected mayor and will support and advise councillors and officers in their respective roles.
- e) Give financial information. The Chief Finance Officer will provide financial information to the media, members of the public and the community.

## Resources for the Monitoring officer and Chief Finance Officer

The Council will provide the Monitoring Officer and Chief Finance Officer with such officers, accommodation and other resources as are in their opinion sufficient to allow their duties to be performed.

## Officer's Code of Conduct

Officers will comply with the Officers' Code of Conduct and the Protocol on Officer/Member Relations which is in Part 4 of this constitution.

## Recruitment, Selection and Dismissal of Officers

The recruitment, selection and dismissal of officers will comply with the Officer Employment Procedure Rules set out in Part 3 of this Constitution.

## **Citizens' rights**

Citizens have a number of rights in their dealings with the Council. Some of these are legal rights, whilst others depend on the Council's own processes. The local Citizens' Advice Bureau can advise on individuals' legal rights.

Where members of the public use specific Council services, for example as a council tenant, they have additional rights. These are not covered in this Constitution.

Citizens have the right to:

- vote at local elections if they are registered;
- contact their local councillor about any matters of concern to them;
- obtain a copy of the Constitution;

- attend meetings of the Council and its committees except where, for example, personal or confidential matters are being discussed (for more information see the Access to Information Procedure Rules in Part 3);
- petition to request a referendum on a mayoral form of executive;
- contribute to investigations through the use of the **Citizen's Panel** and public consultation exercises on specific projects and policies;
- see reports and background papers, and any record of decisions made by the Council and committees, except where these contain exempt or confidential information;
- complain to the Council about the service they have received through the Council's complaints procedure;
- complain to the Ombudsman if they think the Council has not followed its procedures properly. However, they should only do this after using the Council's own complaints process;
- complain to the Council's Monitoring Officer if they have evidence which they think shows that a councillor has not followed the Council's Code of Conduct; and
- inspect the Council's accounts and make their views known to the external auditor.

The Council welcomes participation by its citizens in its work. For further information on your rights as a citizen, please contact the Reception Desk at the Council's offices at 52 Derby Street, Ormskirk.

The Council has adopted procedures for citizens to have the right to inspect agendas and reports and to attend meetings. These procedures are set out in the Access to Information Procedure Rules in Part 3 of this Constitution.

Citizens must not be violent, abusing or threatening to councillors or officers and must not willfully harm the property of the Council, councillors or officers.

## **FINANCE, CONTRACTS AND LEGAL MATTERS**

### **Financial management**

The management of the Council's financial affairs will be conducted in accordance with the Financial Procedure Rules set out in Part 3 of this Constitution.

### **Contracts**

Every contract made by the Council will comply with the Contract Procedure Rules set out in Part 3 of this Constitution.

### **Legal proceedings**

The Head of Legal and Democratic Services is authorised to institute, defend, settle or participate in any legal proceedings in any case where such action is necessary to give effect to decisions of the Council or in any case where the Head of Legal and Democratic

Services considers that such action is necessary to protect the Council's interests.

## **Authentication of documents**

Where any document is necessary to any legal procedure or proceedings on behalf of the Council, it will be signed by the Head of Legal and Democratic Services or other person authorised by them, unless any enactment otherwise authorises or requires, or the Council has given requisite authority to some other person.

Any contract with a value exceeding £30,000 entered into on behalf of the local authority shall be made in writing. Such contracts must either be signed by at least two officers of the authority or made under the common seal of the council attested by at least one officer.

## **Common Seal of the Council**

The Common Seal of the Council will be kept in a safe place in the custody of the Head of Legal and Democratic Services. A decision of the Council, or of any part of it, will be sufficient authority for sealing any document necessary to give effect to the decision. The Common Seal will be affixed to those documents which in the opinion of the Head of Legal and Democratic Services should be sealed.

The affixing of the Common Seal will be attested by either the Chief Operating Officer, Head of Legal and Democratic Services, one of the Principal Solicitors or any other officer duly authorised by the Head of Legal and Democratic Services.

## **Review of and Amendments to the Constitution**

The Council will monitor and evaluate the operation of the Constitution. The Monitoring Officer will be responsible for ensuring that the Constitution is reviewed at appropriate intervals to ensure that it remains up to date and fit for purpose.

- a) Approval. Subject to paragraph (b) below, changes to the Constitution will only be approved by the Council after consideration of a report from the relevant officer recommending such changes and, if appropriate the views, on that report, of the relevant Committee.
- b) Minor changes. The Monitoring Officer may make minor operational and consequential (for example to reflect changes in the law or management structure) amendments to this Constitution subject to notice of any such amendments being given to all members immediately after each alteration is made.
- c) Procedure. Proposals from a councillor or member of the public to change part or parts of the Constitution must be submitted for consideration to the Monitoring Officer who will consider the proposals in accordance with the protocol set out above. Only if the Monitoring Officer is of the view that the proposals, or a modified form of them, would improve the decision making process or some other operation of the Council's procedure, should they then recommend changes in accordance with paragraph (a) above.

## **Interpretation of the Constitution**

Where the Constitution permits the Council to choose between different courses of action, the Council will always choose that option which it thinks is closest to the purposes stated above.

The ruling of the Mayor or Committee Chairperson as to the construction or application of this Constitution or as to any proceedings of the Council shall not be challenged at any

meeting of the Council or relevant committee. Such interpretation will have regard to the purposes of this Constitution set out above.

### **Suspension of the Constitution**

The procedure rules in Part 2 of this Constitution set out which parts of the Constitution may be suspended and the procedure for doing so.

### **Publication of the Constitution**

- a) The Chief Operating Officer will provide arrangements for accessing a copy of this Constitution to each member of the authority upon delivery to them of that individual's declaration of acceptance of office on the member first being elected to the Council that a copy of the Council's Constitution is available for viewing on the Council's website.
- b) The Head of Legal and Democratic Services will ensure that copies are available for inspection at council offices, at all reasonable times. Electronic copies can be viewed at libraries, and can be purchased by members of the local press and the public on payment of a reasonable fee.
- c) The Head of Legal and Democratic Services will ensure that the summary of the Constitution is made widely available within the area and is updated as necessary.

## **Part 2 – Responsibility for Functions**

### **Part 2.1 Responsibilities of Council**

Only the Council will exercise the following functions:

- a) adopting and changing the Constitution;
- b) approving or adopting the policy framework, the budget and any application to the Secretary of State in respect of Housing Land Transfer;
- c) appointing the Leader;
- d) agreeing and/or amending the terms of reference for committees, deciding on their composition and making appointments to them, subject to the rules on political balance;
- e) appointing representatives to outside bodies;
- f) adopting a members' allowances scheme;
- g) changing the name of the area
- h) conferring the title of honorary alderman or freeman;
- i) confirming the appointment and dismissal of the Head of Paid Service;
- j) confirming the dismissal of the Monitoring Officer or the Chief Finance Officer;
- k) making, amending, revoking, re-enacting, adopting or enforcing byelaws and promoting or opposing the making of local legislation or personal Bills; and
- l) all other matters which, by law, must be reserved to Council.

### **Council meetings**

There are three types of Council meeting:

- (a) the annual meeting;
- (b) ordinary meetings;
- (c) extraordinary meetings.

and they will be conducted in accordance with the Council Procedure Rules in Part 3 of this Constitution.

### **Part 2.2 Responsibilities of Committees**

#### **Policy and Resources Committee**

##### Composition (membership):

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

- a) the Leader of the Council, who shall be the Chairperson;
- b) the Deputy Leader of the Council, who shall be Vice-Chairperson (if there is more than one Deputy Leader then one will be designated as Vice-Chairperson at annual council); and

- c) such other members as are appointed by full council on a politically balanced basis.

Members of the Policy and Resources Committee may be designated by Full Council as Lead Member for any council function(s) or service area(s).

#### Terms of Reference (Functions)

The Committee is responsible for:-

- a) formulating, coordinating, implementing and monitoring corporate policies and strategies and the medium term financial plan (budget), which includes responsibility for any decision:
  - i. that relates to such matters to the extent that they are not reserved to full Council;
  - ii. on policy matters not reserved to full council or the responsibility of other committees; and
  - iii. to prepare the annual budget for recommendation to full Council;
- b) lead on behalf of the Council in matters concerning relationships with HM Government, and other major public and non-public bodies;
- c) undertake responsibility for decisions and policies in respect of corporate services, including, finance and investment, project support and risk management, strategic procurement and commercial strategies, ICT, property and asset management, human resources and organisational development, law and governance, communications and public affairs, emergency planning and business continuity;
- d) reviewing major projects and any project boards relating to projects having regard to capacity to deliver, corporate priorities and resources; and
- e) to approve any virements in budgets within the committee's responsibilities up to £100,000.

#### Sub-Committees

The Policy and Resources Committee may establish such sub-committees as it requires and may delegate responsibilities and set the terms of reference and membership of any of those Sub-committees. The Sub-Committees shall include the following: (to be completed following Annual Council)

#### Working Groups

The Policy and Resources Committee may establish such Working Groups as it requires and may delegate responsibilities and set the terms of reference and membership of any of those groups. Working Groups will not have any authority to make decisions but will make recommendations to the Policy and Resources Committee. The Working groups shall include the following: (to be completed following Annual Council)



## **Landlord Services Working Group**

### Membership

To be determined by Annual Council or the Policy and Resources Committee.

### Functions

- a. To ensure member/tenant co-regulation of landlord services as required by the social housing regulator.
- b. To consider report and recommendations from the Tenant and Resident Forum (TRF) and Tenant Scrutiny Group (TSG).
- c. To monitor delivery of all Landlord Services including performance reports and financial reports in relation to capital and revenue expenditure.
- d. To ensure all relevant strategies and policies in relation to Landlord Services are in place and updated as necessary.
- e. To consider all relevant consultation reports and respond appropriately.

## **Leisure Procurement Working Group**

### Membership

To be determined by Annual Council or the Policy and Resources Committee.

### Functions

- a. To consider the opportunities available for the procurement of a new partnership arrangement for the provision of leisure services, which would include significant capital investment for bulk sports provision, as outlined in the Key Action Plan of the Council's Leisure Strategy.
- b. To report recommendations to the Policy and Resources Committee

## **Tawd Valley Developments Working Group**

### Membership

To be determined by Annual Council or the Policy and Resources Committee.

### Functions

- a. To facilitate a cross party Working Group to allow meaningful and productive discussions to take place in relation to the future direction of TVDL.
- b. To evaluate the effectiveness of the TVDL board and the delivery of performance against strategic objectives and the business plan.
- c. To assess any risks to the council offered by TVDL activities.
- d. To make recommendations to Policy and Resources Committee when appropriate.

## **Planning Committee**

### Membership

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

### Functions

#### **A. Functions relating to town and country planning**

- (1) Powers and duties relating to local development documents, which are development, plan documents.
- (2) Power to agree to establish a joint committee to be, for the purposes of Part 2 of the Planning and Compulsory Purchase Act 2004 (as amended), a local planning authority.
- (3) Power to agree to confer additional functions on a joint committee.
- (4) Power to request the dissolution of a joint committee.
- (5) Power to determine applications for planning permission.
- (6) Power to determine applications to develop land without compliance with conditions previously attached.
- (7) Power to grant planning permission for development already carried out.
- (8) Power to decline to determine applications for planning permission.
- (9) Duties relating to the making of determinations of planning applications.
- (10) Power to determine applications for planning permission made by a local authority, alone or jointly with another person.
- (11) Power to make determinations, give approvals and agree certain other matters relating to the exercise of permitted development rights.
- (12) Power to enter into agreements regulating development or use of land.
- (13) Power to issue a certificate of existing or proposed lawful use or development.
- (14) Power to serve a completion notice.
- (15) Power to grant consent for the display of advertisements.
- (16) Power to authorise entry onto land.
- (17) Power to require the discontinuance of a use of land.
- (18) Power to serve a planning contravention notice, breach of condition notice or stop notice.
- (19) Power to issue an enforcement notice.
- (20) Power to issue enforcement notices in relation to demolition of unlisted building in conservation area.
- (21) Power to issue a temporary stop notice.
- (22) Power to apply for an injunction restraining a breach of planning control.
- (23) Power to require proper maintenance of land.
- (24) Power to determine applications for listed building consent, and related powers.
- (25) Power to determine applications for conservation area consent.
- (26) Duties relating to applications for listed building consent and conservation area consent.

- (27) Power to serve a building preservation notice, and related powers.
- (28) Powers to acquire a listed building in need of repair and to serve a repairs notice.
- (29) Power to apply for an injunction in relation to a listed building.
- (30) Power to execute urgent works.
- (31) Power to issue enforcement notice in relation to demolition of listed building in conservation area.
- (32) Power to approve sites for entry into Part 2 of the Brownfield Land Register and so grant Permission in Principle.
- (33) Power to decline to approve sites for entry into Part 2 of the Brownfield Land Register.
- (34) Power to determine applications for Permission in Principle.
- (35) Power to determine applications for Technical Details Consent.

#### **B. Functions relating to public rights of way and miscellaneous**

- (1) Power to create footpath or bridleway by agreement.
- (2) Power to create footpaths and bridleways.
- (3) Power to stop up footpaths and bridleways.
- (4) Power to determine application for public path extinguishment order.
- (5) Power to make a rail crossing extinguishment order.
- (6) Power to divert footpaths and bridleways.
- (7) Power to make a public path diversion order.
- (8) Power to make a rail crossing diversion order.
- (9) Duty to keep register with respect to applications under sections 118ZA, 118C, 119ZA and 119C of the Highways Act 1980.
- (10) Power to decline to determine certain applications.
- (11) Duty to assert and protect the rights of the public to use and enjoyment of highways.
- (12) Duty to serve notice of proposed action in relation to obstruction.
- (13) Power to apply for variation of order under section 130B of the Highways Act 1980.
- (14) Power to authorise temporary disturbance of surface of footpath or bridleway.
- (15) Power to extinguish certain public rights of way.
- (16) Power to extinguish public right of way over land acquired for clearance.
- (17) Power to authorise stopping up or diversion of highways.
- (18) Power to authorise stopping-up or diversion of footpath or bridleway.
- (19) Power to extinguish public rights of way over land held for planning purposes.
- (20) Powers to relating to the protection of important hedgerows.
- (21) Powers relating to the preservation of trees.
- (22) Powers to deal with complaints about high hedges

#### Delegations

The Committee shall exercise the full powers, duties and functions of the Council as set out above.

## **Licensing & Gambling Committee**

### Membership

To be determined each year by the Annual Meeting of Council and subject to the overall political balance calculation (which shall take priority), subject to the legal requirement that it must consist of between 10 and 15 members.

### Functions

- (1) To discharge the functions of the Council as “Licensing Authority” under the Licensing Act 2003 except as provided for in Section 7(2) of the Licensing Act 2003 (Licensing Authority Policy Statement) and under the Police Reform and Social Responsibility Act 2011.
- (2) To discharge the functions of the Council as “Licensing Authority” under the Gambling Act 2005 except as provided for in Section 166 (not to issue any Casino Premises Licences) and 349 (Licensing Authority Policy Statement) by virtue of Section 154(1) of that Act.

### Delegation

To set all fees as required by the Gambling Act 2005: Premise Licence Fees

## **Licensing & Gambling Committee – Sub Committee**

### Membership

The Sub-Committee to consist of 3 members, the membership to be determined by the Head of Legal & Democratic Services, in consultation with the Chairperson of the Licensing and Gambling Committee.

### Functions and Delegations

- (1) To determine applications under the Licensing Act 2003 as follows:-
  - (a) Application for a Personal Licence                      If Police representations have been made
  - (b) Application for Personal Licence, with unspent convictions                      All cases
  - (c) Application for Premises Licence/Club Premises Certificate                      If relevant representation(s) have been made
  - (d) Application for Provisional Statement                      If relevant representation(s) have been made
  - (e) Application to vary Premises Licence/ Club Premises Certificate                      If relevant representation(s) have been made

- |     |   |  |
|-----|---|--|
| (f) | Application to vary Designated Premises Supervisor  | If Police representation(s) have been made |
| (g) | Application for transfer of premises Licence  | If Police representation(s) have been made |
| (h) | Application for Interim Authority   | If Police representation(s) have been made |
| (i) | Application to review Premises Licence/Club Premises certificate  | All cases                                  |
| (j) | Decision to object when local authority is a consultee and not the relevant authority considering the application | All cases                                  |
| (k) | Determination of an objection to a Temporary Event Notice   | All cases                                  |
| (l) | Application from a Community Premises to remove the requirement for Designated Premises Supervisor                | If Police representation(s) have been made |

(2) To deal with relevant provisions of the Gambling Act 2005.

- |   |  |
|---|--|
| Application for premises licence                          | where representations have been received and not withdrawn   |
| Application for a variation to a licence                  | Where representations have been received and not withdrawn   |
| Application for a transfer to a licence                   | Where representations have been received from the Commission |
| Application for a provisional statement                   | Where representations have been received and not withdrawn   |
| Review of a premises licence                              | All cases  |
| Application for a club gaming/club machine permits        | Where objections have been made (and not withdrawn)          |
| Cancellation of a club gaming/club Machine permits        | All cases  |
| Decision to give a counter notice to temporary use notice | All cases  |

To set all fees as required by the Act

- (3) Power to license sex shops and sex cinemas in accordance with the provisions of the Local Government (Miscellaneous Provisions) Act 1982.

## **Licensing and Appeals Committee**

### Membership

To be determined each year by the Annual Meeting of Council and subject to the overall political balance calculation (which shall take priority), subject to the requirement that it must comprise of between 10 and 15 members.

### Functions

#### ***Licensing***

- (1) Power to issue licences authorising the use of land as a caravan site ("site licences").
- (2) Power to license the use of moveable dwellings and camping sites.
- (3) Power to license hackney carriages and private hire vehicles.
- (4) Power to license drivers of hackney carriages and private hire vehicles.
- (5) Power to license operators of hackney carriages and private hire vehicles.
- (6) Power to license performances of hypnotism.
- (7) Power to license premises for acupuncture, tattooing, ear-piercing and electrolysis
- (8) Power to license pleasure boats and pleasure vessels.
- (9) Power to license market and street trading.
- (10) Duty to keep list of persons entitled to sell non-medicinal poisons.
- (11) Power to license dealers in game and the killing and selling of game.
- (12) Power of register and license premises for the preparation of food.
- (13) Power to license scrap yards.
- (14) Power to license the breeding of dogs and cats
- (15) Power to licence the selling of animals as pets
- (16) Power to license pet shops and other establishments where animals are bred or kept for the purposes of carrying on a business.
- (17) Power to license zoos.
- (18) Power to license dangerous wild animals.
- (19) Power to license the boarding of cats and dogs
- (20) Power to license the hiring out of horses
- (21) Power to license the keeping or training of animals for exhibition
- (22) Power to discharge the functions of the Council as "Licensing Authority" under The Animal Welfare Act 200
- (23) Power to set all fees as required by the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018
- (24) Power to license knackers' yards.
- (25) Power to license persons to collect for charitable and other causes.
- (26) Power to grant consent for the operation of a loudspeaker.
- (27) Power to grant a street works licence.
- (28) Powers under the Highways Act 1980 granted to Borough Councils or under agency from Lancashire County Council.
- (29) Power to approve meat product premises.

- (30) Power to approve premises for the production of minced meat or meat preparations.
- (31) Power to approve dairy establishments.
- (32) Power to approve egg product establishments.
- (33) Power to approve fish products premises.
- (34) Power to approve dispatch or purification centres.
- (35) Power to register fishing vessels on board which shrimps and molluscs are cooked.
- (36) Power to approve factory vessels and fishery product establishments.
- (37) Power to register auction and wholesale markets.
- (38) Duty to keep register of food business premises.
- (39) Power to register food business premises.
- (40) Functions under any one of the “relevant statutory provisions” within the meaning of Part I (health, safety and welfare in connection with work, and control of dangerous substances) of the Health and Safety at Work etc., Act 1974, to the extent that those functions are discharged otherwise than in the authority’s capacity as an employer.
- (41) Power to make closing order with respect to take away food shops.
- (42) Functions under the Motor Salvage Operators Regulations 2002
- (43) Functions under Part 1 of the Vehicles (Crime) Act 2001 in relation to the registration of motor salvage operators.
- (44) All decisions under Sections 160 to 173 of the Equality Act 2010.
- (45) All functions in relation to the Scrap Metal Dealers Act 2013.

N.B. Where there is a power to fix, increase or amend charges or fees then this is included in the Committee’s functions in respect of the above.

### ***Appeals***

- (46) To determine appeals from market stall holders whose occupancy of a stall is suspended or is terminated.
- (47) In respect of applications for discretionary rate relief and hardship rate relief, to determine any appeals in connection therewith.
- (48) To consider and determine any requests for reviews from applicants in respect of the assessment of housing allocation entitlement, housing transfers, entry or removal from the housing register and homelessness decisions.
- (49) To determine appeals in respect of Discretionary Housing Payments.
- (50) To consider and determine appeals in accordance with Section 12 of the Policy for the Provision of Housing Renewal Assistance in West Lancashire 2008.

### **Delegations**

The Committee shall exercise the full powers, duties and functions of the Council as set out above.

## **Standards Committee**

### Membership

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

### Functions

The Standards Committee will have the following roles and functions:

- a. promoting and maintaining high standards of conduct by councillors and co-opted members and operating the “Standards regime – arrangements” as appropriate;
- b. assisting councillors and co-opted members to observe the Members’ Code of Conduct;
- c. advising the Council on the adoption or revision of the Members’ Code of Conduct;
- d. monitoring the operation and effectiveness of the Members’ Code of Conduct;
- e. advising, training or arranging to train councillors and co-opted members on matters relating to the Members’ Code of Conduct;
- f. granting dispensations to councillors and co-opted members from requirements relating to interests set out in the Members’ Code of Conduct;
- g. dealing with any reports from the monitoring officer on any matter which is referred to the monitoring officer;
- h. approving and reviewing procedures for the initial assessment of alleged breaches of the Codes of Conduct for Members;
- i. approving and reviewing procedures for the investigation of and subsequent report on, alleged breaches of the Codes of Conduct for Members;
- j. the exercise of (a) to (i) above in relation to the parish councils wholly or mainly in its area and the members of those parish councils;
- k. advising the Council on the adoption and subsequent review of a Code of Conduct for officers;
- l. advising, training or arranging to train officers on matters relating to the Code of Conduct for officers;
- m. advising the Council on the adoption and subsequent review of the Council’s Whistleblowing Code;

### Delegations

The Committee shall exercise full powers, duties and functions as set out above.

## **Assessment Sub Committee**

### Membership

The Sub-Committee to consist of 3 Members, selected by the Head of Legal & Democratic Services, in consultation with the Chairperson of the Standards Committee.

### Functions

To make decisions as to whether to investigate a complaint referred to the Sub-Committee by the Monitoring Officer or to take no further action.



### Delegations

Full authority to determine all matters as appropriate

## **Hearings Sub Committee**

### Membership

The Sub-Committee to consist of a maximum of 5 Members selected by the Head of Legal & Democratic Services, in consultation with the Chairperson of the Standards Committee.

### Functions

To hear cases referred to it and decide whether a member has breached the Code of Conduct and, if so, to decide if a sanction should be applied and what form the sanction should take.

### Delegations

Full delegation to determine all matters as appropriate.

### ***Note for Sub Committees:***

Membership and chairmanship of sub committees do not have to be fixed. At least 3 members of the Standards Committee must be present.

## **Recruitment of Independent Members Panel**

### Membership

The Panel shall consist of 3 Members selected by the Head of Legal & Democratic Services in consultation with the Chairperson of the Standards Committee

### Functions

To assist in the recruitment of independent members by shortlisting and interviewing and making recommendations to the Council

### Delegations

To make recommendations to the Standards Committee and Council

## **Investigation and Disciplinary Committee**

### Membership

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

## Functions

To consider disciplinary issues and take action required against senior officers (Chief Officers and Deputy Chief Officers), referred to the Committee by the proper officer as defined in Rule 10 of the Officer Employment Procedure Rules.

The Committee shall have the power to decide the matter on behalf of the Council, by either exonerating the officer, or, if they find misconduct, taking whichever form of disciplinary action is appropriate.

In the case of the dismissal of the Head of the Paid Service, Monitoring Officer or Chief Finance Officer such dismissal must be approved by Council in accordance with the provisions of Rule 6 of the Officer Employment Procedure Rules.

## Delegations

This Committee shall exercise the full powers, duties and functions of the Council as set out above, except in the case of the dismissal of the Head of the Paid Service, Monitoring Officer or Chief Finance Officer.

## **Independent Panel**

### Membership

The Panel shall consist of the Council's two independent persons. If the Council's independent persons are unable to attend any meeting of the Panel the Head of Legal and Democratic Services may appoint independent persons of other authorities in accordance with the requirements of the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 as amended.

### Functions

To consider any proposal made by the Investigating Committee to dismiss the Head of Paid Service, Monitoring Officer or Chief Finance Officer in accordance with the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 and to make any recommendations or comments for consideration by full council as it considers appropriate.

### Delegations

None

## **Chief Officers Committee**

### Membership

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

## Functions

1. To deal with all matters in respect of the appointment of chief officers and deputy chief officers and to make recommendations to full Council in respect of the appointment of the head of paid service in accordance with the Officer Employment Procedure Rules set out in Part 4 of this Constitution.
2. To consider and determine all grievances lodged by the Head of Paid Service, chief officers and deputy chief officers.
3. To hear and determine Job Evaluation appeals from Chief Officers employed on JNC Conditions.

## Delegations

This Committee shall exercise the full power, duties and functions of the Council, except in the case of the appointment of the head of the paid service as set out above.

## **Audit and Governance Committee**

### Membership

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

### Functions

#### Audit Activity

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

## Regulatory Framework

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

## Accounts

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

## Delegations

The Committee shall exercise the full powers, duties and functions of the Council as set out above in numbers 1, 14 and 19.

The Committee will not be able to transact the powers, functions and duties reserved to Council, the Policy and Resources Committee, Standards Committee and other regulatory Committees.

## **Polling Districts and Polling Places Review Committee**

### Membership

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

### Functions

To consider and determine (as necessary) any interim review of Polling Districts and Polling Places within the borough and/or constituency.

### Delegations

The committee shall exercise full powers, duties and functions of the Council in relation to the carrying out of interim reviews of Polling Districts and Polling Places.

## **5. Forums**

### **Hackney Carriage and Private Hire Forum**

Membership – to be confirmed at Annual Council.

Constitution – See attached at Appendix 1.

### **Armed Forces Community Covenant Working Group**

Membership - to be approved at Annual Council

### Function

To develop and implement an Armed Forces Community Covenant Action Plan.

### **Food Insecurity Forum**

Membership – Cross-sector, led by a WLBC officer Directorate of Place and Community,

### Functions

To strengthen ties and support cross sector co-ordination and commit to a sustainable and dignified approach to tackling food insecurity in the borough.

In consultation with the Food Security Champion, to consider the opportunities identified within the research report from Iconic Consulting and where appropriate seek Council/committee approval for their implementation.

## **6. Joint Committees**

### **Arrangements to promote well-being**

The Council, in order to promote the economic, social or environmental well-being of its area, may:

- a. enter into arrangements or agreements with any person or body;
- b. co-operate with, or facilitate or co-ordinate the activities of, any person or body; and
- c. exercise on behalf of that person or body any functions of that person or body.

### **Joint arrangements**

- a. The Council may establish joint arrangements with one or more local authorities and/or their Cabinets to exercise functions which are not executive functions in any of the participating authorities, or to advise the Council. Such arrangements may involve the appointment of a joint committee with these other local authorities.
- b. Details of any joint arrangements including any delegations to joint committees will be found in the Council's scheme of delegations in Part 3 of this Constitution.

### **Access to information**

The Access to Information Procedure Rules in Part 3 of this Constitution Apply to any joint committee.

### **Delegation to and from other local authorities**

- a. The Council may delegate functions to another local authority or, in certain circumstances, the Cabinet of another local authority.
- b. The decision whether or not to delegate functions to another Council or another Cabinet or to accept such a delegation from another local authority shall be reserved to the Council meeting.

### **Contracting out**

The Council, may contract out to another body or organisation functions which may be exercised by an officer and which are subject to an order under section 70 of the Deregulation and Contracting Out Act 1994, or under contracting arrangements where the contractor acts as the Council's agent under usual contracting principles, provided there is no delegation of the Council's discretionary decision making.

## **Police and Crime Panel**

### Membership

The Panel shall consist of 18 Elected Members (1 from West Lancashire to be appointed by full council) plus 2 independent co-opted members)

The Panel will exercise the following powers under the Police Reform and Social Responsibility Act 2011, and all other enabling powers, discharging its functions in accordance with the Policing Protocol Order 2011.

### Functions

- (a) To review and make a report or recommendation(s) on the draft police and crime plan, or draft variation, given to the Panel by the Police and Crime Commissioner (the Commissioner).
- (b) To review, put questions to the Commissioner at a public meeting, and make a report or recommendation (as necessary) on the Commissioner's annual report.
- (c) To hold a confirmation hearing in public and review, make a report and recommendation (as necessary) in respect of proposed appointments by the Commissioner of Chief Constable, Chief Operating Officer, Chief Finance Officer, and Deputy Police and Crime Commissioner.
- (d) To hold a scrutiny meeting in private and make a recommendation to the Commissioner on a proposal by the Commissioner to call upon the Chief Constable to retire or resign.
- (e) To review and make a report and recommendation (as necessary) on the proposed precept.
- (f) To review or scrutinise decisions made, or other action taken, by the Commissioner in connection with the discharge of their functions.
- (g) To make reports or recommendations to the Commissioner with respect to the discharge of the Commissioner's functions.
- (h) To support the effective exercise of the Commissioner's functions.
- (i) To fulfil functions in relation to complaints about conduct matters, in accordance with the Panel's responsibilities as provided for by the Police Reform and Social Responsibility Act 2011.
- (j) To appoint, if necessary, an Acting Police and Crime Commissioner.
- (k) To suspend the Commissioner if it appears to the Panel that the Commissioner has been charged in the United Kingdom or Isle of Man with an offence which carries a maximum term of imprisonment exceeding two years.

## 7. Remuneration Panels

### Independent Remuneration Panel

#### Membership

To be appointed by full council.

#### Function

- (a) In accordance with the Local Government Act 2000 to review and report to the Council on the Members' Allowances Scheme.
- (b) To make recommendations to the Council as to the amount of basic allowance which should be payable to elected members.
- (c) To make recommendations to the Council about the roles and responsibilities for which a special responsibility allowance should be payable and the amount of each such allowance.
- (d) To make recommendations as to whether the Council's allowances scheme should include an allowance in respect of the expenses of arranging for the care of children and dependents and, if it does make such a recommendation, the amount of this allowance and the means by which it is determined.
- (e) To apply Best Value principles in relation to the allowances under consideration.

### Parish Independent Remuneration Panel

#### Membership

To be appointed by full council

#### Function

In accordance with the Local Authorities (Members' Allowances) (England) Regulations 2003 to produce a report in relation to the Councillors of Parishes in West Lancashire making recommendations as to:

- (a) the amount of parish basic allowance payable to members of such authorities;
- (b) the amount of travelling and subsistence allowance payable to members of such authorities;
- (c) whether parish basic allowance should be payable only to the chairperson of any such authority or to all its members;
- (d) whether, if parish basic allowance should be payable to both the chairperson and other members of any such authority, the allowance payable to the chairperson should be set at a level than that payable to the other members and, if so, the higher amount so payable; and
- (e) the responsibilities or duties in respect of which members should receive parish travelling and subsistence allowance.



## **Part 2.3 – Scheme of Delegation to Officers**

### **2.3A Delegations to the Chief Operating Officer**

1. To take any action, including the incurring of expenditure, in connection with an emergency or disaster in the Borough. Any urgent matter arising between meetings which cannot await a decision at the next meeting and which has not been formally delegated to an Officer, shall be considered by the Chief Operating Officer or relevant Corporate Director; under their emergency powers, in consultation with the Leader and relevant Lead Member or the Chairperson of the appropriate Committee, where it is in the interests of the Council and it is impracticable or inappropriate to call a meeting.
2. To approve and issue all official publicity, press statements and official publications which do not fall within the remit of any Corporate Director or Head of Service.
3. To exercise a power delegated to any officer when that officer is unable or unwilling to act.
4. To deal with requests for permission to reproduce the Coat of Arms of the Council.
5. To deal with matters concerned with civic and ceremonial occasions together with civic hospitality, after consultation with the Mayor (Chairperson of the Council) and the Leader of the Council.
6. To sign and seal documents in accordance with Section 3.8 (Finance, Contracts and Legal Matters) of the Constitution.
7. To amend the list of politically restricted posts as appropriate (Local Government and Housing Act 1989).
8. To determine, after consultation with the Leader those chief officer vacancies where the members will be involved in the recruitment process.
9. To set up appropriate consultation arrangements with Trade Unions and Staff Representatives including the operation of the Corporate Consultative Group.
10. To take decisions, after consultation with the Leader of the Council, to support staff in private prosecutions in cases where staff have been subject to assault.
11. To appoint Inspectors under the provisions of Section 110A of the Social Security Administration Act 1992 and such Inspectors to enter business premises and to make enquiries in accordance with the provisions of Section 110B of the Social Security Administration Act 1992.
12. To conduct procedures relating to discipline and capability for all officers.
13. To appoint external advisers to assist in the conducting of disciplinary investigations and to appoint external consultants to assist in conducting grievance investigations.

14. To make exemptions to Contracts Procedure Rules where they are satisfied the exemption is justified in special circumstances subject to a report back in the appropriate "Members Update."
15. To act under the Council's Standards Committee procedures.
16. To submit, in consultation with the Leader of the Council, nominations for invitations to His Majesty's Royal Garden Parties.
17. To update as necessary the Monitoring Officer Protocol (Section 4.2) in consultation with the Leader of the Council.
18. To introduce arrangements to ensure that they are aware of and satisfied with the exercise by the Council of the powers under the Regulation of Investigatory Powers Act 2000 and to authorise covert surveillance and the use of covert human intelligence sources in accordance with the Regulation of Investigatory Powers Act 2000.
19. To act in the capacity of Designated Person in compliance with the Regulation of Investigatory Powers Act as required.
20. To authorise relevant surveillance activity when knowledge of confidential information is likely to be acquired or when a vulnerable individual or juvenile is to be used as a source.
21. To make appointments to outside bodies made by the Council, in consultation with the Leader of the Council.
22. In consultation with the Lead Member, to put forward nominations for council nominated governorships, should any councillor wish to put their name forward, for appointment by Lancashire County Council as a School Governor.
23. To amend, in consultation with the Head of Legal & Democratic Services and the Head of Finance, Procurement & Commercial Services, and re-issue the Protocol for Partnership Arrangements.
24. In relation to the Indemnity for Officers and Members to give prior authorisation where the defence of defamation proceedings, criminal proceedings or Code of Conduct proceedings is involved.
25. To submit claims for grants to government departments and other bodies (in consultation with the relevant Corporate Director or Head of Service, if appropriate) and applications for funding.
26. In consultation with the Leader to review and determine future subscriptions to outside bodies and organisations, including provision to give relevant notices.
27. In relation to Assets of Community Value, to carry out listing reviews and compensation reviews as the Officer of appropriate seniority and to make the relevant decision, under the Assets of Community Value (England) Regulations 2012.

28. To designate/re-designate Polling Places within the Borough to suitable venues in consultation with the Leader, the Leader of the main opposition group and the Ward Councillors, in exercise of the powers conferred by Sections 18A, 18B, 18C, 18D and 31 of the Representation of the People Act 1983 (as amended).
29. To issue vary or discharge closure notices for a maximum 48 hour period under Part 4 Chapter 3 of the Anti-Social Behaviour, Crime and Policing Act 2014.
30. In consultation with the Leader, to determine all matters, as the Shareholder for Tawd Valley Development Company, on behalf of the Council.

## **2.3B Delegations to the Corporate Director Of Place & Community**

### **ENVIRONMENTAL SERVICES**

#### **(i) Waste & Fleet Services**

1. To enter into productivity or similar agreements with the workforce and their representatives.
2. To seek quotation/tenders and to place orders for the supply of goods or materials or for the execution of work.
3. To dispose of surplus plant, machinery, equipment or work hours in accordance with Financial Regulations.
4. To agree charges at which services may be made available to Council Services or appropriate outside bodies.
5. To submit tenders and estimates for work to be carried out by Contracting Services and persons acting on its behalf.
6. To place orders for the purchase of vehicles or plant to be financed from the Council's Capital Programme for individual items or groups of items up to the amount approved in the Programme, subject to a report back in the appropriate Members' Update.
7. To prepare and approve in consultation with the relevant Lead Member, the Vehicle Replacement Programme (following an evaluation of the business and service needs prevailing at the time), subject to details of the approved Programme being circulated to Members via an appropriate Members' Update, and in this respect to invite Tenders and to accept the lowest most suitable tenders for the purchase of vehicles detailed in the Programme.
8. To maintain all accounting procedures and records as determined in consultation with the Head Finance, Procurement & Commercial Services and prepare accounting information at the end of each financial year in accordance with the requirements specified by law, or by the Council.

9. To carry out work which has been previously won under compulsory competitive tendering or best value such as refuse collection and street cleansing together with anything incidental thereto.
10. To serve Notices and to take all necessary action under the Refuse Disposal (Amenity) Act, 1978, and Road Traffic Regulation Act 1984, in connection with the removal of abandoned vehicles.
11. To appoint consultants to carry out assignments for the Council subject to there being appropriate budgetary provision.
12. To develop and implement a range of appropriate education, promotion and enforcement practices in order to raise recycling levels and deal with litter issues.
13. In consultation with the relevant Lead Member, to implement the single standard service for the collection of bulky household waste.
14. (a) To appoint authorised officers for the purpose of Schedule 4 to the Environmental Protection Act 1990 in respect of Abandoned Shopping and Luggage Trolleys.
- (b) To increase the fee for returning shopping trolleys impounded under the provisions of Schedule 4 to the Environment Protection Act 1990 in line with inflation.
15. To administer the agency for highway functions in accordance with the Public Realm Agreement and the guidelines and codes of practice set out by Lancashire County Council.
16. To exercise the powers of the Street Authority under the New Roads and Street Works Act 1991 within the prescribed areas.
17. To enter all appropriate Waste Management Cost Sharing Agreements with the Disposal Authority together with all related documents including Deeds of Extension and Variation, in consultation with the Relevant Lead Member.

**(ii) Cemeteries**

1. To grant exclusive right of burial in the Council's cemeteries.
2. To determine all applications for the erection of headstones in the Council's cemeteries.

**(iii) Technical Services**

1. To have responsibilities under the following provisions of the Local Government (Miscellaneous Provisions) Act, 1976 including the power to take all necessary action:
  - (a) Section 15 - To survey land to be acquired compulsorily with power to authorise persons to carry out the same.
  - (b) Section 16 - To serve Notices to obtain particulars of persons interested in land and to take all necessary action in respect thereof.

- (c) Section 23 - To take all necessary action when a Notice to deal with dangerous trees is served on the Council under this section.
  - (d) Section 24 - To serve Notices to make safe dangerous trees
  - (e) Section 25 - To serve Notices with respect to dangerous excavations.
  - (f) Section 26 - To authorise persons to enter onto land.
2. To accept donations for the provision of seating or trees.
  3. To serve discontinuance notices in respect of all unauthorised unsuitable signs or time expired unsuitable signs within the Ormskirk Town Centre Conservation Area after consultation with the Head of Legal & Democratic Services.
  4. To exercise the powers of the Street Authority under the New Roads and Street Works Act, 1991 and the Traffic Management Act 2004, within the prescribed area.
  5. To deal with matters arising from day to day operation of Borough Council markets and to deal with any lost property within the markets.
  6. To deal with urgent repairs in private streets within the urban core under Section 230 of the Highways Act, 1980.
  7. To appoint consultants to carry out assignments for the Council subject to there being appropriate budgetary provision.
  8. To deal with applications for the use of Council owned sites in Ormskirk Town Centre for business or promotional purposes.
  9. To administer the agency for highway functions in accordance with the Street Services Agreement and the guidelines and codes of practice set out by the Lancashire County Council.
  10. To administer the relevant sections of the Highways Act 1980 and any Act or Acts extending or amending the same or incorporating the same therein; including the serving of notices, the issuing of licences, enforcement, the laying of informations and complaints to the Magistrates' Courts and the carrying out of any work in default including recovery of the costs.
  11. The power to examine and test drains and other apparatus believed to be defective.
  12. To erect street nameplates under Section 19 Public Health Act 1925.
  13. To serve notices under the Public Health Act 1936 concerning the culverting of watercourses.
  14. To exercise the powers within the Land Drainage Act 1991.
  15. To exercise the following powers and duties of the Council under the County of Lancashire Act 1984.

- (a) To arrange for the affixing of traffic signs to buildings or structures in or fronting to or constructed over roads under Section 11.
  - (b) To apportion charges for the cleansing or repair of private sewers under Section 22.
  - (c) To recover the cost of making good damage to grass verges on footways under Section 12.
16. To remove unauthorised direction signs and advertisements on highways and to recover the cost of so doing, as appropriate.
  17. To receive notices in respect of and authorisation of reinstatement works under the New Roads and Street Works Act 1991.
  18. To consent to the holding of car boot sales on land not owned by the Council subject to the agreed criteria.
  19. To adopt highways etc. which are subject to an Agreement under Section 38 of the Highways Act, 1980 with effect from the issue of the Final Certificate or those which are not subject to such Agreements subject to satisfactory condition and capacity.
  20. To respond to the County Council's road safety programme subject to reporting any major changes of County Council policy to the Policy and Resources Committee.
  21. To adopt highways constructed by or on behalf of the Council.
  22. To adopt footpaths constructed under the provisions of Section 37 of the Highways Act 1980.
  23. In cases where a developer defaults in their obligations and commitments to maintain a highway, pursuant to Agreements under Section 38 of the Highways Act 1980, to take all appropriate action, including the invitation of tenders and the acceptance of the lowest tender, to secure completion of works specified in the appropriate Agreement provided the cost of such works can be funded either by the bond in its entirety or, in cases where the bond is insufficient, by contributions from Lancashire County Council.
  24. To determine the making of Orders under the provisions of the Road Traffic Regulation Act 1984 to provide designated disabled parking bays, subject to the applicant meeting the Lancashire County Council criteria.
  25. To determine the making of Traffic Regulation Orders pursuant to the provisions contained in the Road Traffic Regulation Act 1984 following consultation with the Relevant Lead Member and the ward councillors and to introduce such orders in the event of there being no outstanding objection or objections to the proposals.
  26. In consultation with the Chairperson of the Planning Committee and Ward Councillor(s) to determine applications/requests for Footpath Orders under the

Highways Act 1980 and the Town and Country Planning Act 1990 and to instruct the Head of Legal & Democratic Services to make the corresponding Order.

27. In consultation with the Chairperson of the Planning Committee and Ward Councillor(s), to determine applications to stop up, divert or extinguish highways under the Highways Act 1980 and Town and Country Planning Act 1990 and to instruct the Head of Legal & Democratic Services to thereafter make the appropriate Order or application as the case may be.
28. In consultation with the Relevant Lead Member and relevant Ward Members to respond on behalf of the Council, to consultations from Lancashire County Council in respect of highway and public rights of way matters.
29. To make Orders to prevent obstructions in streets during public processions etc., under Section 21 of the Town Police Clauses Act 1847.

**(iv) Arboricultural Services**

1. To deal with and determine applications for consent for works to trees the subject of Tree Preservation Orders or lying within designated conservation areas.
2. To authorise the Head of Legal & Democratic Services to make, vary and revoke Tree Preservation Orders, including, where appropriate, a direction under Section 201 of the Town and Country Planning Act 1990 and to confirm Orders where no valid objections are received.
3. To exercise the Council's power and duties for making observations on consultation requests submitted to it by the Lancashire County Council, the Forestry Commission, or other parties for applications for felling licences under the Forestry Act, 1967.
4. Under the relevant sections of the Anti-Social Behaviour Act 2003 to:-
  - instruct the Head of Legal & Democratic Services to issue and serve Remedial Notices under Section 69 and to withdraw such Notices or waive or relax any requirement of such Notices under Section 70.
  - take all necessary action in respect of appeals made under Section 71.
  - authorise persons to enter land for the purposes of Sections 74 and 77.
  - prosecute for offences, including the laying of informations, under Section 75 and 77, and
  - take all necessary action to recover expenses under the provisions of Section 77.
  - carry out the functions of Part 8 of the Act – High Hedges and the associated regulations.
5. In consultation with the Relevant Lead Member to implement the West Lancashire Free Tree Scheme, subject to finance being made available in the Capital Programme.
6. To accept donations for the provision of seating or trees.
7. To manage, publish and set fees for entries on the Council's Tree Contractor List.

8. To implement future changes in the fees for high hedge applications in line with the Fees and Charges Policy.

(v) **Environmental Strategy (Climate Change)**

1. In consultation with the Relevant Lead Member develop an Assistance Package for private owners to enable them to be part of a comprehensive Energy Efficiency Scheme

## **REGULATORY SERVICES**

(i) **Corporate Health and Safety**

1. To update the Corporate and Community Services Enforcement Policies, in consultation with the relevant Lead Member, in accordance with any new or revised government legislation or Statutory Guidance and in this respect any wholesale changes in guidance or legislation resulting in major changes to the policy to be brought back for approval (Committee/Council as appropriate).
2. To produce and update all the Council's Health and Safety Policies and procedures in the line with current legislation and best practice, in consultation with the relevant Lead Member.
3. To implement, publish and keep under review the Safeguarding Policy 2019, thereafter to update the Safeguarding Policy as necessary and to nominate an officer as the Designated Safeguarding Officer.
4. In consultation with the relevant Lead Member, to progress and (as appropriate) confirm the Council's membership of the Integrated Care Partnership/Multi Speciality Community Provider (ICP/MCP) and to provide future updates at relevant stages of the partnership development process.

(ii) **Public Health**

1. To administer relevant provisions, give directions, serve notices, enforce, carry out work in default, issue formal cautions and to lay information and complaints to Court in respect of offences in appropriate cases, under the following enactments and any Act or Acts extending or amending the same or incorporated therein and under any Orders or Regulations made under the said Act or Acts.
  - Open Spaces Act 1906
  - Dogs Act 1906
  - Public Health Acts 1936 and 1961
  - Prevention of Damage by Pests Act 1949
  - Pet Animals Act 1951
  - Zoo Licensing Act 1951
  - Animal Welfare Act 2006
  - Performing Animals (Regulation) Act 1925
  - Animal Boarding Establishments Act 1963
  - Riding Establishments Act 1964
  - Home Safety Act 1961
  - Agriculture (Miscellaneous Provisions) Act 1968



- Late Night Refreshment Houses Act 1969
- Local Government Act 1972
- Control of Pollution Act 1974
- Health and Safety at Work etc., Act 1974
- Slaughterhouse Act 1974
- Guard Dogs Act 1975
- Local Government (Miscellaneous Provisions) Acts 1976 and 1982
- Building Act 1984
- County of Lancashire Act 1984
- Public Health (Control of Diseases) Act 1984
- Food and Environment Protection Act 1985
- Environmental Protection Act 1990
- Food Safety Act 1990
- Breeding of Dogs Act 1991
- Dangerous Dogs Act 1991
- Clean Air Act 1993
- Noise and Statutory Nuisance Act 1993
- Sunday Trading Act 1994
- Environment Act 1995
- Noise Act 1996
- Clean Neighbourhood and Environment Act 2005
- Sunbeds (Regulation) Act 2010
- Water Industry Act 1991
- Water Act 2002
- The Dogs Act 1871
- The Dangerous Dogs Act 1989
- Control of Dogs Order 1992

2. To undertake the following registration and licensing functions under the relevant enactment and Regulations including the setting and periodic review of licence fees, and the laying of information and complaints to a Court in respect of legal proceedings in relation to:

- Acupuncture, tattooing, ear-piercing and electrolysis
- Animal Boarding Establishments
- Breeding of Dogs
- Dangerous Wild Animals
- Selling of animals as pets
- Hiring out of horses
- Keeping or training animals for exhibition
- Food and Food Premises
- Game
- Guard Dogs
- Knackers Yard Licences
- Late Night Refreshment Houses
- Pet Animals
- Rag, Flock and Other Filling Materials
- Riding Establishments
- Scrap Metal Dealers
- Sunday Trading
- Zoos

- Sunbeds
3. To appoint officers, where appropriate, as authorised officers or Inspectors and to authorise officers to sign documents and to enter land/premises in connection with their duties under the following enactments or re-enactment thereof:
    - Public Health Act 1936 and 1961
    - Prevention of Damage by Pests Act 1949
    - Pet Animals Act 1951
    - Rag, Flock and Other Filling Materials Act 1951
    - Agriculture (Safety, Health and Welfare Provisions) Act 1956
    - Factories Act 1961
    - Animal Boarding Establishments Act 1963
    - Riding Establishments Acts 1964 and 1970
    - Scrap Metal Dealers Act 1964
    - Breeding of Dogs Act 1973
    - Control of Pollution Act 1974
    - Health and Safety at work etc., Act 1974
    - Slaughterhouses Act 1974
    - Dangerous Wild Animals Act 1976
    - Local Government (Miscellaneous Provisions) Acts 1976 and 1982
    - Building Act 1984
    - County of Lancashire Act 1984
    - Public Health (Control of Diseases) Act 1984
    - Food and Environment Protection Act 1985
    - Environmental Protection Act 1990
    - Food Safety Act 1990
    - Breeding of Dogs Act 1991
    - Dangerous Dogs Act 1991
    - Clean Air Act 1993
    - Noise and Statutory Nuisance Act, 1993
    - Sunday Trading Act 1994
    - Noise Act 1996
    - Clean Neighbourhoods and Environment Act 2005
    - Sunbeds (Regulation) Act 2010
    - Water Industry Act 1991
    - Water Act 2003
    - The Animal Welfare Act 2006
  4. To appoint persons under Part 1 of the Health Act 2006, insofar as it relates to smoke free matters and to administer the relevant provisions of the Act and all relevant legislation.
  5. To arrange for the disposal of all unfit foodstuffs and procuring of samples.
  6. In consultation with the relevant Lead Member to approve the Food Safety Service Plan.
  7. (a) To appoint officers as Inspectors under Section 19(1) of the Health and Safety at Work etc., Act 1974.

- (b) To authorise officers so appointed, to exercise, insofar as they relate to the functions of the Council the powers of an Inspector specified in:
  - (i) Sections 20, 21, 22 and 25 of the Health and Safety at Work etc., Act 1974.
  - (ii) Any Health and Safety Regulations, and
  - (iii) The provisions of the Acts mentioned in Schedule 1 to the 1974 Act which are specified in the Third Column of that Schedule and of the Regulations, Orders or other instruments of a legislative character made or having effect under any provision so specified as may be in force from time to time.
- 8. To authorise competent persons to accompany Inspectors on visits under the Health and Safety at Work etc., Act 1974 in an advisory capacity.
- 9. To undertake “transfers of responsibility” under Regulation 5 and “assignments in cases of uncertainty” under Regulation 6 of the Health and Safety (Enforcing Authority) Regulations 1989.
- 10. To authorise the service of notices requiring information as to the ownership of land/premises.
- 11. To authorise officers under Section 39 of the Local Government Act 1988.
- 12. To appoint officers as “authorised officers” for the purposes of the Environmental Protection Act 1990 and in particular to appoint Inspectors under Section 16(6) of the Act for the purposes of Part I of the Act and to authorise such officers to sign documents that are given, made or issued under the Act.
- 13. To appoint offices as “authorised persons” under the relevant legislation/regulations, insofar as it relates to food safety matters and to administer the appropriate provisions of all relevant subordinate legislation.
- 14. To determine, after consultation with the Head of Legal & Democratic Services whether or not to prosecute persons contravening legislation relating to dogs or other animals
- 15. To make arrangements for the seizure of animals, and subsequent action in cases of emergency under the Dangerous Wild Animals Act 1976.
- 16. To authorise a Veterinary Surgeon, or Veterinary Practitioner, or such other person as they deem competent, to inspect any premises where any animal is, or may be held, in pursuance of a Licence which has been applied for, or granted, under the Dangerous Wild Animals Act 1976.
- 17. To vary Licence Conditions, to allow removal of any animal that is to be kept at premises outside the Borough for more than 72 hours, under the Dangerous Wild Animals Act 1976.
- 18. To consult with the Secretary of State and other persons necessary to formulate an inspection team and appoint Inspectors on behalf of the Council under the Zoo Licensing Act 1981.

19. To determine applications for the approval of chimney heights, submitted under Section 15 of the Clean Air Act 1993.
20. To determine applications for consent, in relation to construction sites under the Control of Pollution Act 1974, in accordance with BS 5228.
21. To exercise the following powers and duties of the Council under the County of Lancashire Act 1984:
  - (a) To give notice requiring persons to take steps to reduce the emission of dust arising from any building operation, demolition or the cleansing of any building or structure under Section 16.
  - (b) To lay a complaint to a Magistrates' Court requiring the owner of a chimney to raise its height or do other things because of the emission of gas vapour fumes or soot under the provisions of Section 17.
22. To submit, following consultation with the relevant Lead Member and ward councillors, objections to the Secretary of State regarding notifications received from United Utilities that they intend to apply for permission to lower the quality of effluent discharge.
23. To deal with the removal of persons in need of care and attention under the National Assistance Act 1948, Section 47 and National Assistance (Amendment) Act 1951 after consultation with the Consultant in Communicable Disease Control or any other Public Health Doctor on the Lancashire Public Health Rota acting in an emergency situation.
24. To deal with all matters relative to infectious/notifiable diseases including exclusion from work or school to prevent spread of infection, together with payment of compensation where necessary after consultation with the Consultant in Communicable Disease Control or any other Public Health Doctor on the Lancashire Public Health Rota acting in an emergency situation.
25. To arrange for the burial and/or cremation of persons where no other person takes the responsibility.
26. To revise the fixed element of the licence fees for Dangerous Wild Animals and riding establishments at periodic intervals in line with inflation.
27. To review the level of charges for copies of entries in the Food Premises Register and the Environmental Protection Act Register on an annual basis.
28. To review and update as necessary pest control charges for non-domestic work on an annual basis.
29. To waive payment of seizure and detention charges and the prescribed fee (but not kennelling charges) on the first occasion that a particular stray dog is seized and thereafter only in exceptional circumstances, and to review the charges annually for the return of a stray dog to its owner or when the prescribed fee is revised by statute.
30. To reduce charges for stray dog kennelling in special circumstances.
31. To authorise officers to enter and/or remove vehicles, equipment and machinery in connection with their duties under the Noise and Statutory Nuisance Act, 1993.

32. To regularly review the fees for animal welfare related licences and to increase those fees in line with inflation.
33. To administer the provisions of The Clean Neighbourhood and Environment Act 2005 including any Orders made under it and in accordance with The Dog Control (Prescribed Offences and Penalties etc) Regulations 2006 and The Dog Control Order (Procedures) Regulations 2006 to authorise Officers to issue Fixed Penalty Notices under any of the Dog Control Orders and to take proceedings in the Magistrates Court.
34. To seek a contribution from users of the "Houndogs" Scheme at £15.00 for one dog and a further £1.00 for each dog collected at the same time. Also to review and, if necessary, increase the level of this contribution in line with any increase in the cost to the Council of providing the service.
35. In accordance with the Environmental Protection Act 1990:-
  - (a) To designate litter control areas under Section 90 and to serve street litter control notices under Section 93.
  - (b) To lay complaints in the Magistrates' Court for Orders under Section 94 removal of street litter and institute proceedings under that section for failure to comply with such Orders.
  - (c) To institute proceedings under Section 87 'offence of leaving litter.'
  - (d) Under Section 88:
    - (i) appoint authorised Officers to issue Fixed Penalty Notices for litter offences.
    - (ii) collect the Fixed Penalty Notices received and forward to Secretary of State annually.
    - (iii) conduct reviews of the notices served.
    - (iv) instruct the Head of Legal & Democratic Services to take action in relation to the non-payment of Fixed Penalty Notices.
36. To serve all Notices, including Requisitions for Information under any enactment, and to take action, including instructing the Head of Legal & Democratic Services to institute legal proceedings, in respect of the non-return of information to the local authority following the service of any notices or requisitions for information.
37. To propose under the Clean Neighbourhoods and Environment Act 2005, in consultation with the Head of Legal & Democratic Services, Leader and relevant Ward Councillors:-
  - the designation of all or part of the Borough as:
    - (a) An Alarm Notification Area
    - (b) An area where it is an offence to distribute free printed material without a consent
  - Amendments to Dog Control Orders

and to follow the relevant procedure.

38. To administer, issue consents, set consent fees and enforce the relevant provisions under the Clean Neighbourhoods and Environment Act 2005 in relation to the distribution of free material in recognised public car parks.
39. To take any action in connection with the development and preparation of the Crime and Disorder Strategy, in consultation with relevant Lead Member.
40. To appoint Officers as Inspectors under Sections 57 of the Animal Welfare Act 2006.
41. In consultation with the Head Finance, Procurement & Commercial Services and the Leader to determine what proportion of costs to be recovered from “Appropriate Persons” where remediation works are to be undertaken to contaminated land.
42. In consultation with the relevant Lead Member and in accordance with the provisions of the The Environmental Damage (Prevention and Remediation) Regulations 2009:
  - (a) to serve any notices
  - (b) to withdraw notices, if necessary
43. In accordance with the provisions of the Environmental Damage (Prevention and Remediation) Regulations 2009:
  - (a) to commence legal proceedings in relation to any offence
  - (b) to recover all relevant costs and, if necessary, register a charge on the property in respect of unpaid costs
  - (c) to instruct such contractors as necessary (up to the value of £10,000) in relation to an emergency, to prevent, contain or remedy environmental damage
  - (d) following consultation with the relevant Lead Member and Head of Finance, Procurement & Commercial Services, to instruct such Contractors as necessary in an emergency, to prevent, contain or remedy Environmental Damage, where the value of expected works exceeds £10,000
44. To undertake a tender exercise and award contracts for the kennelling of stray dogs on behalf of the Council, in consultation with the relevant Lead Member and, in this respect, to advertise in the local press, without compliance with Contracts Procedure Rules 8 and 9, for interested organisations to apply for inclusion on the tender list.
45. To implement and administer the National Food Hygiene Rating Scheme.
46. In consultation with the relevant Lead Member, to approve minor changes to the Noise Management Policy that do not affect service delivery.
47. In consultation with the relevant Lead Member, to approve minor changes to the Environmental Nuisance Policy that do not affect service delivery.
48. To take all measures to administer and enforce the provisions contained in the Microchipping of Dogs (England) Regulations 2015, including the giving of notices, taking prosecutions, responding to appeals, seizure and microchipping of dogs and recovery of costs.

49. To make any necessary minor amendments to the Public Space Protection Order.
50. In consultation with the relevant Lead Member, to approve and publish any future minor updates to the Contaminated Land Strategy.
51. To take all measures to administer and enforce the provisions contained in The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018, including but not limited to the grant, refusal, variation, suspension and/or revocation of licences, appointment and/or instruction of inspectors, appointment of a listed veterinarian, serving notices, providing information to the Secretary of State, entering premises, taking prosecutions, responding to appeals, setting fees along with the assessment and recovery of costs.

**(iii) Licensing**

1. To be responsible for the issue of the licences, permits and registration functions set out below in accordance with the established policies of the Council, subject to the proviso that where they are mindful of refusing, revoking or varying any condition or terms of existing licences/permits these shall be referred to the appropriate committee for determination:

Cinemas and Cinema Clubs	Licensing Act 2003
Gaming machines not on licensed premises	Gaming Act 2005
Hackney Carriage Vehicles And Hackney Drivers	Town Police Clauses Act 1847 (as amended), Local Government (Miscellaneous Provisions) Act 1976 Transport Act, 1985
House to House Collections	House to House Collections Act 1939 (as amended)
Hypnotism	Hypnotism Act 1952
Lotteries (Societies promoting)	Gambling Act 2005
Pleasure Boats and Boatmen	Public Health Acts (Amendment) Act 1907
Private Hire Vehicles, Operators and Drivers	Local Government (Miscellaneous Provisions) Act 1976 Transport Act 1985
Public Entertainments	Licensing Act 2003

Second Hand Goods Dealers	County of Lancashire Act 1984 Police, Factories, etc
Street Collections	(Miscellaneous Provisions) Act 1916
Theatres	Licensing Act 2003

2. To determine applications under the Licensing Act 2003 as follows:-

- |     |  |  |
|-----|--|--|
| (a) | Application for Personal Licence   | If no Police representation(s) have been made.                           |
| (b) | Application for Premises Licence/<br>Club Premises Certificate                                     | If no relevant representation(s) have been made                          |
| (c) | Application for Provisional Statement  | If no relevant representation(s) have been made                          |
| (d) | Application to vary Premises Licence/<br>Club Premises Certificate                                 | If no relevant representation(s) have been made except where (K) applies |
| (e) | Application to vary Designated Premises Supervisor   | If no relevant representation(s) have been made                          |
| (f) | Request to be removed as Designated Premises Supervisor  | All cases  |
| (g) | Application for transfer of premises Licence   | If no Police representation(s) have been made                            |
| (h) | Application for Authority  | If no Police representation(s) have been made                            |
| (i) | Decision on whether a complaint is irrelevant, frivolous, vexatious, etc.                          | All cases  |
| (j) | Application from a Community Premises to remove the requirement for Designated Premises Supervisor | If no Police representation(s) have been made                            |
| (k) | Application for minor variation to Premises Licence/Club Premises Certificate                      | All cases  |

3. To approve advertisements on hackney carriage and private hire vehicles subject to certain restrictions relating to the advertising of tobacco, alcohol, drugs, sex, politics, betting etc.

4. To refuse the grant of hackney carriage and private hire drivers licences for the reason of failure to pass the knowledge test.



5. To defer applications for licences, consents and permits where the applicant has legal proceedings or a Council investigation pending against them, until such time as the results of such proceedings or investigations are known.
6. To appoint authorised officers where required for all licensing functions within the Terms of Reference of the Licensing and Appeals Committee. The Chairperson to be advised of any appointment.
7. To give notice of intention to vary the fees and charges for vehicle, driver and operator licences under Section 70 of the Local Government (Miscellaneous Provisions Act 1976).
8. To authorise officers of neighbouring authorities to act as agents for the Council to facilitate the enforcement of taxis and private hire legislation in respect of cross-border operations pursuant to Section 80 of the Local Government (Miscellaneous Provisions) Act 1976.
9. To refuse to renew any application for private hire or hackney carriage licences when a Disclosure and Barring Service (DBS) check is required when the application for renewal is not accompanied by the appropriate DBS application form.
10. To object to the Traffic Commissioners, to applications for the grant of Public Service Vehicles Licenses in cases where they consider that there are reasons to object.
11. To administer the Street Trading Consent Scheme, including the power to grant and renew a Street Trading Consent in accordance with the Street Trading Guidance Notes and Standard Conditions, but where they are mindful of refusing, revoking or varying a Consent, and the Consent-holder disagrees with the refusal, revocation or variation, then these be referred to the Licensing and Appeals Committee for determination.
12. To review the annual fee for a Street Trading Consent on a regular basis to keep it in line with inflation.
13. To prosecute for Street Trading offences under paragraph 10 of Schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982 and to appoint authorised officers under the terms of that Act.
14. To grant, renew, transfer or vary Sex Establishment Licences where there are no objections to the grant, renewal, transfer or variation of a licence, including taking action under paragraph 18(2)(a) and (b) of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982, in respect of applications for variation.
15. To prepare, publish and consult on draft statements of Sex Establishment Licensing Policy, subject to Council approval of any subsequent changes to the policy.
16. To make minor and inconsequential amendments to the Statement of Sex Establishment Licensing Policy.

17. To register, renew and vary entries on the Register of Motor Salvage Operators and to notify applicants of the Council's intention to refuse applications or renewals or to cancel registrations.
18. Under Section 5 of the Licensing Act 2003 to review the Council's Licensing Policy to prepare and consult upon all future reviews of the Policy prior to reporting to the Licensing and Gambling Committee and Council for approval and adoption of the revised Licensing Policy, and to make any minor/inconsequential amendments to the draft statement.
19. To undertake tender exercises and award contracts for MOT testing of private hire and hackney carriage vehicles licensed by the Council, in consultation with the relevant Lead Member and, in this respect, to advertise in the local press, without compliance with Contract Procedure Rules, for interested organisations to apply for inclusion on the tender list.
20. To make minor procedural changes to the Hackney Carriage and Private Hire Forum's Constitution as may be necessary in order to keep it relevant and up to date.
21. Under the sections of the Equality Act 2010, set out below relating to Hackney Carriage and Private Hire to:
  - assess and grant applications for exemption under Section 166 (Wheelchair Exemptions)  
Section 169 (Assistance Dog Exemptions in Taxi's)  
Section 171 (Assistance Dog Exemptions in Private Hire Vehicles)  
subject to the proviso that where they are mindful to refuse such applications these will be referred to and determined by the Licensing and Appeals Committee.
  - maintain a list of vehicles under Section 167
  - make minor/inconsequential amendments to the Council's Hackney Carriage and Private Hire Policy.
  - to issue formal cautions and to lay information and complaints in Court in respect of offences under Sections 160 to 173.
  - To publish and maintain the list of vehicles designation for the purposes of Section 165.
22. To act on behalf of the Council as the Licensing Authority, when taking actions necessary under the Licensing Act 2003.
23. To suspend Premises Licenses and Club Premises Certificates for non-payment of annual fees in accordance with the Licensing Act 2003.

**(iv) Community Safety**

1. Under Sections 19-28 of the Criminal Justice and Police Act 2001 to:-
  - serve closure notices on premises under the terms of Section 19.
  - apply for and serve closure orders on premises under the terms of Section 20 and 21.
  - serve a notice of cancellation under Section 19 and to terminate closure orders under Section 22.

- appoint authorised persons under Section 25.
  - lay informations for prosecutions under Section 25.
  - take all necessary action to defend appeals brought under Section 24.
2. Under the relevant Sections of the Anti-Social Behaviour Act 2003 to:-
    - prosecute for offences under Section 40(4), closure of noisy premises
    - appoint Officers to serve Penalty Notices under Section 43(1) for graffiti and fly posting
    - prosecute, as appropriate, in respect of relevant offences under Section 44(1), including the laying of informations
    - serve Graffiti Removal Notices under Section 48
    - authorise Officers to take all necessary actions to remove graffiti under Section 48(4)
    - to take all necessary action under Section 49 to recover expenditure incurred in the removal of graffiti, and
    - take all necessary action in respect of appeals under Section 51
    - To enforce the provisions which relate to Anti-Social Behaviour Orders.
    - To grant consent to the authorisation of a Dispersal Order in consultation with the Leader.
    - To be the Officer consulted on any proposal to withdraw a Dispersal Order on application from Lancashire Constabulary.
  3. Under the relevant Sections of the Noise Act 1996 to:-
    - serve Warning Notices under Section 3
    - prosecute for offences where noise exceeds permitted level under Section 4 including the laying of informations.
    - authorise Officers to serve Fixed Penalty Notices under Section 8
    - authorise persons under Section 10 powers of entry and seizure
  4. To submit applications for funding, in relation to Community Safety and Social Inclusion, which the Council may be eligible for from time to time.
  5. To authorise, in consultation with the Head of Legal & Democratic Services, the release of CCTV photographic skills to the media, in specific (and appropriate) circumstances:-
    - Where the Police seek publicly to find a suspect;
    - Where the public's assistance is needed in order to assist in the identification of a victim, witness or perpetrator in relation to a criminal incident. In line with the Code of Practice, the wishes of the victim of the incident will be taken into account.
    - Where this would assist in the general prevention or reduction of crime or the fear of crime. In these circumstances, however, the stills would only be released if the images of individuals could be disguised or blurred so that individually they are not readily identifiable. An example of these 'appropriate circumstances' might be where images of drunken individuals stumbling around a town centre on a Saturday night might be released to show the proper use of Council and Police resources to combat anti-social behaviour.
  6. In consultation with the Head of Legal & Democratic Services and the relevant Lead Member to authorise, amend and update the Policy for Publication of CCTV (and other) Images of Convicted Persons.

7. To authorise promotion and enter into all necessary agreements for the use for this purpose of the CCTV facilities on behalf of all Council Services in accordance with the Policy for Publication of CCTV (and other) Images of Convicted Persons requirements.
8. In consultation with the relevant Lead Member to publish the CCTV Annual Report.
9. Under the relevant Sections of the Anti-Social Behaviour, Crime and Policing Act 2014 to instruct the Head of Legal & Democratic Services to :-
  - (i) apply for injunctions under the provision of Part 1;
  - (ii) apply for a warrant of arrest for any breaches of an injunction obtained under the provisions of Part 1;
  - (iii) apply for a variation of discharge of an injunction obtained under the provisions of Part 1;
  - (iv) apply for a committal application on any breach of an injunction;
  - (v) apply for a Criminal Behaviour Order under the provisions of Part 2, where a person is convicted of an offence following a Council led prosecution and the behaviour of the offender was such that caused or was likely to cause harassment, alarm of or distress to any person;
  - (vi) apply for a variation of discharge of a Criminal Behaviour Order obtained by the Council under the provisions of Part 2;
  - (vii) apply for a warrant to seize items used in the offence of failing to comply with a Community Protection Notice;
  - (viii) apply for an extension of a closure order for a period of closure over 48 hours of discharge of a court extended closure order;
  - (ix) apply to the Magistrates' Court for an order recovering the costs incurred to the Council in cleaning, securing and maintaining a premises subject to a closure order;
  - (x) take all necessary steps to defend the Council against any appeals against the service of a Notice under Part 4.
10. To consult with the relevant Youth Offending Team in respect of persons under 18 years old on the application for an injunction, criminal behaviour order or on an application to vary or discharge an existing injunction or criminal behaviour order.
11. To inform and/or consult any body or individual deemed appropriate or specified in Government Guidance on the application for an injunction, criminal behaviour order or Closure Order or on an application to vary or discharge an existing injunction or criminal behaviour order.
12. To request that the Crown Prosecution Service or any other prosecuting authority apply for a Criminal Behaviour Order under the provisions of Part 2 of the Anti-Social Behaviour, Crime and Policing Act 2014 where a person is convicted of an offence and the behaviour of the offender was such that caused or was likely to cause harassment, alarm of or distress to any person working, residing or visiting the Borough.
13. To supervise compliance on behalf of the Council with any positive requirement contained in an injunction or Criminal Behaviour Order and to promote such

compliance and to inform the appropriate Chief Officer of the Police when the Defendant has fully complied or failed to comply with the positive requirements of the order.

14. Under the following Sections of the Anti-Social Behaviour Crime and Policing Act 2014 to issue formal cautions and to lay informations:-
  - (i) under Section 30 for a breach of a Criminal Behaviour Order obtained by the Council;
  - (ii) under Section 48 for the offence of failing to comply with a Community Protection Notice;
  - (iii) under Section 63 or 67 for failing to comply with the prohibitions imposed by a Public Spaces Protection Order;
  - (iv) Under Section 86 for remaining in or entering a premises subject to a Closure Order.
15. To issue Community Protection Notices under Part 4 of the Anti-Social Behaviour, Crime and Policing Act 2014.
16. To enter land and premises open to the air and carry out any necessary works to ensure any failure to comply with a Community Protection Notice under Section 47 of the Anti-Social Behaviour Crime and Policing Act 2014 and recover the costs of doing so.
17. To dispose or of destroy of any item used in the commission of the offence of failing to comply with a Community Protection Notice, which a court has ordered be handed over to the Authority under Section 50 of the Anti-Social Behaviour, Crime and Policing Act 2014.
18. To issue fixed penalty notices, where they deem appropriate, for the offence of failing to comply with a Community Protection Notice or for failure to comply with a Public Space Protection Order. The fixed penalty notice be issued for the maximum amount as set by the Anti-Social Behaviour, Crime and Policing Act 2014 or amended by subsequent legislation.
19. To serve Notice to Quit, Notice to Terminate Introductory Tenancy and Notice Seeking Possession on grounds specified in Section 84A and under Grounds 1, 2, 2ZA and 2A of Schedule 2 of the Housing Act 1985 and instruct the Head of Legal & Democratic Services to and apply for possession and warrants of eviction obtained on these grounds.
20. To issue, vary or discharge closure notices for a maximum 24 hour period under Part 4 Chapter 3 of the Anti-Social Behaviour, Crime and Policing Act 2014.
21. To designate authorised officers to carrying duties specified under Sections 51, 63 and 85 of the Anti-Social Behaviour, Crime and Policing Act 2014.
22. To issue Public Spaces Protection Orders in consultation with the relevant Lead Member, except where the Prohibitions relates to alcohol, where the Chairperson of the Licensing and Gambling Committee shall be consulted.

23. To undertake all steps necessary to comply obligations under Part 6 of the Anti-Social Behaviour, Crime and Policing Act 2014 in relation to Community Remedies and consult where necessary with other statutory bodies.

**(v) Gambling**

1. To determine applications under the Gambling Act 2005

Application for premises licence	Where no representations received/representations have been withdrawn
Application for a variation to a licence	Where no representations received/representations have been withdrawn
Application for a transfer of a licence	Where no representations received from the Gambling Commission
Application for a provisional statement	Where no representations received/representations have been withdrawn
Application for a club gaming/club machine permits been withdrawn	Where no objections made/objections have
Applications for other permits	All cases
Cancellation of licensed premises gaming machine permits	All cases
Consideration of temporary use notice	All cases

2. Under the relevant sections of the Gambling Act 2005 to:-

- (a) make a recommendation to the Licensing and Gambling Committee to propose to attach a condition(s) to a premises licence under Section 169(1)(a).
- (b) make a recommendation to the Licensing and Gambling Committee to propose to exclude under Section 169(1)(b) a condition(s) that would otherwise be attached to a premises licence under Section 168.
- (c) attach a condition(s) to a new or existing licence under Section 169(1)(a) and/or to exclude a condition(s) under Section 169(1)(b) that would otherwise be attached to a new or existing licence under Section 168, where agreement is made with the applicant, thereby avoiding the need for a hearing before the Licensing and Gambling Committee.

**(vi) Emergency Planning**

1. To be responsible for emergency planning and the development of response and contingency plans.
2. To take any action, including the incurring of expenditure, in connection with an emergency or disaster in the Borough.
3. To develop and maintain the Corporate Business Continuity Incident Management Plan and the Service Business Continuity Incident Management Plans.

**(vii) Private Sector Housing**

1. To administer the Council's duty to housing the homeless in accordance with the Housing Act 1996 as amended.
2. To ensure, in consultation with the relevant Lead Member, that suitable arrangements are in place for an Out of Hours Homelessness service.
3. To acquire, hold and dispose of private sector housing land in accordance with the wishes of the Council.
4. To manage consultation forums and panels as required.
5. To be responsible for authorising action under the Housing Act 1988 in relation to protection from eviction.
6. To be responsible for making payments in accordance with Council Policy on Home loss, disturbance and subsidy.
7. To review and make changes to the Homeless Prevention Fund Policy, in light of changes in legislation or case law.
8. To respond, after consultation with the relevant Lead Member, to the Homes and Communities Agency, Department for Levelling Up Housing and Communities and other agencies regarding applications for funding where there is insufficient time for this to be considered formally by Policy and Resources Committee or Council as appropriate.
9. In consultation with the relevant Lead Member, to prepare, conduct and publish the results of stock condition surveys.
10. To determine applications under Section 268 Public Health Act 1936 (as amended) for the use of land for moveable dwellings subject to any necessary planning permission.
11. To administer the Council's Housing Renewal Assistance Policy and the Regulatory Reform (Housing Assistance) England and Wales Order 2002.
12. To provide an agency service for housing loan, housing grant and disabled facilities grant applicants and make payments as appropriate.
13. To sign contracts making the appointment of Contract Supervisor for Minor Works contracts undertaken in connection with the Council's Grant Agency Service, and to undertake appropriate duties in relation to the said appointment.

14. To administer the relevant provisions of the Law of Property Act 1925 and the Local Land Charges Act 1975 and to implement other necessary action.
15. To administer the relevant provisions of the Criminal Justice and Public Order Act 1994 and Civil Procedures Rules Part 55, give directions, serve Notices, enforce, enter in claims or applications, lay information to Court in respect of offences in appropriate cases, make complaint to Court for Orders in appropriate cases and take steps for ensuring that Orders are complied with, and in administering the Act to investigate the circumstances of unauthorised campers to ensure that the rights and welfare of children are safeguarded.
16. To waive charges for dealing with unauthorised campers on privately owned land under the Criminal Justice and Public Order Act 1994 if they consider such charges to be irrecoverable except where they considers it would be in the public interest to use those powers under this Act to most effectively deal with an unauthorised encampment.
- 17 To administer relevant provisions, give authorisations, directions, serve notices, enforce, carry out work in default, raise and recover charges, set and impose penalty charge notices, review and determine penalty charges where representations are made, authorise applications for rent repayment orders, determine representations made against the notice of intent to serve a rent repayment order, review, determine and impose civil penalties, issue formal cautions and to lay information and complaints to the Court in relation of offences in appropriate cases under the following elements and any Act or Acts extending or amending the same or incorporating them and under any order of regulations made upon the said Act or Acts:
  - Public Health Act (s) 1936 and 1961
  - Prevention of Damage by Pests Act 1949
  - Caravan Sites and Control of Development Act 1960
  - Caravan Sites Act 1968
  - Local Government Act 1972
  - Local Government (Miscellaneous Provisions) Acts 1976 and 1982
  - Building Act 1984
  - Housing Act 1985
  - Housing Act 2004 (with effect from the appropriate enactment dates for each Section of the Act)
  - Local Government and Housing Act 1989
  - Environmental Protection Act 1990
  - Housing Grants, Construction and Regeneration Act 1996
  - Protection from Eviction Act 1977
  - Home Energy Conservation Act 1995
  - Local Government Act 2000
  - Regulations Reform (Housing Assistance) (England and Wales) Order 2002
  - Town and Country Planning Act 1990 (Sections 215, 216 and 219)
  - Enterprise and Regulatory Reform Act 2013
  - The Energy Act 2013 – The Smoke and Carbon Monoxide Alarm (England) Regulations 2015 (only)
  - Housing and Planning Act 2016



18. To carry out enforcement action under the Redress Scheme for Lettings Agency Work and Property Management Work (Requirement to belong to a Scheme etc) (England) Order 2014 and to exercise the discretion to impose a lesser monetary penalty than the £5,000 for failure to comply where there are extenuating circumstances.
19. To undertake the following licensing functions under the relevant enactment and regulations including the making of periodic increases in licensee fees in line with inflation and the laying of information and complaints to a Court in respect of legal proceedings in relation to:
  - Caravan Sites
  - Houses in Multiple Occupation
20. To appoint officers where appropriate as authorised officers or inspectors and to authorise officers to sign documents and to lawfully enter land/premises in connection with their duties under the following enactments or re-enactments thereof:
  - Public Health Act(s) 1936 and 1961
  - Prevention of damage by Pest Act 1949
  - Caravan Sites and Control of Development Act 1960
  - Caravan Sites Act 1968
  - Local Government (Miscellaneous Provisions) Acts 1976 and 1982
  - Building Act 1985
  - Housing Act 1985
  - Local Government and Housing Act 1984
  - Environmental Protection Act 1990
  - Housing Grants, Construction and Regeneration Act 1996
  - Home Energy Conservation Act 1995
  - Housing Act 1996
  - Regulatory Reform (Housing Assistance) (England and Wales) Order 2002
  - Housing Act 2004
  - Town and Country Planning Act 1990 (Sections 215, 216 and 219)
21. To authorise the service of Notices requiring information as to the ownership of land/premises.
22. To appoint consultants, professional witnesses, expert witnesses and any other similar type of person when they consider it appropriate to facilitate investigations into Housing matters and/or the conduct of legal proceedings (civil or criminal).
23. To operate the Rental Deposit Scheme in accordance with Council Policy and to grant Rental Deposit Grants in accordance with the provision of the scheme.
24. Be authorised to work with Helena Partnerships to develop and implement an Empty Homes Lease and Repair Scheme.
25. In consultation with the relevant Lead Member, to review and update the Empty Homes Lease and Repair Scheme as required.

26. In consultation with the relevant Lead Member, to review and make future changes to the Disabled Adaptations Policy in light of any legislative or economic changes.
27. In relation to the Smoke and Carbon Monoxide Alarm (England) Regulations 2015:
  - (a) To receive written representations from Landlords in receipt of a Remedial Notice; determine what (if any) action is required and to notify the landlord of the decision.
  - (b) To receive in writing from Landlords requests seeking a review of a Penalty Charge Notice; to determine what (if any) action is required and to notify the landlord of that decision.
- (a) In consultation with the relevant Lead Member, prepare and publish the 'Statement of Principles' which it proposes to follow in determining the amount of a Penalty Notice.
28. To take action under Section 29 of the Local Government (Miscellaneous Provisions) Act 1982 (Protection of Buildings).
29. To consider written representations from landlords that have received a Notice of Intent to issue either a civil penalty or a Rent Repayment Order (RRO) and to determine whether to impose a civil penalty, and if so the amount of the penalty, or apply for a RRO, in accordance with the RRO Policy.
30. The authority to administrate and enforce the relevant provisions of the Building Safety Act 2022.
31. To appoint Officers where appropriate under the Building Safety Act 2022.

## **WELLBEING & PLACE**

### **(i) Leisure Facilities, Contracts Management & More Positive Together**

1. To select suppliers and purchase playground equipment and undertake renovation works ensuring value for money in accordance with Contracts Procedure Rules and Financial Procedure Rules.
2. To arrange for the removal of children's playground equipment in the interests of public safety.
3. To vary the booking fee if it is necessary to relocate a hall user to another facility if relocation results in a higher fee to the user.
4. To enter into agreements to allow event organisers to make appropriate charges for entrance and car parking at Beacon Country Park and other Pleasure Grounds.
5. To take such action as may be necessary, in respect of any use of Council Public Open Space facilities by fairs or circuses.

6. To determine applications for use of Council-owned land held for recreational use in accordance with Council policy and to levy such additional charges as individual circumstances dictate.
7. To let all public halls, games facilities, including public open space, swimming pool and facilities, in accordance with Council policy.
8. To make available the Council's leisure accommodation, free of charge, to approved bodies or organisations of a similar nature, for the purpose of holding approved meetings.
9. To determine applications for the use of Council bowling greens, without charge, for the purpose of holding approved competitions.
10. To determine applications for the use of Council squash facilities, without charge, for the purpose of staging events in aid of charity.
11. To determine applications for the use of all Council related leisure facilities for training schemes for children.
12. To arrange for the closure of recreational facilities including leisure centres, parks, recreation grounds, cafes or any facility managed, operated either directly or indirectly by the Service without notice, in emergencies in the interests of public safety.
13. To act as or authorise another officer to act as the Council's licensee in relation to Council licensed premises, subject to the obtaining of a Personal Licence and to instruct the Head of Legal & Democratic Services to make applications for any necessary licenses permits.
14. To approve and issue all official publicity, press statements and official publications including social media/digital communications in relation to any aspect of the work or functions of the Service.
15. To alter Council charging policy for the purpose of protecting Council income, and in response to market forces. This is to include price increases or reductions of facility and activity charges for example (but not limited to)\_swimming charges, fitness suites, school holiday activities, schemes to increase the use of facilities including free use, all café charges, play, spa, sports (indoor and outdoor) participation including hire.
16. To determine the Council's continued involvement in the Green Partnership Awards Scheme in consultation with the relevant Lead Member.
17. In consultation with the relevant Lead Member, and the Head of Legal & Democratic Services, to negotiate and enter into lease agreements for lease and licence arrangements in respect of the Skelmersdale Meeting Rooms with tenants/licensees providing recreational and community facilities, on such terms and conditions as they shall (in consultation) determine subject to all statutory and other relevant consents being obtained.
18. In consultation with the relevant Lead Member and the Head of Legal & Democratic Services, to take all necessary action and enter into all necessary

agreements to terminate any lease or licence in respect of the Skelmersdale Meeting Rooms.

19. In consultation with the relevant Lead Member, to review existing allotment agreements and implement new agreements, including the revocation/variation of existing allotment rules and authorisations.
20. To issue agreements for societies, groups and individuals to use Council owned allotments.
21. To take all necessary steps to give effect to the management arrangements in respect of the Council's allotment holdings, including putting in place suitable agreements and leases and the obtaining of all necessary consents.
22. To take all steps necessary for the day-to-day control and efficient and effective delivery of the Council's Leisure Services including but not limited to the review of fees and charges, financial management, contract and procurement activities, engagement of contractors, determination of operating hours, communications, promotional activities, venue operating times, lettings, IT, policies and operating procedures, Health & Safety.
23. Decisions shall be further delegated to as close to the point of service delivery as is deemed appropriate in the circumstances.
24. All delegated powers must be exercised subject to adequate budgetary provision being available and in consultation with the Head Of Finance, Procurement & Commercial Services, as appropriate.

## **(ii) Economic Development & Regeneration**

1. To prepare the documents setting out the Council's proposals as to the steps to be taken in the financial year for the promotion of economic development and regeneration.
2. To submit applications for External Funding and for other specific funds to which the Council may from time to time be eligible for, to make applications and to carry out all necessary administrative, monitoring and reporting functions.
3. To approve grants under any schemes agreed by the Council which do not exceed £10,000.
4. To exhibit, promote and publicise the services of the Council for economic development and regeneration.
5. To prioritise the implementation and scale of the schemes in relation to funds available towards the end of the West Lancashire Inspire Project.
6. In conjunction with the Head of Finance, Procurement & Commercial Services, to accept payments of Grants.
7. In consultation with the relevant Lead Member, to enter into Agreements with Lancashire County Council to deliver appropriate enterprise support activities.

8. In consultation with the Head of Legal & Democratic Services to negotiate and enter into necessary agreement(s) to work collaboratively with Lancashire Economic Partnership.
9. In consultation with the relevant Lead Member to enter into all necessary agreements and take forward individual schemes for the sponsorship of roundabouts.
10. To administer the Community Right to Bid process, to include, in consultation with the relevant Lead Member, the consideration and determination of the listing of assets and compensation.
11. In consultation with the Leader to:-
  - Establish the terms of, and enter into a collaboration agreement with English Partnership under which both the Homes England and the Council will agree that their respective land holdings which are relevant to the Skelmersdale Town Centre Regeneration Project will be used for that purpose.
  - Undertake the necessary tender exercise and identify a (preferred) development partner (all in accordance with details set out in the report of the Deputy Chief Executive to Cabinet on 23 March 2006 and endorsed at Council on 26 April 2006).
  - Negotiate all appropriate terms with the (preferred) developer and enter into a development agreement(s) for the execution of the Project with the developer and all other relevant parties
  - Negotiate with any of the other land holders who have not already expressed a firm intention to join the Project (principally the West Lancs College/NCG and Lancashire County Council) to allow them to properly and fully contribute to the Project, including entering into any necessary legal agreement(s).
  - Take all necessary steps to implement the Project including, where necessary, entering into any legal agreement(s).
12. In consultation with the Leader to renew membership and provide notice to withdraw from the 4NW on an annual basis.
13. In consultation with the Leader, to negotiate and enter into necessary agreements to allow the exit of the Co-operative Bank Plc from Delf House.
14. In consultation with the Leader, to identify an acceptable phased town centre development as outlined in the report and to negotiate and agree amendments to the Skelmersdale Town Centre Development Agreement to allow its construction, That delegation to include the obtaining/granting of all licences, easements, permissions and all other matters necessary to facilitate the development.
15. In respect of the Moor Street Gateway Redevelopment Project: Completed?
  - a) in consultation with the Leader:-

- negotiate terms and enter into an agreement with Lancashire County Council in respect of its financial contribution to the Project
  - negotiate terms and enter into all necessary agreements with the preferred developer and appropriate parties
  - take all necessary steps to implement and complete the Project including, where necessary entering into legal agreements
  - secure appropriate tenants for the ground floor space that will belong to the Council
- b) to pursue and accept any external grant funding that would benefit the Moor Street Gateway Redevelopment Project.

### **(iii) Markets and Car Parks**

1. To operate and administer car parks and the Ormskirk Bus Station in accordance with Council policy including the removal/relocation of vehicles as provided in the Council's Car Park Control Orders.
2. To determine requests from the duly appointed enforcement contractor, for an increase in the contract price for the enforcement of pay and display car parking in Ormskirk Town Centre to reflect increases in the national minimum wage, in consultation with the Leader.
3. To administer the decriminalised parking arrangements and agree amendments to PATROL arrangements as appropriate.
4. To determine requests for the excess charge, imposed in respect of contraventions of the West Lancashire District Council (Off Street Parking Places) (Consolidation) Order 2008, to be waived.
5. To determine requests in consultation with the Leader, for increases in the discount allowed to residential permit holders to park on The Stiles Car Park. This subject to the proviso that only one parking permit be issued per dwelling in accordance with arrangements to the issue of such permits.
- 6.. To suspend or terminate market stallholders occupancy and to determine appeals in respect of written warnings or final written warnings.

## **PLANNING SERVICES**

### **Note**

\*\* Notwithstanding the provisions contained below in items (i)1, (i)2, (i)9 and in Environmental Services (iv)1 above, all planning applications, applications for advertisement, listed building and certificate of lawfulness, and consent for works to trees that have been submitted by:-

- (a) elected Members of West Lancashire Borough Council,
- (b) by staff employed in Planning Services,

- (c) employed elsewhere within the Council but involved in any part of the development control/enforcement process or,
- (d) the Chief Operating Officer, Corporate Directors and Heads of Service

or by spouses, partners or close family of such persons as referred to in a, b, c, and d be not delegated to the Corporate Director of Place & Community, but be referred to the Planning Committee for a decision.

**(i) DEVELOPMENT CONTROL**

- \*\*1. To deal with and determine full planning applications, outline planning applications, applications for approval of reserved matters and applications for listed buildings and (which are considered to be uncontroversial and which would not have a wide and significant environmental impact).
- \*\*2. To deal with the administration of applications and consultations submitted under planning legislation and to have full delegation rights to determine the following classes of development applications/consultations:
  - (a) Vehicular accesses
  - (b) Advertisements
  - (c) Electricity sub-stations
  - (d) Certificates of Lawful Development
  - (e) The determination as to whether or not prior approval of the local planning authority is required in respect of agricultural developments covered by the prior notification procedures
  - (f) Applications for development by or on behalf of Electronic Communications Code Operators, submitted for determination under Part 16 of the Town and Country Planning (General Permitted Development) Order 2015
  - (g) The determination as to whether or not the prior approval of the local planning authority is required in respect of proposed demolitions and any proposed restoration of any site in respect of any proposals to demolish under Section 13 of the Planning and Compensation Act 1991 and associated legislation.
- (h) Industrial/commercial applications on industrial estates which comply with Council planning policies.
  - (i) Development in respect of Housing Estates Remodelling or similar refurbishment schemes.
  - (j) Consultations by neighbouring planning authorities.
  - (k) Prior approval applications submitted pursuant to the Town and Country Planning (General Permitted Development) Order 2015

- (l) Non-material amendments to previously approved planning and other applications.
  - (m) Environmental Impact Assessment (E1A) scoping/screening.
3. To determine matters submitted in accordance with the requirements of conditions imposed on any formal approval or permission.
  4. In consultation with the Chairperson of the Planning Committee and relevant ward members to respond to consultations from the County Planning Officer on Development Order (IDO) Mineral planning permission submissions.
  5. To issue, serve and withdraw Planning Contravention Notices.
  6. To enter into, modify and discharge Planning Obligations under Section 106 of the Town and Country Planning Act 1990, subject to consultation with the Head of Legal & Democratic Services.
  7. To make objections or lodge appeals on behalf of the Council to applications in respect of Goods Vehicles Operators Licences and in consultation with the Head of Legal & Democratic Services to present the Council's objection at any subsequent public inquiry and take any necessary action in relation to appeals.
  8. To authorise officers to exercise the powers of the Council under Section 225 of the Town and Country Planning Act 1990. (Power to remove or obliterate placards and posters).
  - \*\*9.
    - (a) To circulate to all members of the Council (at weekly intervals) a list of development applications received by the Council.
    - (b) To issue appropriate decision notices in respect of applications in any such lists as is referred to in (a) above three weeks from the date of issue of that list subject to there being no objection, or unresolved query from a member of the Council or outstanding response to consultation or notification (including Parish Councils and neighbours) where the period for response has not expired.
    - (c) To submit a list in Planning Committee Members Update of applications in respect of which they have issued decision notices under the authority contained in (b) above along with a list of any related Appeal decisions.
  10. To instruct the Head of Legal & Democratic Services to serve discontinuance notices in respect of all unauthorised unsuitable signs or time expired unsuitable signs.
  11. To instruct the Head of Legal & Democratic Services to issue, serve and withdraw Breach of Condition Notices or Enforcement Notices in respect of Breach of Conditions.
  12. To instruct the Head of Legal & Democratic Services to issue, serve and withdraw Enforcement Notices, Temporary Stop Notices and Stop Notices in respect of unlawful development that results in identified planning harm; and, to close planning complaint files where it is not considered expedient to pursue



further action save for those sites with expressed elected Member interest or sites of a controversial nature.

13. In consultation with the Chairperson of the Planning Committee, To instruct the Head of Legal & Democratic Services to issue, serve and withdraw Untidy Site Notices (Section 215).
14. To remove unauthorised direction signs and advertisements on highways and to recover the cost of so doing, as appropriate.
15. In consultation with the Chairperson of the Planning Committee and Ward Councillor(s) to determine applications/requests for Footpath Orders under the Town and Country Planning Act 1990 and to instruct the Head of Legal & Democratic Services to make the corresponding Order.
16. In consultation with the Chairperson of the Planning Committee and Ward Councillor(s), to determine applications to stop up, divert or extinguish highways under the Town and Country Planning Act 1990 and to instruct the Head of Legal & Democratic Services to thereafter make the appropriate Order or application as the case may be.
17. Under the relevant sections of the Clean Neighbourhoods and Environment Act 2005, to require persons of a specified description (following guidance from the Secretary of State) to prepare plans for the management and disposal of waste created in the course of specified descriptions of work involving construction or demolition.
18. In consultation with the relevant Lead Member, to consult on and decide, the local list of planning applications validation requirements as set down in the Appendix to the report to Cabinet on 16 November 2010, and to make subsequent modifications or replace the list in the future.
19. (a) to take all steps necessary to implement the Community Infrastructure Levy Regulations 2010 (as amended) and  
(b) to take all necessary enforcement action under the Community Infrastructure Regulations 2010 (as amended).
20. In consultation with the relevant Lead Member, to consider and authorise any reasonable changes to the details of any approved schemes which include any minor changes to CIL funding or delivery timescales, that may be necessary to facilitate the subsequent delivery of an approved project.
21. To apply surcharges in accordance with the Protocol for handling failures to adhere to the requirements of the Community Infrastructure Levy (CIL) Regulations 2010 (as amended) and the said Regulations.

**(ii) BUILDING CONTROL**

1. To deal with the administration and determination of applications for Building Regulation Approval.

2. To exercise the Council's powers in respect of defective premises, demolition etc under Sections 77,78,79,81, 82 and 83 of the Building Act, 1984 and to take such action as is necessary.
3. To issue notices under Regulation 14 of the Building Regulations requiring work to be uncovered where notice of commencement or other stages of work has not been given to the Council.
4. To take action, in consultation with the Head of Legal & Democratic Services, under Section 35 of the Building Act 1984 where a person contravenes a provision contained in the Building Regulations.
5. To take action, in consultation with the Head of Legal & Democratic Services, under Section 36 of the Building Act 1984 requiring work which contravenes Building Regulations to be removed or altered as expedient.
6. To operate, amend and publicise the Scheme of Charges for Building Regulation work.
7. To take action to recover charges in accordance with the Scheme of Charges for Building Regulation work.
8. To take action under Section 29 of the Local Government (Miscellaneous Provisions) Act 1982 (Protection of Buildings).

**(iii) PLANNING POLICY & HERITAGE**

1. To undertake public consultation on draft Conservation Area documents, in consultation with the relevant Lead Member, prior to reporting to Council on the outcome of such consultation (including consultation with the Planning Committee) with a view to securing approval or adoption of the documents.
2. To authorise the Head of Legal & Democratic Services to issue, serve and withdraw Listed Building Preservation Notices and Urgent Work Notices under Sections 3 and 54 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
3. To deal with the numbering of properties and in consultation with the relevant Lead Member and appropriate ward councillor(s), the name of the streets and the renaming of streets and to act as the LLPG Custodian and to take all necessary action in respect of the addresses of properties in the Borough.
4. To amend the Street Naming and Numbering Policy, process and charges in consultation with the relevant Lead Member.
5. In consultation with the relevant Lead Member to implement the actions set out under Section 4.4 of the Report considered by the Cabinet on 3 June 2003 and make the necessary arrangements for publishing the "Design Champion" initiative.
6. To publish the Annual Monitoring Report.

7. In consultation with the relevant Lead Member, to update the Local Development Scheme and publish it on the Council's website should any further iterations of the document be required.
8. In consultation with the relevant Lead Member, to assist in the Climate Change Strategy and Action Plan 2020 – 2030.
9. To take all steps necessary to implement and administer the Community Infrastructure Levy Regulations 2010 (as amended) and to take all necessary enforcement action under the Community Infrastructure Regulations 2010 (as amended).
10. To implement the provisions of the application process identified in the protocol for amending or adding names to Council owned War Memorials.
11. In consultation with the Leader, to determine any applications for amending or adding new names to Council owned War Memorials in accordance with the agreed protocol and, in consultation with the Leader, to make any minor amendments to the protocol following its implementation.
12. In consultation with the Leader to consider applications for neighbourhood areas made in West Lancashire and, where the neighbourhood area is considered appropriate, to designate those neighbourhood areas.

**(iv) GENERAL – Development Control, Building Control and Planning**

1. To have responsibilities under the following provisions of the Local Government (Miscellaneous Provisions) Act, 1976 including the power to take all necessary action:
  - (a) Section 15 - Authority to carry out surveys with power to authorise persons to carry out the same.
  - (b) Section 16 - Authority to serve Notices and to take all necessary action in respect thereof.
  - (c) Section 23 - Authority to take all necessary action when a Notice is served on the Council under this section.
  - (d) Section 24 - Authority to serve Notices.
  - (e) Section 25 - Authority to serve Notices.
  - (f) Section 26 - Authority to authorise persons to enter onto land.
2. To submit and present the Council's evidence at Local Plan and Development Plan Document Examinations in Public, LDF Examinations, Public Local Inquiries and in Planning and Enforcement Notice Appeals and in the Courts.
3. To appoint consultants to carry out assignments for the Council subject to there being appropriate budgetary provision and to publish where appropriate the findings of these assignments.

4. In consultation with the relevant Lead Member to make minor amendments to the Planning Services Customer Charter.
5. To dispose of surplus plant, machinery, equipment or man hours in accordance with Contracts Procedure Rules and Financial Regulations.
6. To place orders for the purchase of vehicles or plant to be financed from the Council's Capital Programme for individual items or groups of items up to the amount approved in the Programme, subject to a report on the action taken being reported by including an Article in the relevant Members Update.
7. To exercise the functions, powers and duties of the Council under Sections 20, 31 and 34 of the County of Lancashire Act, 1984.
8. To amend the Planning Charges documentation for: pre-application advice, specialist advice, drafting, negotiating and monitoring of legal agreements, when adopted. (Minute 135 Cabinet 15 March 2011 refers).
9. In consultation with the relevant Lead Member to amend the service, procedures, delivery and charging schedule for Energy Assessments for new Residential Properties.
10. To implement a Cycle to Work Scheme, utilising the Government's 'Cyclescheme' initiative and to take all necessary action relating thereto.
11. To publish, review and maintain Part 1 of the Brownfield Land Register and to propose land for inclusion in Part 2 of the Register (both aspects) in consultation with the relevant Lead Member and to carry out all necessary publication, notification and consultation procedures.
12. To also determine applications for Technical Details Consent.

#### **(v) STRATEGIC PLANNING, REGENERATION AND EXTERNAL FUNDING**

1. To prepare the documents setting out the Council's proposals as to the steps to be taken in the financial year for the promotion of economic development and regeneration.
2. To submit applications for External Funding and for other specific funds to which the Council may from time to time be eligible for, to make applications and to carry out all necessary administrative, monitoring and reporting functions.
3. To approve grants under any schemes agreed by the Council which do not exceed £10,000.
4. To exhibit, promote and publicise the services of the Council for economic development and regeneration.
5. In conjunction with the Head of Finance, Procurement & Commercial Services , to accept payments of Grants.
6. In consultation with the relevant Lead Member, to enter into Agreements with Lancashire County Council to deliver appropriate enterprise support activities.

7. In consultation with the Head of Legal & Democratic Services to negotiate and enter into necessary agreement(s) to work collaboratively with Lancashire Economic Partnership.
8. In consultation with the relevant Lead Member to enter into all necessary agreements and take forward individual schemes for the sponsorship of roundabouts as detailed in Appendix A to the report considered by Cabinet on 14 September 2010.
9. To develop and expand on the National Procurement Concordat concept by delivering and marketing a programme of business support activity from within the Investment Centre and entering into necessary negotiations and contracts required for such delivery.
10. To administer the Community Right to Bid process, to include, in consultation with the relevant Lead Member, the consideration and determination of the listing of assets and compensation.
11. In consultation with the Leader to:-
  - Establish the terms of, and enter into a collaboration agreement with English Partnership under which both the Homes England and the Council will agree that their respective land holdings which are relevant to the Skelmersdale Town Centre Regeneration Project will be used for that purpose.
  - Undertake the necessary tender exercise and identify a (preferred) development partner (all in accordance with details set out in the report of the Deputy Chief Executive to Cabinet on 23 March 2006 and endorsed at Council on 26 April 2006).
  - Negotiate all appropriate terms with the (preferred) developer and enter into a development agreement(s) for the execution of the Project with the developer and all other relevant parties
  - Negotiate with any of the other land holders who have not already expressed a firm intention to join the Project (principally the College and Lancashire County Council) to allow them to properly and fully contribute to the Project, including entering into any necessary legal agreement(s).
  - Take all necessary steps to implement the Project including, where necessary, entering into any legal agreement(s).
12. To determine, in consultation with the Leader, whether to refer cases involving non-NWDA breaches of grant agreements, including shortfalls in outputs delivery, for action as set out at Constitution 4.3 (paragraphs 2.5 and 6.6) in respect of matters under the Pilot Land and Property and Inspire Projects.
13. In consultation with the Leader to renew membership and provide notice to withdraw from the 4NW on an annual basis.
14. In consultation with the Leader to negotiate and agree amendments to the Skelmersdale Town Centre Development Agreement to allow the construction of

new office facilities for the Co-operative Bank. That delegation to include the obtaining/granting of all licenses, easements, permissions and all other matters necessary to facilitate the development.

15. In consultation with the Leader, to negotiate and enter into necessary agreements to allow the exit of the Co-operative Bank Plc from Delf House.
16. In consultation with the Leader, to identify an acceptable phased town centre development as outlined in the report and to negotiate and agree amendments to the Skelmersdale Town Centre Development Agreement to allow its construction, That delegation to include the obtaining/granting of all licences, easements, permissions and all other matters necessary to facilitate the development.
17. In respect of the Moor Street Gateway Redevelopment Project:
  - c) in consultation with the Leader:-
    - negotiate terms and enter into an agreement with Lancashire County Council in respect of its financial contribution to the Project
    - negotiate terms and enter into all necessary agreements with the preferred developer and appropriate parties
    - take all necessary steps to implement and complete the Project including, where necessary entering into legal agreements
    - secure appropriate tenants for the ground floor space that will belong to the Council
  - d) to pursue and accept any external grant funding that would benefit the Moor Street Gateway Redevelopment Project.
18. That delegated authority be given to effect transfers to increase the allotment provision within the Borough.

## **2.3C Delegations to Corporate Director of Transformation, Housing & Resources; Head of Finance, Procurement and Commercial Services; and Head of Legal & Democratic Services**

### **A. Corporate Director Of Transformation, Housing & Resources**

#### **GRANTS & PROCUREMENT**

1. To approve, in consultation with the Funding of Voluntary and Other Organisations Voluntary Working Group, the making of grants to voluntary organisations.
2. To award grants under the Older People's Grant Scheme, in consultation with the Champion for Older People.

3. In consultation with the relevant Lead Member to, review, update and reissue the Procurement Strategy as necessary and to produce/amend and issue/reissue all appropriate documentation in support of this Strategy.
4. To produce and update as appropriate a Procurement Action Plan for the Council, in consultation with the relevant Lead Member.

### **COMMUNICATIONS & ENGAGEMENT**

1. To appoint consultants to undertake external consultations as required to assess customer opinion and feedback on all services, subject to there being appropriate budgetary provisions.

### **BUSINESS TRANSFORMATION & CHANGE**

1. To prepare and issue the Council Priorities Delivery Plan.
2. To make any necessary changes, in consultation with the Leader, to the performance management framework.
3. Together with the Head of Finance, Procurement & Commercial Services, be appointed as Director of the Development Company known as Tawd Valley Developments Limited.

### **STRATEGIC ICT**

1. To review and update as appropriate in consultation with the Leader the Protocol on the use of ICT by Members.

### **N.B. AGREEMENTS WITH LANCASHIRE COUNTY COUNCIL DIGITAL SERVICES LIMITED**

All appropriate delegated authority was given by the Council on 20<sup>th</sup> July 2011 to give effect to the provisions of the Shared Services Agreement and Secondment Agreement in relation to the partnership with Lancashire County Council and One Connect Limited as stated therein. One Connect Limited changed its name to BT Lancashire Services on 17 April 2014. Delegations then passed to Lancashire County Council Digital Services Limited in 2021.

### **BUSINESS SUPPORT**

1. To sign official certificates of search in the register of local land charges and after consultation with the relevant Lead Member to set the fee for a local search.
2. In consultation with the Leader and the relevant Lead Member to authorise and amend the Land Charges Services and set the relevant fees for such services in future years, having regard to the Guidance, and to publish details of fees.

### **CORPORATE COMPLIANCE & GOVERNANCE**

- 1.. In consultation with the Head of Finance, Procurement & Commercial Services to update the Local Code of Corporate Governance as required and prepare a Governance Statement annually for publication in June each year with the financial statements.
2. . In consultation with the Leader, to make minor amendments to the Corporate Draft Recovery Policy for it to remain effective and relevant.
- 3.. To co-ordinate compliance with the requirements of the Data Protection legislation and to determine requests for disclosure of personal data.
- 4.. To make any consequential amendments to the Council's Data Protection Policy.
- 5.. To administer the Freedom of Information Act 2000 and to designate the Data Protection Officer to deal with requests under this Act.
- 6.. To amend and update the Council's Publication Scheme under the Freedom of Information Act 2000 and, in consultation with the Head of Finance, Procurement & Commercial Services and the relevant Lead Member, to set the charge for dealing with requests under the Act (if any).
- 7.. To update the Council's "Dealing with Requests for Information – Guide for Staff" under the Freedom of Information Act 2000 in consultation with the Leader and the Opposition Spokesperson(s).
- 8.0. To have responsibility for the administration of the Re-use of Public Sector Information Regulations 2005 to include:-
  - The handling of requests for re-use in consultation with the Chief Operating Officer/Corporate Director/Head of Service.
  - The development of standard Licences for re-use.
  - The establishing and publishing of a scale of charges for re-use.
  - The updating of the existing Freedom of Information Request Handling Procedures from time to time to provide for the handling of requests under the 2005 Regulations and any complaints arising from them (including the establishing of an approved process for granting licences for re-use to ensure that issue of licences are fair, transparent and non-discrimatory).
  - The establishment and maintenance (including updating and amending the same), in consultation with the Chief Operating Officer/Corporate Director/Head of Service, an Information Asset Register to be made publicly available through the Council's website.
9. To serve all Notices, including Requisitions for Information under any enactment, and to take action, including instructing the Head of Legal & Democratic Services to institute proceedings, in respect of the non-return of information to the local authority following the service of any notices or requisitions for information.

## **DEMOCRATIC SERVICES**



1. To approve any request made by Parish Councils for the loan of a former constituent Authority's Chain of Office on the same terms and conditions previously approved in relation to other Parish Councils, subject to availability.
2. In consultation with the Leader to prepare and issue an annual addendum to the Parish and Town Council Charter.
3. To grant the free use of Council Civic accommodation to bodies such as the Lancashire Valuation Tribunal, Officers Association meetings and other organisations of a similar nature for the purpose of holding approved meetings.
4. To grant the free use of civic accommodation to voluntary organisations after consultation with the Leader of the Council.
5. In consultation with the Leader to make minor amendments to the Petitions Scheme.
6. To make suitable and appropriate payments in settlement of complaints against the Council and in local settlement of Ombudsman's complaints, such payments to be made from the appropriate budget.
7. To undertake future reviews of the parliamentary and local government polling districts and polling places in line with legislative and good practice requirements and, where required, report the final proposals to Council for approval.
8. In consultation with the Leader to prepare and issue an annual addendum to the Parish and Town Council Charter.

## **HUMAN RESOURCES & ORGANISATIONAL DEVELOPMENT**

1. To update and amend, in consultation with the Leader and appropriate Corporate Directors/Heads of Service, the Equality Diversity and Inclusion Objectives.
2. To report, as appropriate, progress against the Equality Scheme.
3. To update and amend, in consultation with the Leader, the Grievance and Disciplinary Policies in the light of developing good practice, case law, future changes to legislation/regulations and experience in their operation.
4. To produce and amend, in consultation with the Leader, all Human Resources and Organisational Development Policies to ensure that the Council complies with current legislation and developing good practice.
5. To determine, in consultation with the Leader, payments to employees whose service is terminated on the grounds of interests of efficiency and where a cost recovery can be demonstrated by permanent savings as set out in paragraph A(c) of Minute 19 of the Council held on 14 June 2007.
6. To review and publish the LGPS Statement of Policy on Employer Discretions, in consultation with the Leader.

7. To action any of the Employers discretions contained in the LGPS Employer Discretions Policy Statement, in consultation with the Leader, subject to appropriate budgetary provisions being identified.
8. To implement increases in the Voluntary Living Wage from 1 December each year.

## **ESTATES & VALUATION**

1. To grant and accept wayleaves and easements and to approve the consideration payable to, or by the Council.
2. To grant licences to enable prospective purchasers to enter onto Council owned land in order to carry out all necessary site investigations and excavations.
3. To be responsible for the efficient management of the Council's property portfolio in terms of land and buildings, (excluding those public buildings managed or maintained by the Corporate Director of Place & Community) including, the taking and granting of leases, sub-leases or licences of land/property and rent reviews where the financial consideration is up to and including £2000 per annum and where the financial consideration is above £2000 per annum then this shall be in consultation with the Leader and relevant Lead Member. In addition, to be responsible for licences to assign, deeds of variation, surrenders, settlement of dilapidation claims and compensation payments, breach of covenants and forfeiture and other elements of land and property management where the financial consideration is up to and including £2000 and where the financial consideration is above £2000 then this shall be in consultation with the Leader and relevant Lead Member
4. To be responsible for terms for user rights and authorisation of proceedings for arrears and collections of rent in respect of 3 above.
5. To be responsible for termination of leases where there has been breach of covenant or forfeiture in respect of 3 above.
6. To enter into Declarations and Statutory Declarations in relation to contracting out leases from the provisions of the Landlord and Tenant Act 1954.
7. To be responsible for the disposal of Council owned land and acquisition of land, where the financial consideration is below £2,000. Where the financial consideration is between £2,000 and £20,000 then this shall be in consultation with the Leader and the relevant Lead Member and where the financial consideration exceeds £20,000 approval shall be sought from Policy and Resources Committee.
8. To remit charges or write off any debts or other losses which are deemed to be irrecoverable. Where debts or other losses exceed £8,000 then this shall be in consultation with the Leader and the relevant Lead Member.
9. In conjunction with the Head of Finance, Procurement & Commercial Services to authorise expenditure from the Community Related Assets Repairs and Renewals Fund of up to £25,000, and, after consultation with the Leader to authorise expenditure from this fund of between £25,000 and £50,000, and to report back in the "Members Update."

10. To be responsible for maintaining the land terrier of Council land ownerships and defending those ownerships against trespass and adverse possession.
11. To be responsible for maintaining the Council's Capital Assets Register and for preparing the Asset Management Plan.
12. To be responsible for valuation advice.
13. To grant long leases of Council flats to secure tenants who under the Housing Act 1985 wish to avail themselves of the right to acquire such leases - to insert, amend or adapt such conditions in the individual leases as may be necessary to protect the Council's interest or necessary in the prevailing circumstances.
14. To arrange for a Deed of Rectification to be drawn up and executed on behalf of the Council in the event of the Council being notified of any errors relating to "flying freeholds" arising from the transfer of the housing stock of the former Skelmersdale Development Corporation.
15. To serve all Notices, including Requisitions for Information under any enactment, and to take action, including instructing the Head of Legal & Democratic Services to institute legal proceedings, in respect of the non-return of information to the local authority following the service of any notices or requisitions for information.
16. To take all necessary action to support the operation of the Investment Centre including leasing, subleases, licences, assignments, surrenders, terminations, rent reviews, variations, settlement of dilapidation claims and compensation payments (provided that in granting leases, sub-leases or licences and rent reviews, where the financial consideration is above £2000 per annum, then this shall be in consultation with the Leader and the relevant Lead Member), and in consultation with the Head of Legal & Democratic Services to ensure the effective provision of legal services to support the Investment Centre.
17. In consultation with the relevant Lead Member and the Head of Legal & Democratic Services to negotiate and enter into necessary agreement(s), to provide desk space within the Council's Regeneration and Estates Service, to external organisations and agencies, to enable the delivery of shared projects and initiatives for the benefit of West Lancashire.
18. In consultation with other appropriate Heads of Service to:-
  - (i) participate in the Coal Mining Disclosure of Information Programme.
  - (ii) release the information requested by the Coal Authority.
  - (iii) embed the resulting polygons in the Council's Land Terrier.
  - (iv) sign the proposed memorandum of understanding.
19. In consultation with the relevant Lead Member be given delegated authority to implement, update and amend the Leasehold Management Policy after consultation, and then every 3 years or when there are legislative changes.

20. In consultation with the relevant Lead Member be given delegated authority to make any minor or inconsequential amendments to the Leasehold Housing Management Policy 2022

## **BENEFITS, COUNCIL TAX & NNDR DEBTORS & PAYMENTS**

### **(i) Benefits**

1. To pursue all cases where payments have been made in respect of Housing and Council Tax Benefit and all other appropriate Social Security Benefits as a result of false or dishonest claims and to have criminal and any necessary recovery proceedings instituted where appropriate.
2. To deal with the administration of the Housing and Council Tax Benefit Schemes for all claimants including those decisions relating to individual applications under legislation at the time in force and in particular to decide:
  - (a) whether to grant benefit to a date prior to the date of the claim; and
  - (b) whether or not to recover any amount of benefit to which has been overpaid where such discretion is allowed.
3. To make Discretionary Housing Payments where appropriate.
4. To enter into a Delivery Partnership Agreement, and any subsequent agreements, with the Department of Work and Pensions (DWP) and other supporting third party organisations to support residents in West Lancashire who claim Universal Credit, including entering into all necessary documentation and obtaining all necessary consents.

### **(ii) Benefits Fraud**

1. To make minor amendments to the Council's Benefit Sanctions and Prosecution Policy as required, in consultation with the Head of Legal & Democratic Services.
2. To make minor amendments to the Council's Code of Practice for obtaining information from employers, contractors, the self-employed and landlords as required, in consultation with the Head of Legal & Democratic Services.
3. To administer relevant provisions of the Social Security Administration (Fraud) Act 1997 and to institute criminal proceedings for offences in appropriate cases.
4. In consultation with the relevant Lead Member, to vary the application of the Benefits Fraud Sanctions and Prosecution Policy and the sanctions offered in instances where it is in the public interest, or all parties concerned, or as a result of comments received from the courts in respect of prosecutions.

### **(iii) Council Tax Debtors**

1. To remit charges or to write off irrecoverable debts up to a limit of £5,000 in individual cases, and to remit or write off debts above £5,000 where any of the following apply:

- (a) the debtor has gone into liquidation and there is little likelihood of the debt being collected
- (b) the debtor has absconded and all enquiries have failed
- (c) the debtor is in prison and has no means to pay
- (d) the debtor has died and there is no estate.

All sums above £25,000 and not falling within the four categories above shall be reported for write-off to the Policy and Resources Committee or Council as appropriate.

2. To recover arrears of rent and/or service charges on termination of a tenancy and to authorise the Head of Legal & Democratic Services to institute court proceedings in respect thereof.

**(iv) NNDR (National Non Domestic Rates)**

1. To determine applications under Sections 47 and 49 of the Local Government Finance Act 1988 in relation to discretionary rate relief/hardship relief after consultation with the Leader.
2. To grant Mandatory Non-Domestic Rate Relief to both new and existing applicants.
3. To grant Discretionary Non-Domestic Rate Relief on an annual basis, to existing beneficiaries, in accordance with Council Policy.
4. To administer relief for partly occupied hereditaments under Section 44A of the Local Government Finance Act, 1988.
5. To draw up a local policy for local business rate discounts, in consultation with the Leader.
6. In consultation with the Leader, to finalise and implement the further Local Discretionary Business Rate Relief Scheme.
7. In consultation with the Leader to implement the Business Rate Reliefs announced in the Chancellor of the Exchequer's Budget Speech..

**(v) Housing Advances**

1. To authorise the Head of Legal & Democratic Services in respect of properties in mortgage to the Council to take Possession Proceedings or to stay Possession Proceedings if there are any good grounds for so doing, or if satisfactory arrangements can be made.
2. To make arrangements to sell and dispose of those properties taken into possession, and to make all necessary arrangements so far as other mortgages and encumbrances are concerned.
3. To make such arrangements as may be necessary with mortgagors who have difficulty in meeting their repayments due to circumstances beyond their control.

4. To make arrangements with mortgagors who wish to have their mortgage term extended because of difficulty in maintaining monthly payments.

#### **(vi) Local Taxation**

1. To be responsible for the administration, collection and recovery of all local taxation monies including those decisions appertaining to cancellation of summons costs, refunds of monies in accordance with legislation, (including the payment of interest where appropriate) the nomination of officers authorised to represent the Council in all tribunals and courts in connection therewith and the appointment of external bailiffs.
2. To sign, on behalf of the Council, voting Forms to be used in recovery of debt proceedings, where it is necessary to have the Council's interests protected, but is not necessary to use the Council's Seal.
3. To attend meetings of Creditors, etc., and to vote thereat on behalf of the Council to protect the Council's interests in the recovery of sums due to the Council.

#### **(vii) Other Debts**

1. To recover debts due to the Council, and to instruct the Head of Legal & Democratic Services to instigate court proceedings in respect thereof.

### **HOUSING SERVICES**

#### **(i) Housing (General)**

1. To review housing need in accordance with Relevant Legislation.
2. To acquire, hold and dispose of housing land in accordance with the wishes of the Council.
3. To co-ordinate the Council's Housing Strategy and housing investment approvals mechanisms.
4. To administer and manage the sale of Council dwellings and/or land in respect of "Right to Buy" in accordance with Relevant Legislation and Policies of the Council.
5. In consultation with the relevant Lead Member,
  - (a) to make minor amendments to the Housing Strategy 2014-2019 and Year 1 Action Plan and
  - (b) thereafter to develop, , a Housing Strategy Action Plan for years 2 to 5 inclusive.
6. To manage consultation forums and panels as required.
7. To be responsible for Part VI of the Local Government and Housing Act 1989 as amended in relation to housing finance.

8. To be responsible for making payments in accordance with Council Policy on Homelessness, disturbance and subsidy.
9. To respond, after consultation with the Leader, to the Homes England, Department for Levelling Up Housing and Communities and other agencies regarding applications for funding where there is insufficient time for this to be considered formally by Policy and Resources Committee or Council as appropriate.
10. In consultation with the relevant Lead Member, to prepare, conduct and publish the results of housing surveys.
11. To approve and enter into such nomination, management and other agreements as shall be necessary for the implementation of Registered Social Landlords or other Social Housing providers as Managing Agents Schemes and to apply for any consents.
12. To administer relevant provisions, give authorisations, directions, serve notices, enforce, carry out work in default, raise and recover charges, issue formal cautions and to lay information and complaints to Court in relation of offences in appropriate cases under the following enactments and any Act or Acts extending or amending the same or incorporating them and under any order of regulations made upon the said Act or Acts:
  - Local Government Act 1972
  - Local Government (Miscellaneous Provisions) Acts 1976 and 1982
  - Building Act 1984
  - Housing Act 1985
  - Housing Act 2004 (with effect from the appropriate enactment dates for each Section of the Act)
  - Local Government and Housing Act 1989
  - Environmental Protection Act 1990
  - Housing Grants, Construction and Regeneration Act 1996
  - Home Energy Conservation Act 1995
  - Local Government Act 2000
  - Regulations Reform (Housing Assistance) (England and Wales) Order 2002
  - Town and Country Planning Act 1990 (Sections 215, 216 and 219)
13. To appoint officers where appropriate as authorised officers or inspectors and to authorise officers to sign documents and to lawfully enter land/premises in connection with their duties under the following enactments or re-enactments thereof:
  - Local Government (Miscellaneous Provisions) Acts 1976 and 1982
  - Building Act 1985
  - Housing Act 1985
  - Local Government and Housing Act 1984
  - Environmental Protection Act 1990
  - Housing Grants, Construction and Regeneration Act 1996
  - Home Energy Conservation Act 1995
  - Housing Act 1996
  - Regulatory Reform (Housing Assistance) (England and Wales) Order 2002
  - Housing Act 2004
  - Town and Country Planning Act 1990 (Sections 215, 216 and 219)

14. To authorise the service of Notices requiring information as to the ownership of land/premises.
15. In accordance with S323(1) of the Companies Act 2006, to be a Director of ARCH on behalf of the Council along with the Leader, in order to attend any meeting and execute voting rights.
16. To determine the rent levels to be charged each year for as long as the Government's rent reform arrangement exists and to report this to Members as part of the budget process.
17. To determine service charges in respect of Sheltered Accommodation Schemes in accordance with the Government's Rent and Service Charge Reforms for as long as those conditions existed and to advise Members of those charges as part of the budgetary process.
18. In consultation with the relevant Lead Member to set rent levels for new tenancies in Sheltered Housing in accordance with relevant regulations once these are in place.
19. In consultation with the relevant Lead Member, to proceed with an option appraisal on a scheme by scheme basis of vacant resident warden accommodation to determine future use, and where appropriate to redevelop or sell on the open market, subject to obtaining all necessary consents and approvals.
20. In consultation with the relevant Lead Member, to proceed with an option appraisal on a scheme by scheme basis of Category 1 Communal Lounges to determine future use, and where appropriate, redevelop or sell on the open market, subject to obtaining all necessary consents and approvals.
21. In consultation with the relevant Lead Member to utilise one to one capital receipt funding together with HRA borrowing to acquire new properties subject to there being a satisfactory business case.
22. In consultation with the relevant Lead Member, be able to make changes to the Rent to Buy and Shared Ownership Policies to ensure compliance with Homes England requirements to reflect changes to regulation, legislation, local operational procedures and make any minor/inconsequential changes as required.

**(ii) Housing (Operational)**

1. To administer, manage and maintain the Council's Housing Stock in accordance with the Relevant Legislation and Policies of the Council.
2. In relation to the Housing Allocations Scheme/Choice Based Lettings Policy:
  - (a) to review and make changes, in light of legislative changes
  - (b) to administer and manage the Policy, including making nominations to Registered Social Landlords.
  - (c) In consultation with the relevant Lead Member, to consider on a scheme by scheme basis the introduction of a local lettings policy as part of initial Council



nominations to any future Registered Provider schemes where those schemes are not covered by local connection criteria as contained in the Council Housing Allocation Scheme/Choice Based Lettings Policy.

3. To authorise lettings of dwellings as part of the Extra Care arrangements with LCC Social Services and also in relation to learning disability arrangements as an exemption to the Council's Housing Allocation Policy.
4. To be responsible for notification and collection of service charges for leased properties.
5. To set service charges at levels that recover the costs of service provision.
6. To repair, maintain and improve the Council's housing stock.
7. To be responsible for monitoring the ethnic origin of those rehoused by the Council.
8. To operate the approved Redecoration Allowance Scheme.
9. To manage, acquire, let and dispose of garages and garage sites in accordance with Council Policy, to demolish vacant garages and storage compartments where these are not required or are in a dangerous condition and to take action including possession proceedings for the recovery of arrears.
10. To take timely appropriate action to recover all current and former tenant rent and service charge arrears, including Court action for possession.
11. In relation to the Borough Council area to take all action to ensure eviction of tenants who are, or accommodate individuals, who receive ASB orders from His Majesty's Courts Service [HMCTS]
12. To appoint consultants, professional witnesses, expert witnesses and any other similar type of person where they consider it appropriate to facilitate investigations into Housing matters and/or the conduct of legal proceedings (civil or criminal).
13. To serve Notices of Seeking Possession of Council dwellings for all the grounds of possession specified in Schedule 2 to the Housing Act 1985 and instruct the Head of Legal & Democratic Services to commence possession proceedings on grounds 1 and 3 to 16 of Schedule 2 to the Act as amended.
14. To instruct the Head of Legal & Democratic Services to commence possession proceedings on Ground 2 and 2A of Schedule 2 to the Housing Act 1985 as amended and:
  - (a) to instruct the Head of Legal & Democratic Services to apply for Warrants for Eviction
  - (b) to instruct the Head of Legal & Democratic Services to apply for injunctions for breach or anticipated breach of the terms of a Tenancy Agreement
15. To instruct the Head of Legal & Democratic Services to apply for:

- (i) injunctions under the provisions of Section 153A-E of the Housing Act 1996 and to apply for a Power of Arrest to be attached to an injunction if appropriate
  - (ii) injunctions for breach of the Council's Tenancy Agreement
  - (iii) an application for Committal for breach of an injunction obtained under part (i) and/or part (ii) above
16. To serve Notices to Quit in respect of land, Council dwellings, garages and garage sites and to authorise the Head of Legal & Democratic Services to institute possession proceedings if a Notice to Quit is not complied with.
  17. To authorise the Head of Legal & Democratic Services to institute possession proceedings in respect of unauthorised possession of land, Council dwellings and garages.
  18. To arrange, at their discretion, for replacement of broken or cracked glass in Council dwellings.
  19. To make up to a 50% contribution to the cost of maintaining or renewing party fences which delineate the boundary of Council-owned land with private owner-occupiers provided the Council's standard of provision is adopted and that the cost does not exceed the Council's estimate of a reasonable charge for the necessary work.
  20. To deal with requests to use sheltered housing scheme lounges for political surgeries on the following basis:
    - (i) Political meetings (meetings of political parties or general meetings with invited groups or the general public) be not approved.
    - (ii) Surgeries involving individual members of the public meeting with their elected representative (Councillor or MP) on a personal basis, be approved subject to reasonable conditions (to deal with Health and Safety and confidentiality issues especially) and subject to consultation with scheme residents.
    - (iii) Requests to hold other types of meetings continue to be referred to Policy and Resources Committee for consideration.
  21. To approve Council house adaptations for disabled persons in accordance with available budgets after consultation with the relevant Lead Member, in appropriate cases.
  22. To deal with all aspects of the Right to Manage Process, including the negotiation of necessary management arrangements.
  23. To offer sole tenants the opportunity to include their partner/spouse on a new joint tenancy and additionally, in consultation with the relevant Lead Member, to assess individual cases and, in appropriate circumstances, to refuse or grant applications.
  24. To grant tenancies to tenants, requiring housing related support services, and to charge for those services as appropriate.

25. To enter into contracts with the providers of housing related support services for the provision of those services to relevant Council tenants.
26. To enforce the provisions of the Anti-Social Behaviour Act 2004 as it relates to Tenancy Demotion Orders.
27. To apply the adopted guidance in relation to Housing Fire Safety in accordance with the relevant legislation.
28. To grant, in appropriate circumstances, Introductory Tenancies, subject to periodic review and extension if required.
29. To serve tenancy demotion notices in appropriate circumstances and operate an appeals process in accordance with the Demoted Tenants (Review) Regulations 2004.
30. To operate the Furnished Tenancy Scheme in accordance with Council Policy.
31. To operate and support the Tenants and Residents Forum and recognised Tenants and Residents Associations and Council approved tenant co-regulatory arrangements.
32. To make payments of compensation to tenants for improvements in accordance with Section 122 Leasehold Reform and Housing Urban Redevelopment Act 1993.
33. To authorise the carrying out of maintenance works to, non commercial local authority buildings and to certify all necessary accounts.
34. To facilitate the development and procurement of the repairs appointment system utilising BT/Lancashire in partnership with EPIX Systems Limited.
35. In consultation with the relevant Lead Member, to make minor alterations to the Tenant Downsizing Scheme in order to make it appropriate and relevant.
36. In consultation with the relevant Lead Member, to agree the Council's policy with regard to recognition criteria for tenant panels and to review and update the policy as required.
37. In consultation with the relevant Lead Member, to determine whether tenant panels requesting recognition should be so recognised.
38. To update the Tenants and Residents Forum Consultation as appropriate.
39. In consultation with the relevant Lead Member to make minor drafting updates and changes arising from new legislation as required to the Council Tenure Policy and Housing Allocations Policy.
40. In consultation with the relevant Lead Member to enter into leases of Council dwellings where below social rents are deemed appropriate and, where this delegation is used, that it be reported via a Member Update.
41. To obtain all necessary consents, approvals and permissions and to enter all necessary documentation in relation to Council Housing Lease Arrangements.

42. To set garage rents at a level to maximise income for the HRA.
43. To exercise discretion in applying the policy of changing baths to showers in sheltered accommodation, ground floor flats and bungalows in properties with less than 3 bedrooms.
44. In relation to alleged behaviour affecting the Council's Housing Management function to instruct the Head of Legal & Democratic Services to apply for:
  - (i) injunctions under the provisions of Part 1 of the Anti Social Behaviour, Crime and Policing Act 2014;
  - (ii) a warrant of arrest for any breaches of an injunction obtained under the provisions of Part 1 of the Anti Social Behaviour, Crime and Policing Act 2014;
  - (iii) a variation or discharge of an injunction obtained under the provisions of Part 1 of the Anti Social Behaviour, Crime and Policing Act 2014;
  - (iv) a committal application on any breach of an injunction.
45. To service Notice Seeking Possession on the mandatory grounds specified in Section 84A of the Housing Act 1985.
46. To instruct the Head of Legal & Democratic Services to commence possession proceedings on Section 84A and Ground 2ZA of Schedule 2 of the Housing Act 1985 and apply for warrants for eviction obtained on this ground.
47. In consultation with the relevant Lead Member, the relevant Head of Service to make minor updates and changes as required to the Decant Policy.
48. In consultation with the relevant Lead Member, the relevant Head of Service to make minor updates and changes to the Garage Allocations and Management Policy.

**B. TO THE HEAD OF LEGAL & DEMOCRATIC SERVICES (AS MONITORING OFFICER & SENIOR LEGAL OFFICER)**

**(i) Procedural**

1. To act as Solicitor to the Council.
2. To seal and attest documents in accordance with legal requirements and to sign documents on behalf of the Council.
3. To enter into all Agreements (as Agent for Lancashire County Council as Highways Authority) under Section 38 of the Highways Act 1980 to adopt highways etc., and to enter into agreements (as Agent for United Utilities) under Section 104 of the Water Industry Act 1991 to adopt sewers etc.
4. To take all steps incidental to completing or obtaining the confirmation of any Order or other formal proceedings made by the Council.
5. To affix the Seal of the Council on any documents assigning or transferring the liability for debts due to the Council from one person or body to another or any deeds of indemnity that may be needed.

6. To take all necessary action, in consultation with the Corporate Director of Place & Community to discharge existing Agreements under Section 106 of the Town and Country Planning Act 1990 (formerly Section 52 of the 1971 Act).
7. In consultation with the Corporate Director of Place & Community, and the Chairperson of the Planning Committee, to issue Enforcement Notices under Section 172 of the Town and Country Planning Act 1990 requiring the cessation of use of land for the holding of car boot sales/markets on more than 14 days per annum on the sites and for the reasons set out in paragraph 3.7 of the reports to the Development and Planning Committee on the 2 October 1997 and 8 January 1998 and the time limit for compliance to be 7 days of such notices taking effect; to take proceedings in the event of non-compliance with the requirements of such Enforcement Notices and to take other appropriate action where it is considered expedient.
8. To issue, serve and withdraw Breach of Condition Notices, Enforcement Notices and Stop Notices and to apply for Injunctions under the Town and Country Planning Acts in cases of urgency, after consultation with the Corporate Director of Place & Community, and the Chairperson of the Planning Committee.
9. To issue, serve and withdraw Temporary Stop Notices after consultation with the Corporate Director of Place & Community, and the Chairperson of the Planning Committee and to take proceedings in the event of contravention of those Notices.
10. To take all necessary enforcement action under the Community Infrastructure Regulations 2010 (as amended) after consultation with the Corporate Director of Place & Community.
11. To make orders, in consultation with the Corporate Director of Place & Community, to close roads in Ormskirk town centre under the Town Police Clauses Act 1847 in connection with emergency services and armed forces events likely to cause congestion on roads in the town centre.
12. To make, (and where appropriate, confirm without modification any unopposed Order) Footpath Orders, Traffic Regulation Orders, and Orders for the renaming of Streets under Section 18 of the Public Health Act 1925, when requested by the Corporate Director of Place & Community Services.
13. To make Orders under Sections 257/8 of the Town and Country Planning Act 1990 and submit applications under Section 247 of that Act and Section 116 of the Highways Act 1980 to stop up, divert or extinguish highway rights when requested by the Corporate Director of Place & Community Services.
14. To make Temporary Traffic Regulation Orders and issue Notices under the provisions of the Road Traffic Regulation Act 1984 (as amended) in cases where the Corporate Director of Place & Community Services is satisfied that such arrangements are necessary in accordance with the provisions of that Act.
15. To seek planning permission for development by the Council.
16. To serve all Notices, including Requisitions for Information under any enactment, and to take action, including legal proceedings, in respect of the non-return of

information to the local authority following the service of any notices or requisitions for information.

17. In consultation with the Head of Finance, Procurement & Commercial Services to update the Local Code of Corporate Governance as required and prepare a Governance Statement annually for publication in June each year with the financial statements.
  18. To hear representations from applicants for registration as Motor Salvage Operators whose application is proposed to be refused/renewed/cancelled, renewal is to be refused or licence is to be cancelled and to decide whether or not to refuse/refuse to renew or cancel licences after the 14 day period during which representations may be made.
  19. To serve all Notices, including Requisitions for Information under any enactment, and to take action, including legal proceedings, in respect of the non-return of information to the local authority following the service of any notices or requisitions for information.
  20. To apply to the Secretary of State for consent to make an Order(s) under Section 13 (Prohibiting Public Processions) and Section 14A (Prohibiting Trespassory Assemblies) of the Public Orders Act 1986 and to take all necessary action relating thereto, including the sealing of the said Order(s).
- N.B.** This authority shall be exercised upon receipt of an application from the Chief Officer Lancashire Police and following consultation if possible with the Leader of the Council.
21. To undertake the role of the Senior Responsible Officer (“SRO”) in accordance with the Code of Practice for covert surveillance/property interference and Covert Human Intelligence Sources (“CHIS”).
  22. To make amendments, as required, in consultation with the relevant Lead Member to the Guide for Compliance with the Regulation of Investigatory Powers Act 2000.
  23. In accordance with the Regulation of Investigatory Powers Act 2000:
    - appoint a Single Point of Contact from Staff within the establishment in accordance with the requirements of the Act.
    - appoint an outside body to the role of Single Point of Contact, as required
  24. To take all necessary action to ensure the effective provision of legal services to support the opening and operation of the Investment Centre, in consultation with the Corporate Director of Transformation & Resources.
  25. To take all necessary enforcement action under the Community Infrastructure Regulations 2010 (as amended) after consultation with the Corporate Director of Place & Community Services.

**(ii) Litigation**

1. To institute (including the laying of information and complaints), defend, and be responsible for the conduct of any legal proceedings in any civil or criminal court or tribunal (including determining whether or not to prosecute) on behalf of and in the name of the Council and in particular in respect of all appeals against decisions of the Council or contraventions under any Enactment, Regulation, Order or Byelaw or, if appropriate, to give a formal caution or issue warning letters instead and to issue warning letters in respect of breach of licence conditions.
2. To instruct Counsel and obtain advice in relation to any matter, and to engage appropriate witnesses or external Solicitors (exemption from Contracts Procedure Rules and Financial Procedure Rules being made in respect thereof).
3. To settle proceedings of any description after consultation with the Leader and relevant Lead Member or the Chairperson of the appropriate committee together with the appropriate chief officer.
4. To institute proceedings for Injunctive Relief.
5. To authorise officers to appear in the Magistrates' and County Courts, and at Inquiries and Tribunals as appropriate.
6. To take all necessary action to protect the Council's market rights and to apply for injunctions when appropriate in relation thereto.
7. To institute proceedings under Section 37 of the Local Government (Miscellaneous Provisions) Act 1982 in relation to temporary markets.
8. To take all necessary action, (including the service of Discontinuance Notices, laying of information and prosecution) to secure the removal of any advertisement or signs displayed in contravention of the provisions of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.
9. To serve Remedial Notices under Section 69 and to withdraw such Notices or waive or relax any requirement of such Notices under Section 70 of the Anti-Social Behaviour Act 2003 in consultation with the Corporate Director of Place & Community.

**(iii) Democracy**

1. To deal with any request for permanent changes to the Membership of Committees by Political Groups in accordance with their allocation of Committee places.
2. To make minor operational amendments to the Constitution subject to notice of any such amendment being given to all Members immediately after each alteration.

**(iv) Standards**

1. (a) To act under the "Standards Regime arrangements"
  - (b) To act under the pre-hearing and hearing procedures for Standards Committee determinations.
  - (c) To act under the procedure for Standards Committee investigations.

- (d) To make minor amendments, in consultation with the Chairperson of the Standards Committee, to the “Standards Regime arrangements” and the pre-hearing and hearing procedures for Standards Committee determinations and the procedure for Standards Committee investigations.
- 2. To disclose any information held by the Council to an Investigating Officer, whether confidential or otherwise and whether requested or not, which would in their opinion assist an investigation.
- 3. In consultation with the Chairperson of the Standards Committee, in instances where the Independent Person/Reserve Independent Person is unavailable, to appoint Independent Persons from another authority on a temporary basis.
- 4. In consultation with the Leader and the Leader of the Opposition to grant dispensations, in cases of urgency.
- 5. To publish details of the address to which written allegations of breach of the Code of Conduct should be sent.
- 6. To update the procedures and develop the standard documentation to be used in dealing with written complaints of breach of the Code of Conduct and publish as required.
- 7. In consultation with the Chairperson of the Standards Committee to update the Investigation Procedure, the Determination, Pre-Hearing and Hearing Procedures, for dealing with alleged breaches of the Council’s Code of Conduct and of the Codes of Conduct of the Parish Councils in the Borough of West Lancashire, as required.

**c. TO THE HEAD OF FINANCE, PROCUREMENT & COMMERCIAL SERVICES (AS SECTION 151 OFFICER)**

**(i) General**

- 1. To remit charges or to write off irrecoverable debts up to a limit of £25,000 in individual cases, and to remit or write off debts above £25,000 where any of the following apply:
  - (a) the debtor has gone into liquidation or bankruptcy and there is little likelihood of the debt being collected
  - (b) the debtor has moved or absconded and all enquiries to trace them have failed
  - (c) the debtor is in prison and has no means to pay
  - (d) the debtor has died and there is no estate.

All sums above £25,000 and not falling within the four categories above shall be reported for write-off to the Policy and Resources Committee or Council as appropriate.

- 2. To be responsible for the accounting arrangements of the Council.



3. To submit claims for grant to government departments and other bodies in consultation with the appropriate chief officer.
4. To deal with the timetabling of estimates for submission to the Council.
5. To make imprest advances as is considered appropriate and instruct on the accounting requirements thereafter.
6. To make payments of all remuneration, compensation and other emoluments as may be deemed necessary.
7. To authorise refunds of superannuation contributions where employees have been dismissed for gross misconduct and where the Authority has suffered no financial loss.
8. To be responsible for the administration of the revenue and capital transactions of the Council.
9. To determine approved contributions to Parish Councils under Section 136 of the Local Government Act, 1972 in accordance with the Council Policy.
10. To approve and prioritise, in consultation with the Leader, bids for Parish Council Capital Schemes.
11. In consultation with the Leader to implement suitable arrangements for passing on funding which the Government will pay to the Borough Council but which is intended for Parish Councils in relation to the localised Council Tax Support Scheme.
12. To make application for repayment of unclaimed compulsory purchase compensation.
13. To make suitable and appropriate payments in settlement of complaints against the Council and in local settlement of Ombudsman's complaints, such payments to be made from the appropriate budget.
14. To serve all Notices, including Requisitions for Information under any enactment, and to take action, including instructing the Head of Legal & Democratic Services to institute proceedings, in respect of the non-return of information to the local authority following the service of any notices or requisitions for information.
15. In consultation with the Corporate Director of Transformation & Resources and the Leader to set the charge for dealing with requests under the Freedom of Information Act 2000 (if any).
17. To undertake appropriate financial assessments and decide whether financial hardship exists and comment on what is "reasonable" (if anything) for "Appropriate Persons" to pay, so not to result in hardship, in cases where remediation works are to be undertaken to contaminated land.
18. To manage and administer the Richard Berry Charity, the Ruff Public Park and Pleasure Ground Charity and the Jervis Charity for which the Council acts as sole

trustee and report the financial position and activity of these funds each year in the statement of accounts.

19. In consultation with the Leader to decide whether to join or leave the Lancashire Business Rates Pool each year, and to enter into any necessary arrangements and to take all necessary actions to administer the pooling arrangements.
20. To make investments in accordance with the Commercial Property Strategy, subject to approval of scheme funding of up to £5m by the Policy and Resources Committee and approval by Council of schemes for over £5m.

**(ii) Audit**

1. To deal with the examination and audit of the accounting, financial and other transactions of the Council, including such investigations as may be deemed necessary.
2. In consultation with the relevant Lead Member to update and amend the Anti-Fraud and Corruption Policy as appropriate.
3. In consultation with the Chief Operating Officer to update the Local Code of Corporate Governance as required and prepare a Governance Statement annually for publication in June each year with the financial statements.

**(iii) Insurance**

1. To arrange insurance cover and to deal with the administration of all insurance arrangements and insurance claims, including any settlement of those claims uninsured up to a limit of £1,000 in each case, and to take all necessary action to establish, maintain and administer such insurance funds considered appropriate and to arrange for the provision of such insurance services considered necessary.
2. To deal with all Risk Management matters, including the appointment when necessary of external advisers.

**(iv) Housing Finance**

1. To use the services of debt collection agencies to trace former tenants with significant rent arrears where considered appropriate.

**(v) Treasury Management**

1. To manage the movement between the borrowing and long term liabilities figures within the Authorised Limit for external debt and the Operational Boundary.
2. To operate such banking arrangements as may be considered necessary.
3. To raise finance by way of leasing for vehicles, plant, machinery and equipment where this is the most efficient means of acquisition and there is an appropriate budget provision in place.
4. To be responsible for the financial administration of car loans.

5. To deal with the administration of loans advanced to outside bodies, including the inspection of business accounts prior to such advances being granted.
6. To take all executive decisions on borrowing, investment or financing in accordance with the CIPFA Code of Practice for Treasury Management in local authorities and to report to Council.
7. To deal with the financial arrangements of a Cycle to Work Scheme and to take all necessary action relating thereto.

## **GENERAL**

1. That the Chief Operation Officer, Directors and Head of Service be given delegated authority to make any minor inconsequential amendments to any Policies, Strategies or other working practices which have already received Member approval whether by decision of a Committee or Record of Decision.
2. That any after the 15<sup>th</sup> May 2024 any references to "Cabinet" in the Constitution or any Policy, Strategy, Framework or any other document shall be automatically be replaced with the words "Policy & Resources Committee".

## **PART 2.4 PROPER OFFICER PROVISIONS**

### **1.0 INTRODUCTION**

- 1.1 This Document firstly sets out “Proper Officer” provisions and officer designations and secondly sets out a Scheme of Delegation which delegates powers and duties to officers under Section 101 of the Local Government Act 1972 and all other powers including the Local Government Act 2000 enabling such delegation. It is adopted with the intent that it continues the streamlining of the Council’s decision making processes and accordingly should be interpreted widely rather than restrictively.
- 1.2 Where legislation is referred to it shall be taken to include any Act or Acts extending or amending the same or incorporated therein.
- 1.3 For the purposes of the Scheme of Delegation Officers may only exercise delegated powers in accordance with
- (i) policies, plans and programmes approved by or on behalf of the Council
  - (ii) Contracts Procedure Rules and Financial Regulations unless specifically referred to
  - (iii) any statutory restrictions, Statutory Guidance or Codes of Practice

### **2.0 “PROPER OFFICER” PROVISIONS AND DESIGNATIONS**

2.1 The Council has:

- (a) designated officers to carry out particular functions which are, by statute, to be exercised by a particular officer and
- (b) designated officers to be the “Proper Officer” for the purposes of the references in various enactments where reference is made to the “Proper Officer” as follows:

(iv) **LOCAL GOVERNMENT ACT, 1972**

<b>Section</b>	<b>Description of Function</b>	<b>Proper or designated Officer</b>
13(3)	Parish Trustee of Body Corporate of Parish not having separate Parish Council.	Chief Operating Officer
83(1)-(4)	Officer to whom persons elected to any of the following offices of the Borough Council shall make declaration of acceptance of office: Chairperson (Mayor), Vice-Chairperson (Deputy Mayor) Councillor,.	Chief Operating Officer

84	The officer to whom a person elected to any office under the Borough Council may give written notice of resignation.	Chief Operating Officer
88(2)	The officer who may convene a meeting for the election of the Chairperson (Mayor) following a casual vacancy in that office.	Chief Operating Officer
89(1)(b)	The officer who may receive notice of a casual vacancy in the office of Councillor from two local government electors.	Chief Operating Officer
96(1)	Receipt of general notices of pecuniary interest.	Head of Legal & Democratic Services
96(2)	The officer who shall keep the record of disclosures of pecuniary interest under Section 94 and of notices under Section 96(1).	Head of Legal & Democratic Services
100B(2)	Exclusion from reports open to inspection parts relating to items during which the meeting is likely not to be open to the public.	Head of Legal & Democratic Services

<b>Section</b>	<b>Description of Function</b>	<b>Proper or designated Officer</b>
100B(7)(c)	The supply to the press of additional material supplied to members of the Council in connection with items of business to be discussed.	Head of Legal & Democratic Services
100C(2)	Preparation of a written summary of those parts of the proceedings of a committee, which disclose exempt information.	Head of Legal & Democratic Services
100D(1)(a) and (5) (a)	Identification of background papers and compilation of list of such documents.	Chief Officer / Corporate Directors responsible for report
100F(2)	Making of decisions as to documents disclosing exempt information which are not required to be open to inspection by members of the Council.	Head of Legal & Democratic Services
115(2)	The officer who shall receive all money due from every officer employed by the Council.	Head of Finance, Procurement & Commercial Services
137A	The Officer who shall receive on deposit a statement (or any report or accounts) provided by an	Head of Finance, Procurement &

	organisation body or fund pursuant to Section 137A (1).	Commercial Services
146(1)(a)	The officer who shall give statutory declarations and certificates with regard to securities on the change of name or status.	Head of Finance, Procurement & Commercial Services
151	The officer responsible for the proper administration of their financial affairs.	Head of Finance, Procurement & Commercial Services
191(2),(4) (b)	The officer to whom applications under Section 1 of the Ordnance Survey Act 1841 should be sent.	Head of Legal & Democratic Services
210(6) and (7)	Charities.	Head of Finance, Procurement & Commercial Services
225(1) and (2)	Deposit of documents.	Head of Legal & Democratic Services
*228(3)	Accounts of “any proper officer” to be open to inspection by any member of the authority.	Head of Finance, Procurement & Commercial Services

\*Section 228(3) applies automatically to any officer who is designated as “proper officer” for any purpose and who keeps accounts.

229(5)	The officer who shall certify that a document is a photographic copy of a document in the custody of the Council.	The Chief Operating Officer, Corporate Director or Head of Service having custody of the original or any officer to whom the Council has delegated its powers and duties
234(1) and (2)	The officer who may authenticate documents.	The Chief Operating Officer, Corporate Director or Head of Service having custody of the original or any officer to whom the Council has delegated its powers and duties

236(9) and (10)	The officer who is responsible for sending certified copies of Byelaws to appropriate bodies.	Chief Operating Officer
238	The officer who shall certify copies of Byelaws as true copies.	Chief Operating Officer
248 (2)	The officer who shall keep the roll of persons admitted to the freedom of a city or town.	Chief Operating Officer
Sch.12/para4 (1A) (b)	The officer who may authenticate a summons to Council meetings.	Chief Operating Officer
Sch.12/para 4(3)	The officer who may receive notice from a member of the address to which a summons to a meeting is to be sent.	Chief Operating Officer
Sch.14/para 25 (7)	The officer who may certify copies of resolutions passed under the Public Health Acts 1875 and 1925 as true copies for production in legal proceedings.	Chief Operating Officer
(v)	<b>LOCAL GOVERNMENT ACT 1974</b>	
30(5)	Publication of reports issued by Local Commissioner.	Head of Legal & Democratic Services
(vi)	<b>LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976</b>	
41	Certification of copies of resolutions, minutes and other documents.	Chief Operating Officer
(vii)	<b>HIGHWAYS ACT 1980</b>	
PART XI	Making up of private streets	Corporate Director of Place & Community
	<b>REPRESENTATION OF THE PEOPLE ACT 1983</b>	
8	Registration of parliamentary and local government electors.	Chief Operating Officer
52(2)	Deputy Registration Officer	Corporate Director of Transformation, Housing & Resources
35	Returning Officer for the election of Borough and Parish councillors.	Chief Operating Officer

18 A, 18 B and 18 C & 31	Designation/re-designation of Polling Districts and Polling Places	Chief Operating Officer
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### **CARE ASSISTANCE ACT 2014 (As Amended)**

<b>Section</b>	<b>Description of Function</b>	<b>Proper Officer</b>
47	Removal to suitable premises of persons in need of care and attention.	Director of Commissioning, NHS Central Lancashire or any other Executive Director on the NHS Central Lancashire on- call rota.

### (viii) **PUBLIC HEALTH (CONTROL OF DISEASE) ACT 1984**

13,48,59 & 60	Various powers.	Consultant level staff in Cumbria and Lancashire Public Health England Centre
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### **HEALTH PROTECTION (NOTIFICATION) REGULATIONS 2010**

Consultant level staff  
in Cumbria and  
Lancashire Public  
Health England Centre

### **FOOD SAFETY ACT 1990**

49	Signing of documents.	Corporate Director of Place & Community
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### (ix) **HOUSING ACT 2004**

4 and 239	Condition of any residential premises – official complaints and powers of entry.	Corporate Director of Transformation, Housing & Resources
249	Signing off a certificate of designation	Corporate Director of Transformation, Housing & Resources

### (x) **LOCAL GOVERNMENT AND HOUSING ACT 1989**

2(4)	Deposit of lists of politically restricted posts.	Chief Operating Officer
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4	Head of Paid Service.	Chief Operating Officer
5	Monitoring Officer.	Head of Legal & Democratic Services
19	Members interests.	Chief Operating Officer
(xi)	<b>REGULATIONS MADE UNDER THE ACT</b>	
	The Local Government (Committees & Political Groups) Regulations 1990	Chief Operating Officer
	The Local Authorities (Members' Allowances) (England) Regulations 2003	Chief Operating Officer
(xii)	<b>LOCAL AUTHORITIES CEMETERIES ORDER 1977</b>	
	Management Regulation and Control of Cemeteries.	Corporate Director of Place & Community
	<b>LOCAL ELECTIONS (PRINCIPAL AREAS) RULES 2006 SCHEDULE 3 AND LOCAL ELECTIONS (PARISHES AND COMMUNITIES) RULES 2006 SCHEDULE 2</b>	
Rule 50	Receipt from Returning Officer of the notice of the names of persons elected to the Council.	Corporate Director of Transformation, Housing & Resources
Rule 52	Registration Officer, receipt from Returning Officer of election documents.	Corporate Director of Transformation, Housing & Resources
Rule 53	Orders for the production of elections documents and making them available for public inspection.	Corporate Director of Transformation, Housing & Resources
Rule 54	Retention of election documents and making them available for public inspection.	Corporate Director of Transformation, Housing & Resources
(xiii)	<b>PARISH AND COMMUNITY MEETINGS (POLLS) RULES 1987</b>	
Reg 4	Returning Officer for the purpose of conducting Parish Polls	Chief Operating Officer
(xiv)	<b>LOCAL GOVERNMENT FINANCE ACT 1988</b>	
114	Functions as regards reports	Head of Finance, Procurement &

Commercial  
Services

(xv) **ENVIRONMENTAL PROTECTION ACT 1990**

149 Seizure of stray dogs. Corporate Director  
of Place &  
Community

(xvi) **LOCAL GOVERNMENT ACT 2000**

Local Authorities (Referendums) (Petitions) (England) Chief  
Regulations 2011/2914 Operating Officer

Local Authorities (Conduct of Referendums) (England) Chief  
Regulations 2012 Operating Officer

Part II of Schedule 1 to the Local Authorities (Standing Orders) (England) Regulations 2001 - Appointment and dismissal of Head of Paid Service, Chief Officers and Deputy Chief Officers. Chief Operating Officer except in respect of the dismissal of the Head of the Paid Service when the Corporate Director of Transformation, Housing & Resources or Place & Community will be the proper officer.

**FREEDOM OF INFORMATION ACT 2000**

S36 The Officer authorised to fulfil the role of 'qualified person'. Corporate Director of Transformation, Housing & Resources (where absent Chief Operating Officer).

2.2 In the cases where the Proper or Designated Officer of the Council is absent or otherwise unable so to act, then the undermentioned officers be authorised to act as such Proper or Designated Officer:

<b>Proper Officer</b>	<b>Officer Designated to Act in the Absence of the Proper Officer*</b>
Chief Operating Officer	Corporate Director of Place & Community  Corporate Director of Transformation, Housing & Resources  Head of Planning & Regulatory Services

	<p>Head of Wellbeing &amp; Place Services</p> <p>Head of Environmental Services</p> <p>Head of Housing Services</p> <p>Head of Finance, Procurement &amp; Commercial Services (Section 151 Officer)</p> <p>Head of Corporate &amp; Customer Services</p> <p>Head of Legal &amp; Democratic Services (Monitoring Officer)</p>
Corporate Director of Place & Community	<p>Corporate Director of Transformation, Housing &amp; Resources</p> <p>Head of Planning &amp; Regulatory Services</p> <p>Head of Wellbeing &amp; Place Services</p> <p>Head of Environmental Services</p>
Corporate Director of Transformation, Housing & Resources	<p>Corporate Director of Place &amp; Community</p> <p>Head of Housing Services</p> <p>Head of Finance, Procurement &amp; Commercial Services</p> <p>Head of Corporate &amp; Customer Services</p> <p>Head of Legal &amp; Democratic Services</p>
Head of Finance, Procurement & Commercial Services (Section 151 Officer)	<p>Corporate Finance Manager (Deputy S151)</p>
Head of Legal & Democratic Services (Monitoring Officer)	<p>Principal Solicitor (designated as the Deputy Monitoring Officer)</p> <p>Democratic Services Manager</p>

2.3 “Proper Officer” shall be taken to mean the Officer appointed above by the Council for the purpose of this Scheme or in default of such appointment, the Chief Operating Officer.

\* Where an officer is designated to act in the stead of the appointed officer this is on the basis that the designated person has responsibility for the relevant directorate or service, e.g. the Head of Housing would be the relevant officer under Housing

Act 2004, sections 4 and 239 (condition of any residential premises – official complaints and powers of entry).

### 3.0 DELEGATION TO OFFICERS

- 3.1 The following powers and duties are delegated to the officers named in 4.0 - 6.0 and Constitution 4.2A – 4.2C within the normal constraints of Council policy. Decisions shall be taken in the name of (but not necessarily personally by) that officer.
- 3.2 In the event of those officers being unavailable or unable to exercise the functions referred to, the following officers are authorised to act in their stead.  
(See also para 4.3 below).

Officer	Officer Designated to Act in their Stead	Matters
Chief Operating Officer	Corporate Director of Place & Community	All matters
	Corporate Director of Transformation, Housing & Resources	All matters, except matters relating to Tawd Valley Development Company
Corporate Director of Place & Community	Corporate Director of Transformation, Housing & Resources	All matters, except matters relating to Tawd Valley Development Company
	Head of Planning & Regulatory Services	All Building Control Planning Services (including Development Management, Local Plan, Strategic Planning, heritage & Conservation). All Environmental & Community Protection (including Food & Safety, Environmental Health, Private Sector Housing Standards, Licensing, Emergency Planning, Community Safety and ESAG Event Group).
	Head of Wellbeing & Place Services	All leisure facilities & contracts (including More Positive Together) All well being and community outdoor recreation (including the ranger service) All Economic Development & Regeneration (including Markets & Car Parking)

	<p>Head of Environmental Services</p>	<p>All Waste Management (including Waste Transfer Station and Fleet Services)  All Clean &amp; Green (including Environmental Enforcement, Technical Services, inc drainage, engineering, trees &amp; pest control.  All Environmental Sustainability</p>
<p>Corporate Director of Transformation, Housing &amp; Resources</p>	<p>Corporate Director of Place &amp; Community</p> <p>Head of Finance, Procurement &amp; Commercial Services</p> <p>Head of Housing Services</p> <p>Head of Corporate &amp; Customer Services</p>	<p>All matters</p> <p>All Financial &amp; Audit matters (including risk &amp; insurance), Procurement, Estates &amp; Valuation and Information Governance (DPO)  All Housing Regulations, quality &amp; strategy tenancy management (including independent living, homelessness, neighbourhood officers)  All Property Services (including facilities management, caretaking &amp; cleaning, compliance, DFGS, Investment, repairs &amp; maintenance investment)  All Income &amp; Inclusion matters</p> <p>All Business, Transformation &amp; Change, , Human Resources &amp; Organisation Development, Customer experience, communications &amp; engagement, business support and revenue &amp; benefits</p> <p>All Legal &amp; Democratic Services (including elections)</p>

	Head of Legal & Democratic Services	
Head of Finance, Procurement & Commercial Services (Section 151 Officer)	Corporate Finance Manager (Deputy S151)	All matters designated to the Section 151 Officer
Head of Legal & Democratic Services (Monitoring Officer and most senior Legal officer)	Principal Solicitor (designated as the Deputy Monitoring Officer)  Principal Solicitor	All matters designated to the Monitoring Officer and legal matters  Legal matters

#### 4.0 DELEGATIONS TO BOTH THE CHIEF OPERATING OFFICER AND THE CORPORATE DIRECTORS

- 4.1 To manage buildings under their control.
- 4.2 To incur revenue expenditure/receive income within the Council's approved budgets subject to compliance with the Financial Regulations of the Council.
- 4.3 To incur expenditure on individual capital schemes or on design preparation of a scheme in accordance with Contracts Procedure Rules and Financial Regulations provided that, if the details of the Scheme vary significantly from that described in the capital budget, prior consultation takes place with the Leader or Chairperson.
- 4.4 To approve price variations under contracts containing fluctuation clauses and to authorise variation orders in accordance with Contracts Procedure Rules.
- 4.5 To maintain registers of contracts placed by them, where required.
- 4.6 To implement and take action under policies approved by the Policy and Resources Committee or the Council in consultation with the Leader.
- 4.7 To determine and approve, in consultation with the Chief Operating Officer, the regrading of posts in accordance with the job evaluation assessed grade for the duties, in their respective Services below those staff employed on chief officer conditions, within the approved service manpower budget subject to the right of staff to recourse to the appeals procedure.

- 4.8 To appoint, take disciplinary action against, (including suspending employees from work:
- (a) where the employee's continuing presence at work compromises disciplinary investigation or impairs the efficient exercise of the Council's functions and
  - (b) on medical grounds when supported by appropriate medical opinion. This includes the dismissal of staff on the grounds of inability to attend work on a regular basis due to ill health) or terminate appointments of all employees excluding those staff employed on chief officer conditions; subject, in the case of disciplinary action, suspension or termination, to the right of staff to recourse to the appeals procedure.
- 4.9 To grant special leave for urgent personal or domestic reasons, jury service, magisterial duties, trade union purposes, or for service on joint negotiating bodies and all other special and other leave covered in the appropriate Policies.
- 4.10 To grant, in consultation with the Chief Operating Officer, allowances and car loans for appropriate members of staff in accordance with the approved scheme and approve either essential, casual or no car categorisation of posts within their service in accordance with the agreed categorisation criteria.
- 4.11 To approve training courses, including seminars for staff.
- 4.12 To deal with lost or uncollected property.
- 4.13 To determine in accordance with agreed Council policies, all other personnel management matters within their Directorate or Services including changes to the establishment, the filling of casual vacancies, the employment of temporary staff, the employment of agency staff, the granting of overtime, the granting of merit increments, granting applications for leave under the family friendly policies provided that agreed budgets are not exceeded.
- 4.14 In consultation with the Chief Operating Officer and the Leader,
- (a) to approve or refuse applications for voluntary redundancy in accordance with the Council's Redeployment and Redundancy Scheme,
  - (b) to approve the retirement of the Green Book and Craft employees on the grounds of Ill Health Retirement in cases that are supported by the appropriate medical advice and recommendation,
  - (c) to approve the Payment of Preserved Pension benefits in line with the Local Government Pension Scheme Regulations and
  - (d) to approve the granting of Flexible Retirement in line with the Local Government Pension Scheme Regulations.
- 4.15 To determine grievances for all employees other than those employed on chief officer conditions.
- 4.16 To take all action in connection with the invitation of tenders or quotations for any scheme which has been approved in the appropriate capital or revenue budget or where funding is provided by an external source and to accept the lowest tender or quotation for the scheme, if payment is to be made by the Council, or the highest tender or quotation if payment is to be received by the Council; or the most suitable

tender where authorised by Council, Committee or sub-committee (as appropriate); or where the Chief Officer in consultation with the Leader determines (in accordance with this delegation) that best value for the Council would be achieved by considering factors in addition to cost in the tender evaluation process the successful tender/quotation identified by the application of that tender evaluation process, subject to the tender/quotation price not exceeding the amount which has been earmarked for that scheme in the capital or revenue budget and if the details of the scheme vary significantly from that described in the capital and revenue budget or when the external funding was agreed, prior consultation takes place with the Leader or Chairperson.

- 4.17 To remit charges or to write off debts which are deemed to be irrecoverable up to a limit of £25,000 in individual cases after consultation with the Head of Finance, Procurement & Commercial Services.
- 4.18 To dispose of obsolete property/equipment up to a value of £1,000 for each item.
- 4.19 In consultation with the Head of Finance, Procurement & Commercial Services, to write off any stock or stores deficiency less than £1,000 in value.
- 4.20 To select contractors to tender for work or the supply of services to the Council.
- 4.21 To take any action on behalf of the Council, following consultation with the Leader and relevant Lead Member or the Chairperson of the appropriate committee, in cases of urgency requiring immediate decisions, and where it would be unreasonable or impractical to convene a meeting.
- 4.22 To act as chief officers in accordance with the Code of Practice issued under the Criminal Procedure and Investigations Act 1996 and to appoint officers to undertake the appropriate duties as described in the Act and Code or any re-enactment thereof.
- 4.23 To sign statements of truth and to identify relevant officers falling within the definition "persons holding a senior position in the Council" for the purposes of signing statements of truth in relevant cases.
- 4.24 To engage specialist or consultant services where necessary, provided the costs are met from within agreed budgets.
- 4.25 After consulting with the Leader or the appropriate Chairperson or the Mayor, to respond to consultation papers where the timescale for reply does not allow time for consideration by the Policy and Resources Committee or by the Council, subject to a report back in the appropriate Members' Update

**(Note: That, where practicable, the comments of a wider group of Members be sought on consultation documents via the e-mail system to inform those making the decision on a response.)**

- 4.26 To submit bids for external funding/grants in accordance with agreed Council policies where the timescale for submission does not allow time for consideration by the Policy and Resources Committee or by the Council subject to a report back in the appropriate Members' Update.



- 4.27 Within their respective Directorates or Services to authorise persons to enter onto land/premises for any statutory purposes.
- 4.28 To instruct the Head of Legal & Democratic Services to take any action including the institution of court proceedings, for the recovery of Council land, buildings or property occupied by any third party without the licence, consent or other permission of the Council.
- 4.29 To authorise covert surveillance and the use of covert human intelligence sources in accordance with the Regulation of Investigatory Powers Act 2000.

(In practice this power is usually limited to the Chief Operating Officer, Corporate Director of Place & Community and Corporate Director of Transformation, Housing & Resources).

**N.B.** The Chief Operating Officer **must** authorise relevant surveillance activity when knowledge of confidential information is likely to be acquired or when a vulnerable individual or juvenile is to be used as a source.

- 4.30 To appoint officers to attend the Magistrates' Court to seek orders approving the grant or renewal of authorisations for direct surveillance, covert human intelligence sources and acquisition of communications data.
- 4.31 To make, in consultation with the Chief Operating Officer, enquiries in respect of previous convictions of prospective or current employees of the Council.
- 4.32 To exercise responsibility for the management and operation of their Directorates or Services in accordance with the established policies and practices of the Council.
- 4.33 To update the Directorate/Service Safety Policy and appendices as appropriate.
- 4.34 To sign documents as authorised by the Council or under delegated authority.
- 4.35 To determine, in relation to the Freedom of Information Act 2000, whether to release information in accordance with the procedures outlined in the Council's "Dealing with Requests for Information" document.
- 4.36 To authorise amounts of up to £10,000 to be taken from a reserve controlled by them provided that its use is in line with the stated purpose of the reserve.
- 4.37 To authorise the use of money from a reserve controlled by them in excess of £10,000 after consultation with the Leader provided that its use is in line with the stated purpose of the reserve.

NB. The Council's Reserves Policy sets out which Officer controls each reserve.



## **Part 3 – Rules of Procedure**

### **3.1 Council Procedure Rules**

#### **Rule**

1. Annual meeting of the Council
2. Ordinary meetings
3. Extraordinary meetings
4. Appointment of substitute members of committees and sub-committees
5. Time and place of meetings
6. Notice and summons to meetings
7. Chairman of meeting
8. Quorum
9. Duration of meeting
10. Questions by members
11. Motions on notice
12. Motions without notice
13. Rules of debate
14. Previous decisions and motions
15. Voting
16. Minutes
17. Record of attendance
18. Exclusion of public
19. Members' conduct
20. Disturbance by public
21. Suspension and amendment of Council Procedure Rules
22. Use of e-mail and fax
23. Audio or Visual Recording of Proceedings
24. Use of Mobile Phones and other social media devices meetings
25. Disclosable Pecuniary Interests and Pecuniary Interests - withdrawal from meetings
26. Application to committees and sub-committees

## 1. **ANNUAL MEETING OF THE COUNCIL**

1.1 The annual meeting will take place on the third Wednesday in May at 7.30 pm.

The annual meeting will:

- (i) elect a person to preside if the Mayor is not present;
- (ii) elect the Mayor for the ensuing municipal year;
- (iii) appoint the Deputy Mayor for the ensuing municipal year;
- (iv) approve the minutes of the last meeting;
- (v) receive any declarations of interest from members;
- (vi) receive any announcements from the Mayor and/or the Head of Paid Service;
- (vii) elect the Leader;
- (viii) appoint the committees as the Council considers appropriate to deal with matters which are not reserved to the Council;
- (ix) appoint Chairmen and Vice-Chairmen for the ensuing municipal year;
- (x) agree that part of the scheme of delegation as the Constitution determines it is for the Council to agree (as set out in Part 3 of this Constitution);
- (xi) approve a programme of ordinary meetings of the Council for the year if this has not previously been determined; and
- (xii) consider any business set out in the notice convening the meeting.

### 1.2 **Selection of councillors on committees and outside bodies**

At the annual meeting, the Council will:

- (i) decide which committees to establish for the municipal year;
- (ii) decide the size and terms of reference for those committees;
- (iii) decide the allocation of seats to political groups in accordance with the political balance rules;
- (iv) receive nominations of councillors to serve on each committee and outside body; and

- (v) appoint to those committees and outside bodies except where appointment to those bodies has been delegated by the Council to a committee.

## 2. **ORDINARY MEETINGS**

Ordinary meetings of the Council will take place in accordance with a programme decided at or prior to the Council's annual meeting which may be varied in exceptional circumstances by the Mayor. Traditionally meetings are not held in August or between the last scheduled Council meeting in April and Annual Council. Ordinary meetings will:

- (i) elect a person to preside if the Mayor and Deputy Mayor are not present;
- (ii) approve the minutes of the last meeting;
- (iii) receive any declarations of interest from members;
- (iv) receive any announcements from the Mayor, Leader, or the Chief Operating Officer;
- (v) deal with any business from the last Council meeting;
- (vi) receive reports from Council's committees and receive questions and answers on any of those reports;
- (vii) receive reports about and receive questions and answers on the business of joint arrangements and external organisations;
- (viii) consider motions; and
- (ix) consider any other business specified in the summons to the meeting, including consideration of any proposals from committees.

## 3. **EXTRAORDINARY MEETINGS**

### 3.1 **Calling extraordinary meetings.**

The Chief Operating Officer may call Council meetings in addition to ordinary meetings and those listed below may request him to do so:

- i) the Council by resolution;
- ii) the Mayor;
- iii) the Monitoring Officer;
- iv) any ten members of the Council if they have signed a requisition presented to the Mayor and he/she has refused to call a meeting or has failed to call a meeting within seven days of the presentation of the requisition.

#### **4. APPOINTMENT OF SUBSTITUTE MEMBERS OF COMMITTEES AND SUB-COMMITTEES**

##### **4.1 Allocation**

Unless decided otherwise at the annual meeting of the Council each political group on the Council may nominate one or more substitute members for any meeting of a committee or sub-committee by notifying the Head of Legal and Democratic Services by 12 noon on the day of the meeting. This rule should only apply to Standards Committee in exceptional circumstances and if the nominated substitute has been appropriately trained.

##### **4.2 Powers and duties**

Substitute members will have all the powers and duties of any ordinary member of the committee but will not be able to exercise any special powers or duties exercisable by the member for whom they are substituting.

##### **4.3 Substitution**

Substitute members may attend meetings in that capacity only:

- (i) to take the place of the ordinary member for whom they are the designated substitute; and
- (ii) where the ordinary member will be absent for the whole of the meeting.

#### **5. TIME AND PLACE OF MEETINGS**

The time and place of meetings will be determined by the Chief Operating Officer and notified in the summons.

#### **6. NOTICE OF AND SUMMONS TO MEETINGS**

The Chief Operating Officer will give notice to the public of the time and place of any meeting in accordance with the Access to Information Procedure Rules. At least five clear days before a meeting, the Chief Operating Officer will send a summons signed by them by post to every member of the Council or leave it at their usual place of residence. The summons will give the date, time and place of each meeting and specify the business to be transacted, and will be accompanied by such reports as are available.

#### **7. CHAIRMAN OF MEETING**

The person presiding at the meeting may exercise any power or duty of the Mayor. Where these rules apply to committee and sub-committee meetings, references to the Mayor also include the Chairmen of committees and sub-committees.

## 8. **QUORUM**

The quorum of a meeting will be one quarter of the whole number of members. During any meeting if the Mayor counts the number of members present and declares there is not a quorum present, then the meeting will adjourn immediately. If after a period of fifteen minutes has elapsed there are not sufficient members present to constitute a quorum the remaining business will be deferred to a time and date fixed by the Mayor. If he/she does not fix a date, the remaining business will be considered at the next ordinary meeting.

## 9. **DURATION OF MEETING**

Unless the majority of members present vote for the meeting to continue, any meeting will adjourn immediately upon conclusion of the item of business under discussion at 11.00 pm on the day of the meeting. Remaining business will be considered at a time and date fixed by the Mayor. If he/she does not fix a date, the remaining business will be considered at the next ordinary meeting.

## 10. **QUESTIONS BY MEMBERS**

### 10.1 **On reports of committees**

A member of the Council may ask the Leader or the Chairman of a committee any question without notice upon an item of the report of a committee when that item is being received or under consideration by the Council.

### 10.2 **Questions on notice at full Council**

Subject to Rule 10.4, a member of the Council may ask:

- the Mayor;
- the Leader; or
- the Chairman of any committee or sub-committee

a question on any matter in relation to which the Council has powers or duties or which affects the borough.

### 10.3 **Questions on notice at committees and sub-committees**

Subject to Rule 10.4, a member of a committee or sub-committee may ask the Chairman of it a question on any matter in relation to which the Council has powers or duties or which affect the borough, and which falls within the terms of reference of that committee or sub-committee.

### 10.4 **Notice of questions**

A member may only ask a question under Rule 10.2 or 10.3 if either:

- (a) they have given at least three working days' notice in writing of the question to the Chief Operating Officer; or

- (b) the question relates to urgent matters, they have the consent of the Chairman to whom the question is to be put and the content of the question is given to the Chief Operating Officer by 12 noon on the day of the meeting.

## 10.5 **Response**

- (i) An answer may take the form of:
  - (a) a direct oral answer;
  - (b) where the desired information is in a publication of the Council or other published work, a reference to that publication; or
  - (c) where the reply cannot conveniently be given orally, a written answer circulated later to the questioner.
- (ii) Every question shall be put and answered without discussion, but the person to whom a question has been put may decline to answer.

## 11. **MOTIONS ON NOTICE**

### 11.1 **Notice**

Except for motions which can be moved without notice under Rule 12, written notice of every motion, signed by at least one member subject to 11.B below, must be delivered to the Chief Operating Officer by no later than 12 noon on the Monday of the week preceding the meeting. These will be available for public inspection.

### 11.2 **Motion set out in agenda**

Motions for which notice has been given will be listed on the agenda in the order in which notice was received, unless the member giving notice states, in writing, that they propose to move it to a later meeting or withdraw it.

### 11.3 **Scope**

Motions must be about matters for which the Council has a responsibility or which affect the borough.

### 11.4 **Automatic reference to Committee**

If the subject matter of any motion to which this Rule applies comes within the province of any committee or sub-committee of the Council, it shall, upon being moved and seconded, stand referred without discussion to committee or sub-committee for consideration.

Provided that the Mayor may, if they considers it convenient and conducive to the despatch of business, allow the motion to be dealt with at the meeting on which it is brought forward.



## 11.5 **Acceptance of Motion**

- (a) If notice is given of any original motion which, in the opinion of the Chief Operating Officer is out of order, illegal, irregular or improper, the Chief Operating Officer shall forthwith submit such notice to the Mayor and it shall not be accepted and placed on the agenda without his/her sanction. In the event of non-acceptance the Chief Operating Officer shall inform the member giving the Notice of their decision.
- (b) In the event of the volume of items creating difficulty for the management of Council business or jeopardising the efficient running of Council business the Chief Operating Officer may make decisions about the priority and number of notices to be accepted in consultation with those submitting Notice and the Mayor. In the event of non-acceptance the Chief Operating Officer shall inform the member giving the Notice of their decision.

## 12. **MOTIONS WITHOUT NOTICE**

The following motions may be moved without notice:

- (a) to appoint a Chairman of the meeting at which the motion is moved;
- (b) in relation to the accuracy of the minutes;
- (c) to change the order of business on the agenda;
- (d) to refer something to an appropriate body or individual;
- (e) to appoint a committee or member arising from an item on the summons for the meeting;
- (f) to receive reports or adoption of recommendations of committees or officers and any resolutions following from them;
- (g) to withdraw a motion;
- (h) to amend a motion;
- (i) to proceed to the next business;
- (j) that the question be now put;
- (k) to adjourn a debate;
- (l) to adjourn a meeting;
- (m) that the meeting continue beyond 11.00 pm;
- (n) to suspend a particular Council Procedure Rule;
- (o) to exclude the public and press in accordance with the Access to Information Procedure Rules;

- (p) to not hear further a member named under Rule 20.3 or to exclude them from the meeting under Rule 20.4; and
- (q) to give the consent of the Council where its consent is required by this Constitution.

### **13. RULES OF DEBATE**

#### **13.1 No speeches until motion seconded**

No speeches may be made after the mover has moved a proposal and explained the purpose of it until the motion has been seconded.

#### **13.2 Right to require motion in writing**

Unless notice of the motion has already been given, the Mayor may require it to be written down and handed to him/her before it is discussed.

#### **13.3 Secunder's speech**

When seconding a motion or amendment, a member may reserve their speech until later in the debate.

#### **13.4 Content and length of speeches**

Speeches must be directed to the question under discussion or to a personal explanation or point of order. No speech may exceed five minutes without the consent of the Mayor.

#### **13.5 When a member may speak again**

A member who has spoken on a motion may not speak again whilst it is the subject of debate, except:

- (a) to speak once on an amendment moved by another member;
- (b) to move a further amendment if the motion has been amended since he/she last spoke;
- (c) if his/her first speech was on an amendment moved by another member, to speak on the main issue (whether or not the amendment on which he/she spoke was carried);
- (d) in exercise of a right of reply;
- (e) on a point of order; and
- (f) by way of personal explanation.

### 13.6 Amendments to motions

- (a) An amendment to a motion must be relevant to the motion and will either be:
  - (i) to refer the matter to an appropriate body or individual for consideration or reconsideration;
  - (ii) to leave out words;
  - (iii) to leave out words and insert or add others; or
  - (iv) to insert or add words.so long as the effect of (ii) to (iv) is not to negate the motion.
- (b) Only one amendment may be moved and discussed at any one time. No further amendment may be moved until the amendment under discussion has been disposed of.
- (c) If an amendment is not carried, other amendments to the original motion may be moved.
- (d) If an amendment is carried, the motion as amended takes the place of the original motion. This becomes the substantive motion to which any further amendments are moved.
- (e) After an amendment has been carried, the Mayor will read out the new substantive motion before accepting any further amendments, or if there are none, put it to the vote.

### 13.7 Alteration of motion

- (a) A member may alter a motion of which he/she has given notice with the consent of the meeting. The meeting's consent will be signified without discussion.
- (b) A member may alter a motion which he/she has moved without notice with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion.
- (c) Only alterations which could be made as an amendment may be made.

### 13.8 Withdrawal of motion

A member may withdraw a motion which he/she has moved with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion. No member may speak on the motion after the mover has asked permission to withdraw it unless permission is refused.

### 13.9 Right of reply

- (a) The mover of a motion has a right to reply at the end of the debate on the motion, immediately before it is put to the vote.
- (b) If an amendment is moved, the mover of the original motion has the right of reply at the close of the debate on the amendment but may not otherwise speak on it.
- (c) The mover of the amendment has no right of reply to the debate on their amendment.

### 13.10 Motions which may be moved during debate

When a motion is under debate, no other motion may be moved except the following procedural motions:

- (a) to withdraw a motion;
- (b) to amend a motion;
- (c) to proceed to the next business;
- (d) that the question be now put;
- (e) to adjourn a debate;
- (f) to adjourn a meeting;
- (g) to exclude the public and press in accordance with the Access to Information Procedure Rules; and
- (h) to not hear further a member named under Rule 20.3 or to exclude them from the meeting under Rule 20.4.

### 13.11 Closure motions

- (a) A member may move, without comment, the following motions at the end of a speech of another member:
  - (i) to proceed to the next business;
  - (ii) that the question be now put;
  - (iii) to adjourn the debate; or
  - (iv) to adjourn the meeting.
- (b) If a motion to proceed to the next business is seconded and the Mayor thinks the item has been sufficiently discussed, they will give the mover

of the original motion a right of reply and then put the procedural motion to the vote.

- (c) If a motion that the question be now put is seconded and the Mayor thinks the item has been sufficiently discussed, he/she will put the procedural motion to the vote. If it is passed he/she will give the mover of the original motion a right of reply before putting his/her motion to the vote.
- (d) If a motion to adjourn the debate or to adjourn the meeting is seconded and the Mayor thinks the item has not been sufficiently discussed and cannot reasonably be so discussed on that occasion, he/she will put the procedural motion to the vote without giving the mover of the original motion the right of reply.

#### **13.12 Point of order**

A member may raise a point of order at any time. The Mayor will hear them immediately. A point of order may only relate to an alleged breach of these Procedure Rules or the law. The member must indicate the rule or law and the way in which he/she considers it has been broken. The ruling of the Mayor on the matter will be final.

#### **13.13 Personal explanation**

A member may make a personal explanation at any time. A personal explanation may only relate to some material part of an earlier speech by the member which may appear to have been misunderstood in the present debate. The ruling of the Mayor on the admissibility of a personal explanation will be final.

### **14. PREVIOUS DECISIONS AND MOTIONS**

#### **14.1 Motion to rescind a previous decision**

A motion or amendment to rescind a decision made at a meeting of Council within the past six months cannot be moved unless the notice of motion is signed by at least 15 members.

#### **14.2 Motion similar to one previously rejected**

A motion or amendment in similar terms to one that has been rejected at a meeting of Council in the past six months cannot be moved unless the notice of motion or amendment is signed by at least 15 members. Once the motion or amendment is dealt with, no one can propose a similar motion or amendment for six months.

#### **14.3 Recommendations from Committee**

Rules 15.1 and 15.2 shall not apply to a motion moved in pursuance of a recommendation of a Committee.

## 15. VOTING

### 15.1 Majority

Unless this Constitution provides otherwise, any matter will be decided by a simple majority of those members voting and present in the room at the time the question was put.

### 15.2 Mayor's casting vote

If there are equal numbers of votes for and against, the Mayor will have a second or casting vote. There will be no restriction on how the Mayor chooses to exercise a casting vote.

### 15.3 Show of hands

Unless a ballot or recorded vote is demanded under Rules 15.4 and 15.5, the Mayor will take the vote by show of hands, or if there is no dissent, by the affirmation of the meeting.

### 15.4 Ballots

The vote will take place by ballot **if two members** present at the meeting demand it. The Mayor will announce the numerical result of the ballot immediately the result is known.

### 15.5 Recorded vote

If any member present at the meeting demands it, the names for and against the motion or amendment or abstaining from voting will be taken down in writing and entered into the minutes, save that immediately after any vote is taken at a budget decision meeting on any motion or amendment there must be recorded in the minutes the names of the persons who cast a vote for the decision or against the decision or who abstained from voting ("budget decision meeting" means a meeting at which the Council makes a calculation in respect of the setting of Council Tax or issues a precept and "vote" means a vote on any decision related to the making of the calculation or the issuing of the precept.) A demand for a recorded vote will override a demand for a ballot.

### 15.6 Right to require individual vote to be recorded

Where any member requests it immediately after the vote is taken, their vote will be so recorded in the minutes to show whether they voted for or against the motion or abstained from voting.

### 15.7 Voting on appointments

If there are more than two people nominated for any position to be filled and there is not a clear majority of votes in favour of one person, then the name of the person

with the least number of votes will be taken off the list and a new vote taken. The process will continue until there is a majority of votes for one person.

## **16. MINUTES**

### **16.1 Signing the minutes**

The Mayor will sign the minutes of the proceedings at the next suitable meeting. The Mayor will move that the minutes of the previous meeting be signed as a correct record. The only part of the minutes that can be discussed is their accuracy.

(a) Where the person who should have signed the minutes is unable to perform that duty the Chairman or Vice Chairman of the body is authorised to sign as a correct record the minutes of a previous meeting of that body.

(b) Where a body ceases to exist, the Councillor who chaired the last meeting of that body is authorised to sign the minutes as a correct record.

### **16.2 No requirement to sign minutes of previous meeting at extraordinary meeting**

Where in relation to any meeting, the next meeting for the purpose of signing the minutes is a meeting called under paragraph 3 of Schedule 12 to the Local Government Act 1972 (an Extraordinary Meeting), then the next following meeting (being a meeting called otherwise than under that paragraph) will be treated as a suitable meeting for the purposes of paragraph 41(1) and (2) of schedule 12 relating to signing of minutes.

### **16.3 Form of minutes**

Minutes will contain all motions and amendments in the exact form and order the Mayor put them.

## **17. RECORD OF ATTENDANCE**

All members present during the whole or part of a meeting must sign their names on the attendance sheets before the conclusion of every meeting to assist with the record of attendance.

## **18. EXCLUSION OF PUBLIC**

Members of the public and press may only be excluded either in accordance with the Access to Information Procedure Rules in Part 4 of this Constitution or Rule 21 (Disturbance by Public).

## **19. MEMBERS' CONDUCT**

### **19.1 Standing to speak**

When a member speaks at Council they must stand and address the meeting through the Mayor. If more than one member stands, the Mayor will ask one to speak and the others must sit. Other members must remain seated whilst a member is speaking unless they wish to make a point of order or a point of personal explanation.

#### **19.2 Mayor standing**

When the Mayor stands during a debate, any member speaking at the time must stop and sit down. The meeting must be silent.

#### **19.3 Member not to be heard further**

If a member persistently disregards the ruling of the Mayor by behaving improperly or offensively or deliberately obstructs business, the Mayor may move that the member be not heard further. If seconded, the motion will be voted on without discussion.

#### **19.4 Member to leave the meeting**

If the member continues to behave improperly after such a motion is carried, the Mayor may move that either the member leaves the meeting or that the meeting is adjourned for a specified period. If seconded, the motion will be voted on without discussion.

#### **19.5 General disturbance**

If there is a general disturbance making orderly business impossible, the Mayor may adjourn the meeting for as long as he/she thinks necessary.

### **20. DISTURBANCE BY PUBLIC**

#### **20.1 Removal of member of the public**

If a member of the public interrupts proceedings, the Mayor will warn the person concerned. If they continue to interrupt, the Mayor will order their removal from the meeting room.

#### **20.2 Clearance of part of meeting room**

If there is a general disturbance in any part of the meeting room open to the public, the Mayor may call for that part to be cleared.

### **21. SUSPENSION AND AMENDMENT OF COUNCIL PROCEDURE RULES**

#### **21.1 Suspension**

All of these Procedure Rules except Rules 15.6 and 16.2 may be suspended by motion on notice or without notice if at least one half of the whole number of members of the Council are present. Suspension can only be for the duration of the meeting.



Procedure Rules cannot be suspended in respect of a motion under Council Procedure Rule 11.1B that the Leader cease his/her term of office before the statutory period has come to an end.

## **21.2 Amendment**

Any motion to add to, vary or revoke these Procedure Rules will, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council.

## **22. USE OF E MAIL AND FAX**

For the avoidance of doubt, where in the Constitution reference is made to a written notice, signed by a Member or Members, this shall include delivery by fax or e-mail, subject to confirmation of identity by the Member or Members concerned.

## **23. AUDIO OR VISUAL RECORDING OF PROCEEDINGS**

- (i) Audio recordings of the proceedings of any Council or Committee (including Sub-Committees) meeting or part of any such meeting held in public shall be allowed by the Council. Anyone wishing to do this is requested to make their intentions clear before the commencement of the meeting in question.
- (ii) Photographing or filming of the proceedings of a Council, or Committee (including Sub-Committees) meeting or part of any such meeting held in public shall be allowed with the agreement of the Mayor or Chairman of the meeting in question. Filming shall be allowed in accordance with the law.
- (iii) In the event of the Mayor or Chairman of the meeting in question wanting to prohibit the photographing filming or audio recording of the proceedings as per (i) and (ii) above, they shall provide a reason for this to members of that meeting and seek their consent to their decision by means of a vote. Where members then vote to allow the photographing, filming or audio recording of the proceedings of that meeting, this shall be allowed. Any decision not to allow filming may only be made if such filming would prevent the orderly conduct of the meeting. Filming will not be allowed if Council or a committee is considering an exempt or confidential item as defined in law and the Access to Information Procedure Rules.

## **24. USE OF MOBILE PHONES AND OTHER SOCIAL MEDIA DEVICES IN MEETINGS**

In the interests of the smooth running of meetings:-

- (i) Mobile phones/devices must be switched off or to 'silent' at meetings.
- (ii) Calls should not be made or answered during the meeting.

- (iii) The use of mobile phones/devices to send texts or emails, access Facebook, send tweets, take notes, open emails, access the internet etc should be done discreetly and with common sense and should not cause a disturbance to the smooth running of the meeting.
- (iv) The Mayor/Chairman has discretion to require that mobile phone/devices are not used as at (iii) above if a disturbance to the smooth running of the meeting is caused.

**25. DISCLOSABLE PECUNIARY INTERESTS AND PECUNIARY INTERESTS–WITHDRAWAL FROM MEETINGS**

A Member or Co-opted Member must withdraw from the meeting room, including from the public gallery, during the whole of consideration of any item of business in which he/she has a Disclosable Pecuniary Interest (DPI) or Pecuniary Interest except where he/she is permitted to remain as a result of the grant of a dispensation or the Code.

**26. APPLICATION TO COMMITTEES AND SUB-COMMITTEES**

All of the Procedure Rules apply to meetings of full Council. Only Rules 5 to 13 and 15 to 26 (but not Rule 20.1) apply to meetings of committees and sub-committees with the substitution of the word ‘Chairman’ where the word ‘Mayor’ appears.

### **3.2 Committee Procedure Rules**

**NB. Relevant Council Procedure Rules are applied to Committees by virtue of Rule 24 of those Rules.**

**1. What will be the number and arrangements for Regulatory Committees?**

- (a) The Council will have the Regulatory Committees set out Part 2 (Constitution 2.2) of this Constitution and will appoint to them as it considers appropriate from time to time. Such committees may appoint sub-committees.
- (b) The terms of reference of each Regulatory Committee will be:
  - (i) to discharge the functions delegated to it as set out in Part 2;
  - (ii) to appoint such sub-committees as it considers appropriate to fulfil those functions; and
  - (iii) to consider, and respond as appropriate to, reports from the Council.

2. **Who may sit on Regulatory Committees?**

All councillors may be members of a Regulatory Committee.

3. **Meetings of Regulatory Committees**

The Council shall determine, on an annual basis, the meetings to be held each year in order to efficiently expedite the business of the Regulatory Committees. Traditionally meetings are not held in August or between the last scheduled Council meeting in April and Annual Council.

4. **Quorum**

The quorum for Regulatory Committees shall be as set out for committees in the Council Procedure Rules in Part 3.1 of this Constitution.

5. **Who chairs Regulatory Committee meetings?**

(a) Chairmen and Vice-Chairman of Regulatory Committees/sub-committees will be drawn from among the councillors sitting on the committee/sub-committee, and subject to this requirement, the Council or the committee/sub-committee may appoint such persons, as it considers appropriate as Chairman and Vice-Chairman, subject to Rule 2(a) above.

(b) In the absence from a meeting of a Regulatory Committee/sub-committee of the Chairman of that Committee/sub-committee the Vice-Chairman shall take the Chair.

(c) In the absence from a meeting of a Regulatory Committee/sub-committee of the Chairman or Vice-Chairman of that Committee/sub-committee, a person to chair the meeting shall be chosen from those members present at the meeting.

(d) If a vacancy shall occur in the office of Chairman or Vice-Chairman of a Regulatory Committee/sub-committee it will be filled at the next ordinary meeting of the Council unless the Council has determined alternative procedural arrangements.

6. **Agenda items**

(a) Any member of the Council, shall be entitled to give notice to the Head of Legal and Democratic Services that he/she wishes an item relevant to the functions of the committee or sub-committee to be included on the agenda for the next available meeting of the committee or sub-committee. On receipt of such a request the Head of Legal and Democratic Services will ensure that it is included on the next available agenda. Other than for meetings to be held on a Monday or a Tuesday, any notice to be given under this provision shall be submitted to the Legal and Democratic Services Manager by no later than 12 noon on the Tuesday of the week preceding the meeting. For meetings to be held on a Monday or a Tuesday, Notices under

this provision shall be submitted to the Head of Legal and Democratic Services by no later than 12 noon on the Tuesday of the week before the week preceding the meeting. (For the avoidance of doubt, under this provision an item for a meeting to be held on, say Tuesday 15<sup>th</sup> would be required by noon on Tuesday 1<sup>st</sup> of that month).

- (b) Any member of the Council shall be entitled to give notice to the Head of Legal and Democratic Services by 12 noon on the Tuesday of the week preceding the meeting that he/she wishes an item relevant to a report on the Members' Update relating to the functions of the Regulatory Committee/Sub-Committee concerned to be included on the agenda for the next meeting of that Committee or Sub-Committee. Notices under this provision shall be submitted to the Head of Legal and Democratic Services in accordance with

the timescale as set out in (a) above. The procedure for dealing with Member's Updates Procedure Rules.

## **7. Who may attend?**

- (a) The leaders of the political groups on the Council shall be allowed to attend each Regulatory Committee and to speak, subject to any restrictions in law, but not vote, on any issue under consideration.
- (b) Members who are not members of a Regulatory Committee shall be entitled to attend meetings of that Regulatory Committee but shall not be eligible to speak or vote except in relation to an item affecting that member's ward when the member will be allowed, with the consent of the Chairman, to speak but not vote, provided notice is given to the Head of Legal and Democratic Services or his/her representative by 12 noon on the day of the meeting.
- (c) Where a member has given written notice for an item to be included on a Regulatory Committee agenda, that member may attend and, with the consent of the Chairman, speak, but not vote, on that item, provided that in cases where disciplinary matters are under consideration, then only the members of the committee or sub-committee appointed by the Council shall be in attendance other than the officers servicing the committee or involved in the disciplinary action.

## **8. Appeal or quasi-judicial hearings**

The Licensing and Appeals Committee will, on occasions, meet to determine applications or appeals and will be sitting in a quasi-judicial capacity. For those meetings, the committee may have adopted a procedure to meet the requirements of the rules of natural justice and the conventions in the Human Rights Act 1998. If, on those occasions, any conflict arises between the adopted procedure and these Rules, the adopted procedure will apply.

## **9. Party Whip**

When considering any matter in respect of which a member of a Regulatory Committee is subject to a party whip, the member must declare the existence of the

whip, and the nature of it, before the commencement of the committee's deliberations on the matter. The declaration and the details of the whipping arrangement shall be recorded in the minutes, it being noted that it is current practice for the party whips not to be used in respect of quasi-judicial decisions.

### **3.3 PUBLIC PARTICIPATION SCHEME**

Part A - or meetings of Policy and Resources Committee, 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.

#### **2.0 Written Representations**

- 2.1 Residents of West Lancashire may submit written representations, which will be considered by the relevant body if the Resident is unable to attend for any reason.
- 2.2 The form attached as an Appendix to this Protocol should be used for submitting requests.

#### **3.0 Deadline for submission**

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

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

- 3.2 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 resident (and representative) and details of the issue to be raised will be published.
- 3.3 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.

## **4.0 Scope**

4.1 Any matters raised must be relevant to an item on the agenda for the meeting.

4.2 The Head of Legal and Democratic Services 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.

## **5.0 Number of items**

5.1 A maximum of one form per resident will be accepted for each Agenda Item.

5.2 There will be a maximum of 10 speakers per meeting. Where there are more than 10 forms submitted by residents, Member Services 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).

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

## **6.0 At the Meeting**

6.1 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.

6.2 Members may discuss what the speaker/s have said along with any other information/representations submitted under the protocol, when all public 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.

6.3 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.

6.4 A Borough Councillor is able to speak on behalf of a resident (without the need for the

resident to be in attendance), if requested to do so. However, that Councillor must not be a member of the body considering the item.

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

(Please see attached form.)

APPENDIX - FORM

REQUEST FOR PUBLIC SPEAKING/REPRESENTATIONS AT MEETINGS

MEETING & DATE .....

NAME .....

ADDRESS.....  
.....

Post Code .....

PHONE.....

Email .....

Please indicate if you will be in attendance at the meeting Yes/No

Please indicate if someone will be speaking on your behalf at the meeting. Yes/No

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

NAME .....

PHONE.....

Email .....

Note: This page will not be published.



PLEASE PROVIDE DETAILS OF THE MATTER YOU WISH TO RAISE

Agenda Item Number .....

Title.....

Details.....  
.....  
.....  
.....  
.....  
.....  
.....  
.....  
.....  
.....  
.....  
.....

Name .....

Dated .....

Completed forms to be submitted by 10.00am on the Friday of the week preceding the meeting to:- Member Services, West Lancashire Borough Council, 52 Derby Street, Ormskirk, Lancashire, L39 2DF or Email: [member.services@westlancs.gov.uk](mailto:member.services@westlancs.gov.uk) If you require any assistance regarding your attendance at a meeting (including access) or if you have any queries regarding your submission please contact Member Services on 01695 585065

**Note: This page will be circulated to Members of the Committee and published**

## **PART B - PROCEDURE FOR THE PUBLIC AND APPLICANTS WHO WISH TO SPEAK AT THE PLANNING COMMITTEE ON PLANNING APPLICATIONS THAT MIGHT AFFECT THEM**

The Council wants to improve the opportunity given to people in West Lancashire to have their say about planning applications that affect them.

The Council have decided that people should have the opportunity to reinforce their views by talking to the Councillors who make the decision at Planning Committee.

The people who can request to speak at meetings are:

- anyone who has written objecting to the planning application and who has been consulted under the neighbour notification process by the Council, or his/her representative;

Note: Consultees/Organisations that have been formally consulted on the application will not be invited to speak, as their views will be set out clearly in the Committee reports.

- the Clerk to a Parish Council, or his/her representative where the Clerk is unavailable, to express the view of the Parish Council;
- the applicant or his/her representative but only where it has been agreed that a third party objecting to the proposal may speak.

Note: The minimum age for people to address the Committee under this procedure is 16 years.

Any person who wishes to speak must give at least 3 working days' notice prior to the day of the Committee meeting that they want to address the Committee (i.e. by 5pm on the Monday of the week of the Committee meeting). The request must also include a brief outline of the points the speaker wishes to make. A pro-forma is available.

If there is more than one speaker in any category then the Chairman of the Committee will decide how many can speak. This will be done the day before the meeting and the Member Services Officer will notify the person who has made the request to speak of the Chairman's decision. Groups (e.g. of residents) are asked to nominate one person to speak on their behalf.

Each person who is authorised by the Chairman to speak will be limited to three minutes.

Speakers must not circulate any supporting documentation at the Committee meeting.

What any speaker says must be relevant to the planning application only - nothing damaging or personal. There should be no duplicating points made by other speakers. All speakers should address the meeting and must not enter into a debate with Councillors. The Chairman may intervene and end a speaker's time if they do not comply with these requirements.

A speaker may ask someone else to speak for them if they are unable to do so or bring an interpreter if they need one.

A request to speak should be sent to Member Services, West Lancashire Borough Council,

Council Offices, 52 Derby Street, Ormskirk, Lancashire, L39 2DF. Telephone: 01695 585017 E Mail: [memberservices@westlancs.gov.uk](mailto:memberservices@westlancs.gov.uk)

## **PART 3.4 PETITION SCHEME**

A petition is one way in which people can let the Council know its concerns.

### **1.0 What is a petition?**

1.1 A petition is any communication that is signed by 10 or more people either on paper or in electronic format. There are no restrictions on who can submit or sign a petition. For details of the e-Petition scheme, see paragraphs 8 & 9 below.

### **2.0 What should a petition contain?**

2.1 A clear statement of concerns

This must relate to something which is the responsibility of this Council. Where a petition relates to a matter over which the authority has no responsibility or influence, we will return the petition to the petition organiser with an explanation for that decision. Where a petition relates to a matter which is within the responsibility of another public authority (e.g. Lancashire County Council), we will ask the petition organiser whether s/he would like us to redirect the petition to that other authority.

2.2 A statement of what action you would like the Council to take.

What would the petitioner(s) like the Council to do?

2.3 The name and contact details of the “petition-organiser”

Or someone to whom any correspondence about the petition can be sent. Contact details must be a postal address and/or an Email address.

2.4 The names of at least 10 petitioners

This can include the petition organiser. Where the petition is in paper form, this must include the full name, postal address and actual signature from each petitioner. Where the petition is in electronic form, this must include the full name, postal address and e-mail address of each petitioner.

### **3.0 Who should the petition be sent to?**

3.1 Paper petitions should be sent to:

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

Or alternatively the e-petition facility may be used (see paragraphs 8 and 9 below) or the petition can be scanned and e-mailed to [member.services@westlancs.gov.uk](mailto:member.services@westlancs.gov.uk)

3.2 Member Services will ensure that an acknowledgement is sent to the 'petition organiser' within 5 working days.

#### **4.0 What steps can the Council take to deal with a petition?**

Steps that may be taken to deal with a petition include:

- Take the action requested
- Give a written response setting out the Council's views about the request
- Refer to a meeting of the Council, a Committee, Sub-Committee or Working Group (as appropriate)
- Hold a consultation
- Hold a meeting with petitioners

#### **5.0 What happens to a Petition when it is submitted?**

When a petition is received by Member Services it will be circulated to the Chief Operating Officer and relevant Corporate Director/Head of Service and the relevant Ward Councillors.

The relevant Corporate Director/Head of Service will consider what steps should be taken to deal with the petition request and advise the 'Petition Organiser' and Member Services within 20 working days from the date the petition was acknowledged. Copies of the response will also be sent to the relevant relevant Ward Councillors.

#### **6.0 E-Petition**

6.1 The e-petition facility enables people to create, submit and sign petitions through the Council's website. E-petitions follow the same guidelines as paper petitions as detailed above. The 'Petition Organiser' will need to register on the site before he/she can create a petition on line and will need to provide their name and contact details. S/he will also need to decide how long the petition should be open for signatures. Six months would probably be sufficient, but a shorter or longer timeframe can be chosen, up to a maximum of 12 months.

6.2 Once an online petition has been created it can be submitted. It may take up to 5 working days after an e-petition has been submitted before it is published online when other people can sign it. This is because we have to check that the content of the petition is suitable before it is made available for signature. If we feel we cannot publish your petition for some reason, we will contact the Petition Organiser to explain.

6.3 When an e-petition has closed for signature, the Petition Organiser is required to submit to Member Services, either by printing the petition on paper or by submitting electronically via the e-petition facility, and it will be dealt with in the same way as a paper petition as detailed above.

#### **7.0 How do people 'sign' an e-petition?**

7.1 E-petitions available for signature will be available on the website at:

[http://www.westlancs.gov.uk/council\\_democracy/democracy\\_and\\_decision\\_making/petitions.aspx](http://www.westlancs.gov.uk/council_democracy/democracy_and_decision_making/petitions.aspx)

Petitioners will be asked to provide their name, address and a valid email address. Once this step is complete the petitioners 'signature' will be added to the petition. People visiting the e-petition will be able to see the petitioner's name and town/city in the list of those who have signed it but other contact details will not be visible. Once a response is prepared an automated email will be sent to the Petition Organiser and all petitioners who have made a request on line to be informed of the outcome.

## **PART 3.5 ACCESS TO INFORMATION PROCEDURE RULES**

### **1. SCOPE**

These rules apply to all meetings of the Council, Committees and any sub-committees appointed by them (together called meetings).

### **2. ADDITIONAL RIGHTS TO INFORMATION**

These rules do not affect any more specific rights to information contained elsewhere in this Constitution or the law such as the Freedom of Information Act, the Environmental Information Regulations or Data Subject Access requests under data protection legislation.

### **3. RIGHTS TO ATTEND AND REPORT ON MEETINGS**

3.1 Members of the public may attend all meetings and are permitted to report on the meeting, subject only to the exceptions in these rules and the law.

3.2 Oral reporting or oral commentary on a meeting as it takes place is not permitted if the person reporting or providing commentary is present at the meeting as this could be disruptive to the conduct of the meeting.

3.3 'Reporting' means:

- (a) filming, photographing or making an audio recording of proceedings at a meeting,
- (b) using any other means for enabling persons not present to see or hear proceedings at a meeting as it takes place or later, or
- (c) reporting or providing commentary on proceedings at a meeting, orally or in writing, so that the report or commentary is available, as the meeting takes place or later to persons not present.

3.4 Any person who attends the meeting to report the proceedings may use any communication methods, including the internet, to publish, post or otherwise share the results of their reporting activities.

3.5 Publication and dissemination may take place at the time of the meeting or occur after the meeting.

### **4. NOTICES OF MEETING**

The Council will give at least five clear day's notice of any meeting by posting details of the meeting at the Council offices, 52 Derby Street, Ormskirk and on the Council's website .

### **5. ACCESS TO AGENDA AND REPORTS BEFORE THE MEETING**

The Council will make copies of the agenda and reports open to the public available for inspection at the designated office and where appropriate on the Council's website at least five clear days before the meeting. If an item is added to the agenda later, the revised agenda (where reports are prepared after the summons has been sent out, the designated officer shall make each such report available to the public as soon as the report is completed

and sent to councillors) will be open to inspection from the time the item was added to the agenda.

## **6. SUPPLY OF COPIES**

The Council will supply copies of:

- (a) any agenda and reports which are open to public inspection;
- (b) any further statements or particulars necessary to indicate the nature of the items in the agenda; and
- (c) any other documents supplied to councillors in connection with an item if the Head of Legal and Democratic Services thinks fit.

to any person on payment of a charge for postage, copying and any other costs

## **7. ACCESS TO MINUTES, DECISIONS ETC AFTER THE MEETING**

The Council will make available copies of the following for six years after a meeting:

- (a) the minutes of the meeting or records of decisions taken, together with reasons, excluding any part of the minutes of proceedings when the meeting was not open to the public or which disclose exempt or confidential information;
- (b) a summary of any proceedings not open to the public where the minutes open to inspection would not provide a reasonably fair and coherent record;
- (c) the agenda for the meeting; and
- (d) reports relating to items when the meeting was open to the public.

## **8. BACKGROUND PAPERS**

### **8.1 List of background papers**

Every report will set out a list of those documents (called background papers) relating to the subject matter of the report which in the opinion of the author:

- (a) disclose any facts or matters on which the decision / report or an important part of the report is based; and
- (b) which have been relied on to a material extent in preparing the report or making the decision

but does not include published works or those which disclose exempt or confidential information (as defined in Rule 10) or the advice of a political advisor.

### **8.2 Public inspection of background papers**

The Council will make available for public inspection for four years after the date of the meeting one copy of each of the documents on the list of background papers at the Council offices.



## 9. SUMMARY OF PUBLIC'S RIGHTS

A written summary of the public's rights to attend and report on meetings and to inspect and copy documents is kept at and available to the public at the Council offices, 52 Derby Street, Ormskirk.

## 10. EXCLUSION OF ACCESS BY THE PUBLIC TO MEETINGS

### 10.1 Confidential information – requirement to exclude public

The public must be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that confidential information would be disclosed and reporting on the meeting will also not be permitted.

### 10.2 Exempt information – discretion to exclude public

The public may be excluded from meetings whenever it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that exempt information would be disclosed and reporting on the meeting will also not be permitted.

### 10.3 Meaning of confidential information

“Confidential information” means information given to the Council by a Government Department on terms (however expressed) which forbid its public disclosure, or information which cannot be publicly disclosed by or under any enactment or by a Court Order.

### 10.4 Meaning of exempt information

Information which falls within any of the descriptions 1 - 7 below is exempt information if and so long, as the Proper Officer considers, in all the circumstances of the case, that the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

Description	Qualification and Interpretation
1. Information relating to any individual	
2. Information which is likely to reveal the identity of an individual.	
3. Information relating to the financial or business affairs of any particular person (including the authority holding that information)	Information falling within description 3 is not exempt information by virtue of that description if it is required to be registered under: (a) the Companies Act (as defined in Section 2 of the Companies Act 2006). (b) the Friendly Societies Act 1974 (c) the Friendly Societies Act 1992 (d) the Industrial and Provident Societies Acts 1965 to 1978 (e) the Building Societies Act 1986 (f) the Charities Act 1993

	<p>“financial or business affairs” includes contemplated, as well as past or current, activities.</p> <p>“registered” in relation to information required to be registered under the Building Societies Act 1986 means recorded in the public file at any building society (within the meaning of that Act)</p>
<p>4. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.</p>	<p>“labour relations matter” means</p> <p>(a) any of the matters specified in paragraphs (a) to (g) of section 218(1) of the Trade Union and Labour Relations (Consolidation) Act 1992, (matters which may be the subject of a trade dispute, within the meaning of that Act) or</p> <p>(b) any dispute about a matter falling within paragraph (a) above and for the purposes at this definition the enactments mentioned in paragraph (a) above, with the necessary modifications, shall apply in relation to office-holders under the authority as they apply in relation to employees of the authority.</p> <p>“office-holder” means the holder of any paid office appointments to which are or may be made or confirmed by the authority or by any joint board on which the authority is represented or by any person who holds any such office or is an employee of the authority</p> <p>“employee” means a person employed under a contract of service.</p>
<p>5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings</p>	
<p>6. Information which reveals that the authority proposes -</p> <p>(a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or</p> <p>(b) to make an order or direction under any enactment.</p>	
<p>7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.</p>	

Notes:

- (i) Information is not exempt information if it relates to proposed development for which the local planning authority may grant itself planning permission pursuant to regulation 3 of the Town and Country Planning General Regulations 1992.
- (ii) Previous exemptions relating to personal information continue to be protected under the Data Protection Act.
- (iii) The Exemptions relating to commercial interests complement similar provisions in the Freedom of Information Act and Environmental Information Regulations.
- (iv) Information which
  - (a) falls within any paragraphs 1-7 above; and
  - (c) is not prevented from being exempt by virtue of paragraph 3 and (i) above, is exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.)

**11. EXCLUSION OF ACCESS BY THE PUBLIC TO REPORTS**

If the Head of Legal and Democratic Services thinks fit, the Council may exclude access by the public to reports which in their opinion relate to items during which, in accordance with Rule 10, the meeting is likely not to be open to the public. Such reports will be marked "Not for publication" together with the category of information likely to be disclosed.



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## Part 3.6 Members' Update Procedure Rules - Information Items

1. Reports on matters which do not require members to make a meaningful decision, namely:
  - (a) information reports providing details of events/happenings;
  - (b) position statements;
  - (c) progress reports;
  - (d) performance monitoring reports;
  - (e) reports back on decisions taken under delegated authority

will not be routinely formally reported to committees or sub-committees

2. All members (including co-opted members) will receive ,for the Policy and Resources Committee and each Regulatory Committee meeting, a **Members' Update**. The purpose of the Update will be to highlight issues related to the work of the committee which do not require a decision.

In practice this means "Members Updates" will be prepared for the following

- Policy and Resources Committee
  - Planning Committee
  - Licensing and Appeals Committee
  - Licensing and Gambling Committee
3. Each Members Update will be produced, through Member Services, to a corporate standard, and will have a clear identity making it easily recognisable. A timetable for its production and in relation to papers generally will be circulated by Member Services.
  4. Articles for the Members Update should follow the corporate form and be as succinct and informative as possible. Regard should be had to the guidance on Plain English and the excellent work which has been carried out here. It is for the Chief Operating Officer, Corporate Director or relevant Head of Service to determine the contents of each "Members Update." It is crucial that all articles have the appropriate input from the Head of Legal and Democratic Services, Head of Finance, Procurement and Policy, Human Resources and other relevant Heads of Service before being passed to Member Services. Authors will need to devise appropriate consultation arrangements which should also include the

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relevant Lead Member as necessary. The Members Update will be assembled by Member Services using the articles received and will be dispatched via an e-mail link to Members and to the Press and made available for public inspection and published on the Council's website.

5. The Chief Operating Officer, Corporate Director or relevant Head of Service also need to identify those items within the Update which may require a more specific media release or briefing.
6. Member Services will collate all items received and put them on the agenda. They will advise the Chief Operating Officer, Corporate Director or relevant Head of Service in order that a response may be prepared.

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## **PART 3.7 FINANCIAL REGULATIONS**

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## **SECTION A - FINANCIAL MANAGEMENT AND STANDARDS**

### **1.0 INTRODUCTION**

1.1 Financial management covers all the financial responsibilities and accountabilities involved in running the Council. Members and Officers have a duty to abide by the highest standards of probity in dealing with financial issues. This is facilitated by setting out clear standards to work to and ensuring that controls are in place to promote compliance with them.

### **2.0 FINANCIAL MANAGEMENT STANDARDS**

2.1 The key controls for financial management standards are their promotion throughout the Council and a monitoring system to review compliance with them.

2.2 Council and Committees have a role to play in the financial management of the Council as set out in the Constitution. In addition, the respective roles and responsibilities of Officers are also set out in Part 2 of this Constitution, in the [Proper Officer Provisions and Scheme of Delegation](#).

2.3 The Chief Finance Officer (CFO) is responsible for:

- complying with the statutory duties set out in section 151 and 114 of the Local Government Act 1972
- the proper administration of the Council's financial affairs and ensuring that proper professional practices are maintained
- setting financial management standards and monitoring their compliance
- advising on the corporate financial position and on the key strategic controls necessary to secure sound financial management
- providing financial information and advice to enable accurate and timely monitoring and reporting
- reporting potentially unlawful entries, actions and expenditure

2.4 Directors and Heads of Service are responsible for:

- ensuring that members are advised of the financial implications of all proposals and that the financial implications have been agreed with the CFO
- consulting with the CFO and seeking the necessary Committee approvals before any commitments are made that are liable to affect the Council's finances materially
- promoting and monitoring adherence in their Services to financial standards prescribed by the CFO

### **3.0 ACCOUNTING POLICIES**

3.1 The CFO is responsible for selecting suitable accounting policies and ensuring they are applied consistently in accordance with proper professional practice. These accounting policies will be reviewed and published with the annual financial statements.

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3.2 Directors and Heads of Service are responsible for promoting and ensuring adherence to these accounting policies and guidelines.

#### 4.0 **MANAGEMENT OF EXPENDITURE AND INCOME**

4.1 The management of expenditure and income is a key control in ensuring that the Council's budget is adhered to and that limited resources are used in the most efficient, economic and effective way. Effective management ensures that once budgets have been approved, resources allocated are used for their intended purposes and are properly accounted for.

4.2 The CFO is responsible for the overall framework of budgetary management and control and has specific duties relating to write-offs, virement, contingency sums and treatment of year end balances.

4.3 Directors and Heads of Service are responsible for:

- managing budgets responsibly and prudently
- assigning a Budget Manager for each budget heading who understands their financial responsibilities and ensures that there is adequate provision before any expenditure is incurred
- ensuring that official purchase orders are used to place orders with suppliers and contractors, unless there are exceptional circumstances or the supplier is detailed on the approved exemption list. In cases of exceptional circumstances, e.g. emergency telephone orders, an official purchase order should be raised as soon as practicable after the event to ensure there is a clear audit trail and that the commitment can be recognised for budget monitoring purposes
- ensuring an approved certification process is followed for all expenditure
- ensuring operations achieve financial performance targets
- regular monitoring of income and expenditure to ensure adherence to budgets and identify any fluctuation in income against set targets
- maintenance of effective records for all monies due and instigating effective recovery procedures for non-payment of debts
- regular consultation with assigned Accountants on developing or changing issues throughout the financial year
- taking appropriate corrective action where significant variations from the approved budget are forecast

#### 5.0 **ACCOUNTING RECORDS AND RETURNS**

5.1 The proper compilation, maintenance and retention of records is one of the ways in which the Council discharges its responsibility for the proper stewardship of public resources.

5.2 The key controls for accounting records and returns are adherence to accounting policies, standards and timetables, the timely and accurate recording of all transactions, material commitments and contracts and other essential accounting information, adequate reconciliation procedures, retention of prime documents and effective back up of records.

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5.3 The CFO is responsible for determining the accounting procedures and records for the Council.

5.4 Directors and Heads of Service are responsible for:

- consulting with the CFO before making any changes to accounting records and procedures
- maintaining adequate records to provide an audit trail from source of income/expenditure through to the accounting statements
- supplying information required to enable the statement of accounts to be completed
- separating the duties of providing information about sums due to or from the Council and calculating, checking and recording these sums, from the duty of collecting or paying them
- ensuring the proper retention of financial records in accordance with the Council's Retention and Disposal schedule

## 6.0 **ANNUAL STATEMENT OF ACCOUNTS**

6.1 The Council has a statutory responsibility to prepare its annual accounts to provide a true and fair view of its operations during the year. These accounts are subject to scrutiny by Members, External Audit and the public. The external audit provides assurance that the accounts are prepared properly and that proper arrangements have been made for securing economy, efficiency and effectiveness in the use of resources.

6.2 The CFO is responsible for the proper administration of the Council's financial affairs and the preparation of the statement of accounts in accordance with proper practices. This includes drawing up a timetable for final accounts preparation, the production of supporting working papers and other evidence, reviewing the system of internal control to ensure that it is effective and that financial transactions are lawful and making proper arrangements for the external audit of the accounts.

6.3 Directors and Heads of Service are responsible for complying with accounting guidance provided by the CFO and supplying information for the statement when required.

## **SECTION B - FINANCIAL PLANNING**

### 7.0 **INTRODUCTION**

7.1 Financial planning is the development of effective systems to enable scarce resources to be allocated in accordance with carefully weighed priorities. Preparing a policy framework, comprehensive budgets and robust business and performance plans are the key elements to achieving this. By regular monitoring, the Council can ensure that legal requirements and other relevant government guidelines are met and that variances and spending pressures are identified and dealt with promptly.

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## 8.0 **BUDGET AND POLICY FRAMEWORK**

8.1 The Council is responsible for agreeing the Budget and Policy Framework, approving procedures for agreeing variations to approved budgets subject to the delegated virement arrangements, approving plans and strategies forming the policy framework, determining the circumstances in which a decision will be deemed to be contrary to the budget or policy framework and setting the level at which the Policy and Resources Committee may reallocate budget funds from one service to another. The Policy and Resources Committee is responsible for taking in-year decisions on resources and priorities in order to deliver the budget and policy framework within the financial limits set by the Council.

## 9.0 **THE BUDGET**

9.1 The budget is the financial expression of the Council's plans and policies. It must be constructed so as to ensure that resource allocation properly reflects the service plans and priorities of the Council. Budgets are needed so that the Council can plan, authorise, monitor and control the way money is allocated and spent.

### **FORMAT AND PREPARATION**

9.2 The CFO is responsible for advising the Policy and Resources Committee on the format of the budget and ensuring that a revenue budget and capital programme is prepared on an annual basis. The budget format determines the level of detail to which financial control and management will be exercised and must comply with all legal and relevant accounting requirements. The draft budget will include allocation to different services and projects, proposed taxation levels and contingency funds.

9.3 Directors and Heads of Service are responsible for ensuring that budget estimates, reflecting agreed service plans, are submitted to the Policy and Resources Committee and that these estimates are prepared in line with guidance issued by the CFO.

### **BUDGET SETTING**

9.4 The key controls for budget setting are specific budget approval for all expenditure, consultation with budget managers in the preparation of budgets for which they will be responsible and a monitoring process to review the effectiveness and operation of budget preparation.

9.5 The CFO is responsible for encouraging best use of resources and value for money and advising on the medium term implications of spending decisions.

9.6 The CFO is also responsible for determining the detailed form of revenue estimates and the methods for their preparation, preparing reports on budget prospects, including resource constraints set by the government, and on the aggregate spending plans of Services, the resources available to fund them and implications for the level of council tax to be levied.

9.7 Directors and Heads of Service are responsible for:

- preparing estimates of income and expenditure

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- preparing budgets which are consistent with the Council's annual budget cycle and with guidelines issued by the CFO
  - integrating financial and budget plans into service planning
  - having regard to spending patterns and pressures, legal requirements, policy framework requirements and initiatives already underway when drawing up draft budget requirements

### **MONITORING AND CONTROL**

- 9.8 Budget management ensures that once the budget has been approved by the Council, resources are used for their intended purposes and properly accounted for. Budgetary control is a continuous process enabling the Council to review and adjust its budget targets during the financial year. Variances can be identified quickly and the Council is less likely to overspend.
- 9.9 The key controls for managing the revenue budget are the nomination of a budget manager for each cost centre who accepts responsibility and accountability for their budgets and understands their financial responsibilities, ensuring adequate processes are in place to record and account for all income and expenditure and that performance levels of their service are monitored regularly in conjunction with the budget and appropriate action taken where necessary to align service outputs and budgets.
- 9.10 The CFO is responsible for establishing an appropriate framework of budgetary management and control in line with recommended best practice and providing regular reports to both budget managers and Members on the Council's projected income and expenditure compared with the budget.
- 9.11 Directors and Heads of Service are responsible for:
- ensuring an accountable budget manager is identified for each item of income and expenditure
  - managing expenditure within the budget allocated i.e. the planned income and expenditure for a service area or 'cost' centre and ensuring budget heads are not overspent (reflecting their presentation in the budget book)
  - ensuring budgets are managed in accordance with virement rules laid down in the Budget and Policy Framework
  - taking appropriate corrective action where significant variations from the approved budget are forecast and alerting the CFO of any problems
  - ensuring expenditure is committed only against an approved budget head, with an approved certification process and in compliance with relevant guidance and financial regulations
  - ensuring all income and expenditure is properly recorded and accounted for
  - ensuring an effective monitoring process is in place to review performance in conjunction with the budget
  - seeking advice from the CFO on any new proposals that could create financial commitments in future years, change existing policies or affect services

### **RESOURCE ALLOCATION**

- 9.12 A mismatch often exists between available resources (staff, money, equipment, goods and materials) and required resources. It is imperative that needs are

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carefully prioritised and that resources are fairly allocated in order to fulfil legal responsibilities.

- 9.13 The key controls for resource allocation are that resources are acquired in accordance with the law using an approved authorisation process and are used only for the purpose intended with the minimum level of waste, loss or inefficiency, properly accounted for and held securely.
- 9.14 The CFO is responsible for advising on methods available for funding of resources and assisting in the allocation of resources to budget managers.
- 9.15 Directors and Heads of Service are responsible for working within budget limits, utilising resources in the most efficient, effective and economic way and identifying opportunities to minimise or eliminate resource requirements without having a detrimental effect on service delivery.

### **THE HOUSING REVENUE ACCOUNT (HRA) BUSINESS PLAN**

- 9.16 The HRA Business Plan sets out projections on future expenditure and income for the HRA over the next 30 years. This enables key expenditure and resource issues to be considered in the long term timescale that is required when considering the management and maintenance of the Council's housing stock.
- 9.17 The key controls for the HRA Business Plan are an annual review of the forecasts and projections within the plan and the updating of the forecasts and projections within the plan so that it can influence and inform the Housing budget that will be agreed by Council.
- 9.18 The Chief Finance Officer is responsible for ensuring that the Business Plan is reviewed and updated on an annual basis as part of the budget setting process for consideration by Members.
- 9.19 The Director of Housing is responsible for:
- preparing estimates of income and expenditure
  - integrating financial and business plans into service planning
  - having regard to spending patterns and pressures and legal requirements and initiatives already underway when drawing up projections

### **THE CAPITAL PROGRAMME**

- 9.20 Capital expenditure involves acquiring or enhancing fixed assets with a long-term value to the Council. Capital assets shape the way services are delivered for the long-term and create financial commitments for the future. There are prudential and regulatory controls on the financing capacity of the Council which is why capital expenditure must be carefully prioritised in order to maximise the benefit of scarce resources.
- 9.21 The key controls for capital programmes are Committee and Council approval of capital scheme budgets, the development of project plans detailing estimates and targets, accountable officers for individual capital schemes and an effective capital programme monitoring system.

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9.22 The CFO is responsible for ensuring that a capital programme is prepared on an annual basis for consideration by Members, issuing guidance concerning capital schemes and submitting financial monitoring reports to Members on approved programmes.

9.23 Directors and Heads of Service are responsible for:

- Complying with CFO guidance on capital schemes
- ensuring all capital proposals have undergone a thorough project appraisal
- proceeding with projects only where there is confirmed and adequate provision of resources in the capital programme
- ensuring adequate records are maintained in respect of all capital contracts
- providing information on the progress of capital schemes for inclusion in financial monitoring reports
- ensuring that credit arrangements, including loans and leases, are not entered into without prior approval from the CFO

### **MAINTENANCE OF RESERVES**

9.24 The Council must decide the level of reserves it wishes to maintain before it can decide the level of Council Tax. Reserves are maintained as a matter of prudence. They enable the Council to provide for unexpected events and thereby protect it from overspending should such events occur. Reserves for specific purposes may also be maintained, such as the purchase or renewal of capital items.

9.25 The key controls for reserves are maintaining them in accordance with the Code of Practice on Local Authority Accounting in the United Kingdom: A Statement of Recommended Practice (CIPFA/LASAAC) and agreed accounting practices and clearly defining the proposed usage and basis of transactions for each reserve established.

9.26 The CFO is responsible for maintaining and keeping up to date a reserves policy in line with recommended best practice, advising Members on prudent levels of reserves for the Council and ensuring that resources are only used for the purposes for which they were intended.

9.27 Directors and Heads of Service are responsible for recommending to the CFO the setting up of specific earmarked reserves and managing their reserves in line with the requirements of the reserves policy

### **10.0 PERFORMANCE PLANS**

10.1 Business and performance plans set out the Council's overall priorities and objectives, planned projects, initiatives and targets, current performance and proposals for further improvement and efficiencies.

10.2 The key controls for business and performance plans are that they are produced consistently, on time with accurate, complete and up to date data and with improvement targets that are meaningful, realistic and challenging.

10.3 The CFO is responsible for ensuring financial performance information is reported to Members and is available for inclusion in business and performance

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plans and that effective systems are in place to collect accurate financial information.

- 10.4 Directors and Heads of Service are responsible for devising business and performance plans and contributing to the development of initiatives, targets and performance information.

## **SECTION C - RISK MANAGEMENT & CONTROL OF RESOURCES**

### **11.0 INTRODUCTION**

- 11.1 Robust systems are required for identifying and evaluating all significant operational risks to the Council on an integrated basis. This includes the proactive participation of all those associated with planning and delivering services.

### **12.0 RISK MANAGEMENT & INSURANCE**

- 12.1 Risk is the chance or possibility of loss, damage or injury or failure to achieve objectives caused by an unwanted or uncertain action or event. By being risk aware the Council is better placed to avoid threats and take advantage of opportunities. A robust risk management system is embedded across the Council to monitor and manage risks and an approved [Risk Management Policy and Strategy](#) is in place outlining processes and officer roles and responsibilities.

- 12.2 The CFO is responsible for promoting the Risk Management Policy and Strategy, reporting on the effectiveness of the risk management system and ensuring adequate insurance cover for all of the Council's activities and employees.

- 12.3 Directors and Heads of Service are responsible for:

- taking responsibility for risk management and adhering to the risk management strategy and policy, including regularly reviewing risks in their service areas
- ensuring that business continuity plans are in place for applicable service areas in case of disasters which could result in significant loss or damage
- notifying the CFO immediately of any loss, liability or damage which may lead to a claim against the Council
- reviewing the annual summary statement of insurance cover and throughout the year notifying the CFO promptly of all new risks, properties, assets or vehicles which require insurance and of any alterations or service changes affecting existing insurances
- consulting the CFO and the Head of Legal and Democratic Services on the terms of any indemnity which the Council is requested to give
- ensuring that Council employees, or anyone covered by the Council's insurances, do not admit liability or make any offer to pay compensation which may prejudice the assessment of liability in respect of any insurance claim

### **13.0 INTERNAL CONTROLS**

- 13.1 Internal control refers to the systems of control devised by management to help ensure the Council's objectives are achieved in a manner which promotes economical, efficient and effective use of resources and ensures statutory



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obligations are met, risks are managed and the Council's assets and interests are safeguarded.

13.2 Robust internal control systems include adequate and effective financial and operational systems and procedures which include physical safeguards for assets, segregation of duties, authorisation and approval procedures and robust information systems.

13.3 They also incorporate effective managerial control systems which include defining policies, setting objectives, monitoring performance and taking appropriate anticipatory and remedial action. Control systems should be regularly reviewed, including review by Internal Audit.

13.4 The CFO is responsible for assisting the Council in putting in place an appropriate control environment and effective internal controls.

13.5 Directors and Heads of Service are responsible for:

- ensuring staff have an understanding of the consequences of a lack of control
- managing processes to check that established controls are being adhered to and to evaluate their effectiveness in the achievement of objectives and management of risk
- reviewing existing controls in the light of changes affecting the Council and establishing and implementing new ones in consultation with the CFO
- ensuring internal control systems comply with all applicable statutes and regulations

#### 14.0 **AUDIT REQUIREMENTS**

##### **INTERNAL AUDIT**

14.1 Internal Audit is an independent and objective appraisal function established by the Council for reviewing the system of internal control and is a statutory requirement for Councils. It examines, evaluates and reports on the adequacy of internal control as a contribution to the proper, economic, efficient and effective use of resources.

14.2 The key controls for Internal audit are that it is independent in its planning and operation, the Internal Audit Manager has direct access to management and elected Members and internal auditors comply with the United Kingdom Public Sector Internal Audit Standards.

14.3 The CFO is responsible for ensuring the independence of the internal audit function and that internal auditors have the authority to access records (including those of third parties), documentation, Council premises and assets and receive information and explanations deemed necessary for any matter under consideration.

14.4 Directors and Heads of Service are responsible for:

- ensuring Internal Audit are given access at all reasonable times to premises, personnel and documentation which they consider necessary for the purposes of their work and are provided with any information and explanations requested

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- discussing audit reports and implementing agreed actions in line with deadlines detailed in action plans
  - ensuring new systems for maintaining financial records or records of assets, or changes to such systems, are discussed and agreed with the Internal Audit Manager before implementation

### **EXTERNAL AUDIT**

- 14.5 All large public sector organisations are subject to external audit. The external auditor has rights of access to all documents and information which are necessary for audit purposes and their objectives are to review and report upon the financial implications of corporate governance arrangements, the financial statements and accounts and value for money arrangements.
- 14.6 The CFO is responsible for ensuring that external auditors are given appropriate access, ensuring effective liaison between External and Internal Audit and advising staff and members on their responsibilities in relation to external audit.
- 14.7 Directors and Heads of Service are responsible for ensuring records and systems are up to date and available for inspection and that External Audit are given appropriate access to them.

### **15.0 PREVENTING FRAUD AND CORRUPTION**

- 15.1 The council will not tolerate fraud, corruption, bribery or malpractice in the administration of its responsibilities and to prevent this has an [Anti Fraud, Bribery and Corruption Policy](#) and [Anti-Money Laundering Policy](#) in place detailing processes and officer roles and responsibilities.
- 15.2 The CFO is responsible for developing, maintaining and promoting both policies and ensuring all irregularities are reported and investigated appropriately.
- 15.3 Directors and Heads of Service are responsible for ensuring awareness of and adherence to the policies, instigating action under the Council's disciplinary procedures where necessary and ensuring the registers of external activity and gifts and hospitality are up to date in line with the procedure laid down in the [Officer Code of Conduct](#) and that all staff under their control report all instances of suspected fraud immediately in accordance with approved procedures.

### **16.0 STAFFING**

- 16.1 In order to provide a good service, the Council must recruit and retain high calibre, knowledgeable and qualified staff in line with its recruitment and selection process.
- 16.2 The key controls for staffing are having an appropriate staffing strategy and policy in place, procedures for forecasting staffing requirements and cost, ensuring staff time is used efficiently and adequate checks are undertaken on staff prior to appointment.

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16.3 The CFO is responsible for ensuring that budget provision exists for all existing and new employees.

16.4 Directors and Heads of Service are responsible for providing information to the CFO to ensure appropriate budgets for staffing, ensuring the staffing budget is an adequate forecast of staffing levels and ensuring adequate control over such costs as sickness, overtime, training and temporary staff. Staffing budgets must not be exceeded without due authority and must be managed to enable the agreed level of service to be provided.

## 17.0 **ASSETS**

17.1 The Council holds assets in the form of land, property, vehicles, equipment, furniture, information and other items worth significant sums of money.

### **SECURITY**

17.2 It is important that assets are safeguarded and used efficiently in the delivery of services and that there are arrangements for the security of assets and information required for service operations.

17.3 The key controls for the security of assets are the maintenance of an up to date asset register, staff awareness of their responsibilities with regard to safeguarding assets, robust information systems and compliance with the Council's [ICT & Data Security Policy](#).

17.4 The Chief Finance Officer is responsible for ensuring that an asset register is maintained for all long term assets with a value in excess of £20,000 and assets are valued in accordance with recommended best practice so that this information can be incorporated into the statement of accounts.

17.5 Directors and Heads of Service are responsible for:

- maintaining a database for all significant properties, plant and machinery and moveable assets currently owned or used by the Council
- ensuring lessees and other prospective occupiers of Council land and buildings are not permitted to take possession until a lease or agreement has been established and the form of lease should be agreed with the CFO and Head of Legal and Democratic Services where appropriate
- ensuring adherence to building security procedures, the safe custody of all vehicles, equipment, furniture, stock, keys and any other property and reporting any loss or theft immediately to the CFO
- ensuring that no Council asset is subject to personal use by an employee without proper authority
- ensuring that any use of property or establishment by a section other than for direct service delivery should be supported by documentation identifying terms, responsibilities and duration of use
- passing title deeds to the Head of Legal and Democratic Services.

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- ensuring all suspected security incidents are reported appropriately and consulting with the CFO where security is thought to be defective or where it is considered that special security arrangements may be required
  - arranging for the valuation of assets for insurance and accounting purposes
  - ensuring access to all systems is appropriately restricted, network security procedures are adhered to and that computer usage is line with the [ICT & Data Security Policy](#)
  - ensuring that all employees are aware of their personal responsibility with regard to data protection legislation and the Council's [Corporate Data Protection Policy](#)
  - maintaining inventories of all items over £100 including item description, location and value and ensuring attractive and portable items are appropriately marked and insured
  - undertaking an annual check of inventories and stocks and taking action in relation to surpluses or deficiencies
  - investigating and removing from the Council's records discrepancies as required and obtaining appropriate approval to do so where necessary

## **DISPOSAL**

- 17.6 Obsolete, non-repairable or unnecessary resources should be disposed of in accordance with the law and guidance of the Council. Assets should only be disposed of when it is in the best interest of the Council and best price must be obtained for disposals bearing in mind other factors, such as environmental issues. For items of significant value, disposal should be by competitive tender or public auction.
- 17.7 The CFO is responsible for providing guidance on disposals or part exchange of an asset and ensuring appropriate accounting entries are made.
- 17.8 Directors and Heads of Service are responsible for seeking advice from the CFO on the disposal of surplus or obsolete materials, stores or equipment where appropriate and ensuring that any income received is properly accounted for. The proposed sale of land, buildings or other significant assets must be discussed with the CFO prior to disposal.

## **18.0 TREASURY MANAGEMENT**

- 18.1 To provide assurances that money is properly managed in a way which balances risk with return the Council has adopted and adheres to the CIPFA Code of Practice on Treasury Management in the Public Services. As the cornerstones for effective treasury management, the Council has in place an approved Treasury Management Policy Statement and Treasury Management Practices. The statement outlines the policies, objectives and approach to risk management of its treasury management activities and the practices set out the manner in which the Council will seek to achieve those objectives and how it will manage those activities.

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18.2 The CFO is responsible for:

- the execution and administration of treasury management decisions and acting in accordance with the policy statement and practices and the CIPFA Standard of Professional Practice on Treasury Management
- providing Council with reports on treasury management including an Annual Strategy and Plan and a Mid-year review
- providing regular reports to the Audit & Governance committee for effective scrutiny of treasury management strategies and policies
- ensuring the Council's activities comply with the policy statement and practices

18.3 Directors and Heads of Service are responsible for;

- following any instructions on banking issued by the CFO, ensuring loans are not made to third parties and that interests are not acquired in companies, ventures or other enterprises without consultation with the CFO and approval of the council
- ensuring all trust funds are operated within relevant legislation and the specific requirement for each trust
- arranging, where funds are held on behalf of third parties, for their secure administration and the maintenance of all detailed records of transactions in consultation with the CFO

## **SECTION D – SYSTEMS AND PROCEDURES**

### **19.0 INTRODUCTION**

19.1 Sound systems and procedures are essential to an effective framework of accountability, governance and control. Various systems and procedures are used across the Council to control its assets. These should be well managed with controls to ensure that transactions are properly processed and errors minimised and detected promptly. The financial management information they contain must also be accurate.

### **20.0 SYSTEMS AND PROCEDURES**

20.1 The key controls for systems and procedures are that robust data exists to enable the Council's priorities, budgets and plans to be formulated, performance is communicated to the appropriate managers on an accurate, complete and timely basis, operating systems and procedures are secure and early warning is provided of deviations from targets, plans and budgets that require management attention.

20.2 The CFO is responsible for ensuring that the council's financial systems are sound and must agree any new financial systems or changes made to existing ones.

20.3 Directors and Heads of Service are responsible for:

- ensuring accounting records are properly maintained and held securely and that sound financial processes are in place

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- ensuring financial documentation is managed in accordance with the Council's Retention and Disposal Schedule
  - ensuring all financial transactions have an adequate audit trail from original document to the accounting records and vice versa
  - incorporating appropriate system controls so that input is genuine, complete, accurate, timely and not previously processed, all processing is carried out in an accurate and timely manner and data from the system is complete, accurate and timely
  - ensuring an appropriate segregation of duties is in place for all systems
  - ensuring systems and procedures are documented and staff are well trained in operations
  - ensuring business continuity plans are in place for appropriate service areas
  - consulting with the CFO and informing Internal Audit before changing systems or introducing new ones
  - establishing a framework of delegation identifying officers authorised to act on their behalf in respect of payments, income collection, placing orders and entering into contracts, including variations, and showing the limits of their authority
  - supplying and keeping up to date lists of authorised officers, with specimen signatures and delegated roles, to the CFO and Revenues and Payments
  - ensuring staff comply with the [ICT & Data Security Policy](#) paying particular attention to back-up procedures, copyright and data protection

## 21.0 **INCOME**

21.1 Income can be a vulnerable asset and effective income collection systems are necessary to ensure that all of the income due to the Council is identified, collected, receipted, banked and accounted for properly. Wherever possible, income should be obtained in advance of supplying goods or services to aid cash flow and avoid the time consuming and costly administration of debts.

21.2 The key controls for income are the identification of all income due, effective charging and collection policies, effective recovery action and write off procedures, appropriate retention of income documents and reconciliations of money collected to the Council's financial systems and bank account.

21.3 The CFO is responsible for approving arrangements and procedures for the collection of income and the write off of bad debts, including their appropriate accounting treatment and referring write offs over £25,000 to Policy and Resources Committee for approval, where appropriate, in line with the [Scheme of Delegation to Chief Officers](#).

21.4 Directors and Heads of Service are responsible for:

- ensuring there is an appropriate and effective set of procedures, systems and documentation in place for the collection of income
- ensuring bills are correctly calculated and served in a timely manner
- regularly reviewing fees and charges, including VAT requirements, for the supply of goods and services
- complying with the Fees and Charges policy
- ensuring discounts or exemptions are applied correctly and consistently and that any system parameters relating to fees and charges are set correctly in line with agreed levels
- ensuring any refunds and credits are applied correctly and consistently

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- ensuring an adequate separation of duties between identifying amounts due and collection and reconciliation
  - monitoring income and debt levels, establishing and initiating appropriate recovery procedures for unpaid debt and complying with the [Corporate Debt Recovery Policy](#)
  - issuing receipts or other approved documentation for income collected
  - ensuring there are appropriate arrangements in place so that any income received by post is properly identified and recorded
  - ensuring income collection documentation is managed in accordance with the Council's Retention and Disposal schedule
  - ensuring income is paid promptly into the Council's bank account in full, with details recorded on paying-in-slips where required
  - ensuring payments are immediately and correctly posted to individual accounts or funds
  - ensuring there is regular reconciliation of income collected and deposited with bank statements
  - ensuring the CFO is aware of all sums due to the Council
  - writing off debts which are deemed to be irrecoverable up to a limit of £25,000, or nominating an officer to be authorised to do so (such officers must be included on the authorised signatories list held by Revenues and Payments and Internal Audit should also be informed in advance of any proposed changes)
  - consulting with the CFO on the appropriate process for the write off of any debts over £25,000
  - accurate records of all write offs must be retained in line with the Council's Retention and Disposal schedule
  - notifying the CFO of outstanding income relating to the previous financial year as soon as possible after 31 March

## 22.0 **EXPENDITURE**

### **ORDERING AND PAYING FOR WORK, GOODS AND SERVICES**

- 22.1 Public money should be spent with demonstrable probity and in accordance with the Council's policies. All purchasing should seek to achieve and evidence value for money. These regulations should be read in conjunction with the Council's [Contracts Procedure Rules](#), [Procurement Practice Notes](#), [Purchasing system instruction manual](#) and [Invoice processing instructions](#)
- 22.2 The key controls for ordering and paying for work, goods and services are compliance with the Council's purchasing instructions and contract procedures rules, goods and services ordered, authorised and checked only by appropriate persons, management of transaction and payment documents in line with the Retention and Disposal schedule and accurate recording of expenditure, including VAT, in the accounts. Making payments to the correct person, for the correct amount and only where goods have been received to the correct price, quantity and quality standards are also key controls along with effective processes for the security and integrity of all data.
- 22.3 The CFO is responsible for ensuring that there are sound procedures in place for ordering goods and services and incurring expenditure, approving any amendments to the terms and conditions of the Council's official e-purchasing ordering template, making payments from the Council's funds following appropriate authorisation, providing advice on the most economical payment

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methods and ensuring that a budgetary control system is established which enables commitments to be taken into account in budget monitoring reports.

#### 22.4 Directors and Heads of Service are responsible for:

- ensuring all staff are aware of their responsibility to declare any links or personal interests they have with purchasers, suppliers and contractors in line with the [Officers Code of Conduct](#)
- ensuring that official orders are issued for all work, goods or services to be supplied to the Council at the time commitments are incurred (except for the approved exceptions contained on the official Exemption list). All purchase orders are to be raised through the Civica electronic purchasing system in accordance with the Council's purchasing instructions and standard terms and conditions (except for those transactions secured through housing maintenance contracts which may be processed through the housing maintenance order system or other exceptions agreed by the CFO)
- ensuring orders are only used for goods and services provided to the Council. Individuals must not use official orders to obtain goods or services for their private use, nor must personal or private use be made of Council contracts
- ensuring value for money is achieved by obtaining and recording competitive prices for goods and services of the appropriate quality in line with CFO guidance and [contract procedure rules](#)
- ensuring all procurement complies with [contract procedure rules](#) and [procurement practice notes](#)
- agreeing with the CFO the financial aspects of a contract where appropriate
- ensuring only those staff they have nominated can raise and authorise orders through the Civica purchasing system and that these names are provided to the Purchasing and Land Charges Manager, the CFO and Revenues and Payments together with any subsequent variations
- ensuring officers authorising orders are satisfied that goods and services ordered are appropriate and needed, that there is adequate budgetary provision and that contract procedure rules have been complied with
- ensuring there is an adequate separation of duties in the ordering, receiving, checking and authorisation for payment of goods and services e.g. the authoriser of an invoice is a different officer to the person who authorised the order and who checked the invoice
- ensuring that goods and services are checked on receipt to verify that they are in accordance with the order and where appropriate entered on inventories or stock records
- supplying lists of officers authorised to sign invoices, with specimen signatures, to the CFO and Revenues and Payments, together with any subsequent variations
- ensuring the treatment of invoices is compliant with the [Invoice processing instructions](#) and that VAT is treated correctly
- ensuring payment is only made where a VAT invoice has been received, checked, coded (where appropriate) and certified for payment
- ensuring payments are not made on a photocopied or faxed invoice or statement or other document other than the formal invoice, unless there is an adequately documented reason for doing so. Details of these circumstances should be reported to the Internal Audit Manager
- ensuring Payment Requisition forms are only used in appropriate circumstances, i.e. where payment by invoice is not viable, and that they are signed in accordance with authorised signatory lists
- ensuring all payment records are managed in accordance with the Retention and Disposal schedule



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- encouraging suppliers to receive payment by the most economical means. Payments made by direct debit must be supported by valid documentation and appropriately authorised
  - ensuring that loans, leasing or rental arrangements are not entered into without prior agreement from the CFO
  - notifying the CFO of outstanding expenditure relating to the previous financial year as soon as possible after 31 March
  - notifying the CFO immediately of any expenditure to be incurred where there is no budgetary provision e.g. as a result of statute/court order
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## **IMPREST ACCOUNTS**

- 22.5 Cash imprest accounts are provided to meet minor expenditure. Minor items of expenditure should not exceed the prescribed amounts and the same standard of record keeping should be maintained as for any other type of expenditure.
- 22.6 The Chief Finance Officer is responsible for providing employees with cash imprest accounts and maintaining a record of these, reimbursing when necessary, prescribing rules for their operation, including classes of expenditure which may not be processed through petty cash, determining petty cash limits and rules to ensure the safe custody and control of these advances.
- 22.7 Directors and Heads of Service are responsible for ensuring employees operating an imprest account record transactions promptly, obtain and retain vouchers to support each payment and where appropriate obtain a VAT receipt, hold the imprest securely, reconcile and balance the account at least monthly and provide the CFO with a certificate of the value of the account held at 31 March each year.
- 22.8 Also upon demand be able to produce cash and vouchers to the total value of the imprest amount, never use the float to cash personal cheques or to make personal loans, only pay reimbursements or change into the account and on ceasing to hold an imprest advance, account to the CFO for the amount advanced together with the balance to be paid back in.

## **HOUSING BENEFITS AND COUNCIL TAX SUPPORT**

- 22.9 Housing benefits and Council tax support are a significant area of expenditure for the Council and due care and diligence is required in their administration to ensure a secure and efficient service is provided, claimants are paid correctly and cases of fraud are minimised.
- 22.10 The key controls for this area are robust identification and verification procedures, compliance with current benefit legislation, trained staff and quality control checks, robust anti-fraud procedures and an effective computer system.
- 22.11 The Chief Finance Officer is responsible for reviewing systems and procedures to ensure sound and effective controls are in place and for ensuring that reconciliations are completed between relevant financial systems.
- 22.12 The Director of Housing is responsible for managing the contract with our service provider and for:
- ensuring identity details and circumstances are checked and verified prior to payment of a claim

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- ensuring all new staff are adequately trained and that regular refresher sessions are provided for existing staff, particularly on the implementation of new legislation
  - ensuring staff are alert to the possibilities of fraudulent claims
  - ensuring all payments comply with current benefit legislation and that all tapers, rules and allowances are set correctly within the computer system
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- ensuring the correct benefit amount is paid to the correct person
  - ensuring benefits are not overpaid
  - in consultation with the CFO, ensuring adequate controls are in place on payments and that benefit payments are not duplicated
  - ensuring all benefit payments are properly recorded and accounted for
  - ensuring records are robust so that the correct subsidy is claimed
  - ensuring all documentation and information is retained in line with the Council's Retention and Disposal schedule
  - ensuring access to the Benefits and Council Tax systems is restricted, properly password protected and that adequate contingency measures are in place should a system failure occur

## **PAYMENTS TO EMPLOYEES AND MEMBERS**

- 22.13 Staff costs are a large item of expenditure for most council services. It is important that payments are accurate, timely, made only when they are due for services to the Council and accord with individual's conditions of employment. All payments should be accurately and completely recorded and accounted for.
- 22.14 The key controls for payments to employees and Members are compliance with HM Revenues & Customs regulations, compliance with the Retention and Disposal scheme, use of approved properly authorised prime documents to initiate payments and frequent reconciliations of payroll expenditure against approved budgets and control accounts and payroll system data. Also submission of timesheets and claim forms where appropriate, proper authorisation procedures and adherence to starter and leaver procedures and the Council's harmonisation and single status document and contracts of employment.
- 22.15 The CFO is responsible for reviewing systems and procedures to ensure sound and effective controls are in place, completing regular reconciliations of payroll data and monitoring payroll holding accounts.
- 22.16 The Director of Housing is responsible for managing the Payroll contracts with our service providers and for:
- ensuring the secure and reliable payment of all monies due to staff and Members
  - the accurate and timely administration of all deductions including income tax, national insurance and superannuation contributors
  - the local administration of the superannuation scheme
  - ensuring that the correct amounts are paid to the correct individuals in line with contracts and conditions of employment
  - compliance with HM Revenues and Customs regulations and any other legislator/regulatory requirements
  - use of approved, properly authorised documents to initiate, amend or terminate payments

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22.17 Directors and Heads of Service are responsible for:

- ensuring appointments are made in accordance with Council regulations and the recruitment and selection policy
- notifying Human Resources of appointments, terminations or variations which may affect the pay, pension or contract of employment of an employee or former employee
- certifying travel and subsistence claims and other allowances in accordance with the rules contained in the [Harmonisation and Single Status Document](#)
- nominating officers authorised to sign claim forms and timesheets and providing specimen signatures to the CFO and Human Resources section in advance, together with any subsequent variations
- seeking advice from the CFO on the payment of self-employed consultants in advance of their appointment
- ensuring payroll documentation is managed in accordance with the Retention and Disposal schedule

## 23.0 TAXATION

23.1 The Council is responsible for ensuring its tax affairs are in order as penalties for incorrect accounting are severe. It is important that all officers are aware of their role.

23.2 The key controls on taxation are that budget managers are kept abreast of tax issues and aware of their record keeping responsibilities, all taxable transactions are identified, properly calculated and accounted for within stipulated timescales and returns are made to the appropriate authorities within stipulated timescales.

23.3 The CFO is responsible for the Council's administration of VAT, completing VAT returns for HM Revenues and Customs and ensuring the VAT manual is up to date. The Deputy Director of Housing and Inclusion is responsible, through our service providers, for completing all HM Revenues and Customs returns regarding PAYE and providing details of the Construction Industry Scheme (CIS), receiving tax credits and maintaining tax records.

23.4 Directors and Heads of Service are responsible for:

- ensuring compliance with the Council's VAT manual and any periodic VAT instructions
- ensuring the correct VAT liability is attached to all income due and that all VAT recoverable on purchases complies with HM Revenues and Customs regulations
- ensuring contractors fulfil the necessary CIS requirements
- ensuring all payments relating to persons arising from their employment by the Council are processed through the payroll system and that tax is deducted from any payments appropriately.

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## **SECTION E – EXTERNAL ARRANGEMENTS**

### **24.0 INTRODUCTION**

24.1 The Council provides a leadership role for the community and brings together the contributions of various stakeholders. It also actively seeks to promote and improve the economic, social and environmental well-being of its area. In doing so it will comply with all relevant regulatory regimes, for example subsidy control and competition law requirements.

### **25.0 PARTNERSHIPS**

25.1 Partnerships play a key role in delivering community strategies and contributing to the well-being of the area. They also provide new ways to share risks, access new resources and new and better ways of delivering services. The Council has a comprehensive [Protocol for Partnership Arrangements](#). This outlines officer and partner responsibilities and provides a checklist of all necessary requirements before entering into a partnership, during it and following its cessation.

25.2 The CFO is responsible for advising on effective controls to ensure that resources are used efficiently and effectively and the key elements of funding a project, ensuring accounting arrangements are satisfactory and promoting and maintaining the same high standards of conduct with regard to financial administration in partnerships that apply throughout the Council.

25.3 Directors and Heads of Service are responsible for:

- adhering to the [Protocol for Partnership Arrangements](#) before embarking on any partnership agreement, ensuring a risk management appraisal is undertaken and obtaining appropriate approvals
- ensuring partnerships do not impact adversely on Council services
- providing appropriate information for the statement of accounts
- maintaining all contract documentation in line with Rule 16 of the Council's [Contract Procedure Rules](#)
- ensuring partners are aware of their obligations with regards to confidentiality, conflicts of interests, communication and financial and contract responsibilities

### **26.0 EXTERNAL FUNDING**

26.1 External funding is potentially an important source of income, but funding conditions need to be carefully considered to ensure that they are compatible with Council objectives and that financial liabilities do not remain with the Council at the end of projects. Some funding is linked to tight specifications and may not be sufficiently flexible to link to the Council's overall plan.

26.2 The key controls for external funding are ensuring conditions of funding and statutory requirements are complied with, responsibilities of the accountable body are clearly understood, funds are acquired only to meet the Council's

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priorities and that any match funding requirements are given due consideration prior to entering into agreements and that future revenue budgets reflect these requirements.

26.3 The CFO is responsible for ensuring that all funding notified by external bodies is received and properly recorded in the accounts, audit requirements are met and that match funding requirements are considered.

26.4 Directors and Heads of Service are responsible for ensuring that appropriate authorisations are obtained, claims for funds are made by the due date, that projects progress in accordance with agreed timescales and that all expenditure is properly incurred and recorded. There should also be clear plans or an exit strategy in place to ensure the Council is not left burdened with unfunded liabilities.

## 27.0 **WORKING FOR THIRD PARTIES**

27.1 Legislation enables the Council to provide a range of services to other bodies. Such work may enable a unit to maintain economies of scale and existing expertise. Arrangements should be in place to ensure that any risks associated with this work is minimised and that such work is intra vires.

27.2 The key controls for working for third parties are ensuring that proposals are costed properly, formal approval processes are adhered to and that contracts are drawn up in accordance with proper practices.

27.3 The CFO is responsible for providing guidance with regard to the financial aspects of third party contracts.

27.4 Directors and Heads of Service are responsible for:

- ensuring appropriate approvals are obtained before any obligations are entered into to work for third parties
- maintaining a register of all contracts entered into and ensuring all contracts are properly documented
- ensuring appropriate insurance arrangements are made
- ensuring the Council is not put at risk from any bad debts
- ensuring contracts are not subsidised by the Council
- ensuring appropriate expertise exists to undertake the contract
- ensuring contracts do not impact adversely on the Council's services
- providing appropriate information for the statement of accounts



# Contracts Procedure Rules

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## **CONTRACTS PROCEDURE RULES**

### **Definitions**

1. In these Rules:

- (i) “authorised body” - shall mean the Council, committee, sub-committee, and any officer, with relevant authority (e.g. authority to take the decision or undertake the relevant action).
- (ii) “contractor” - shall mean any organisation or individual with whom the Council enters into a contract whether that contract is for the provision of materials, goods or work of any kind including professional services



- (iii) "quotations" - shall mean written, e-mail, or telephoned bids received from potential contractors in response to a written specification or other description of the works required
- (iv) "spending Service" - shall mean that Service of the Council which has responsibility for the budget which will pay for the contract in question or will be credited with any income emanating from the contract in question.
- (v) "Senior Officer" – shall mean the Chief Operating Officer or Corporate Director/Head of Service.
- (vi) "contract" – when the Council purchases any goods, services and/or building works that procurement is a contract irrespective of the value (Note 22).
- (vii) "framework agreement" – shall mean an agreement with a panel of suppliers which sets out the terms and conditions under which individual purchases (call-offs) can be made throughout the term of the agreement.
- (viii) "Works" – shall mean the specific construction and construction-related activities listed in Schedule 2 of the Public Contracts Regulations 2015.

## **General**

2. The Local Government Act 1972 The Local Government Act 1972 requires the council to have standing orders for how it enters into contracts. These CPRs ("Rules") are the standing orders required by the 1972 Act. They form part of the council's Constitution and are, in effect, the instructions of the council to officers and elected members for entering into contracts on behalf of the council. In acting on behalf of the council, officers must also have regard to any guidance and procedures issued to support compliance with CPRs. *(Note 1 and 2)*
3. It shall be a condition of any contract between the Council and any person (not being an officer of the Council) who is required to supervise a contract on their behalf that, in relation to such contract, he/she shall comply with the requirements of these Rules as if he/she were a Senior Officer of the Council.
4.
  - (i) Any of the following provisions of these Rules may be waived by Council, committee, sub-committee or the Chief Operating Officer where that body or person is satisfied that to do so is justified in special circumstances and that those special circumstances are identified in the relevant minute or record of decision dealing with that contract. *(Note 15)*.
  - (ii) Any exercise of the power in (i) by the Chief Operating Officer shall be reported in the relevant Members' Update.

## **Contracts £10,000 or less**

5. Where the estimated value or amount of a proposed contract will not exceed £10,000 the appropriate Senior Officer shall ensure that when the contract is entered into its value should offer good value and reflect competitiveness (in

appropriate circumstances this could involve obtaining three quotations). The provision of these Rules shall have no application in respect of such contracts

insofar as they relate to the invitation, submission, custody, acceptance or opening of tenders. (Notes 2, 11, 16, 20 and 24)

### **Contracts over £10,000 but under £50,000**

6. Where the estimated value or amount of a proposed contract will exceed £10,000 but will not exceed £50,000 the appropriate Senior Officer shall obtain not less than three written quotations and accordingly, these Rules shall have no application in relation to such contracts insofar as they relate to the invitation, submission, custody, acceptance or opening of tenders. (Notes 2, 3, 11, 16 and 24)

### **Contracts over £50,000**

7. Where the estimated value or amount of a proposed contract exceeds £50,000, and in any other case where an authorised body determine or where required by legislation tenders shall be invited in accordance with either Rule 9, 10, 11 or 12 and shall be the subject of a contract signed by both contracting parties. (Notes 2, 3, 11 & 16)

### **Public Notices**

8. (i) Where the estimated value or amount of a proposed contract lies between £50,000 and the relevant UK Threshold<sup>1</sup>(Note 1) a public notice shall appear in Contracts Finder (Note 4), and tender or pre-qualification documents shall be made available for downloading from the Council's website or from the Council's e-tendering portal (Note 4).
- (ii) Where the estimated value or amount of a proposed contract exceeds the relevant UK Threshold (Note 1) a public notice shall appear firstly on the Find a Tender Service ("FTS") portal ) and then in Contracts Finder within 24 hours after publication on FTS (Note 4).
- (iii) Public notices shall comply with the content and format requirements set out in the Public Contracts Regulations 2015 (Note 4).
- (iv) Public notices shall specify a time limit within which tenders or completed pre-qualification questionnaires are to be submitted to the Council. For contracts below the UK threshold the time limit should be not less than 14 days. For contracts above the UK threshold the minimum time limits specified in the Public Contracts Regulations 2015 shall be adhered to (Note 6).

### **Selective tendering - ad hoc list**

9. (i) This Rule shall apply where an authorised body has decided that invitations to tender for a contract are to be made to some or all of those persons or

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<sup>1</sup> As set out in Schedule 1 (Threshold Amounts) of the Procurement Act 2023

bodies who have completed a pre-qualification questionnaire in response to a public notice.

- (ii) Selective tendering is not permitted where the estimated value or amount of the proposed contract is less than £214,904 (*Note 5*).
- (iii) For Works contracts where the estimated value or amount of the proposed contract lies between £214,904 and the UK threshold (*Note 1*), invitations to tender shall be sent to:
  - (a) not less than 4 of the persons or bodies who applied for permission to tender, selected by the Senior Officer of the spending Service or (*Note 6*)
  - (b) where fewer than 4 persons or bodies have applied or are considered suitable, those persons or bodies which the Senior Officer of the spending Service considers suitable. (*Note 6*)
- (iv) Where the estimated value or amount of the proposed contract exceeds the UK threshold(*Note 1*) invitations to tender shall be sent to the number of persons or bodies set out in the Public Contracts Regulations 2015. (*Note 6 (iii)*).
- (v) The pre-qualification questionnaire evaluation process leading to selection of persons or bodies to which invitations to tender are sent shall be fair and transparent and shall comply with statutory guidance (*Note 6*).

### **Selective tendering - standing list**

- 10. (i) This Rule shall apply where an authorised body has decided that invitations to tender for contracts for certain categories of work are to be limited to those persons or bodies whose names shall be included in a list compiled and maintained for that purpose. (*Note 18*).
- (ii) The list shall: (*Note 7*)
  - (a) be compiled and maintained by the authorised body;
  - (b) contain the names of all persons or bodies who wish to be included and who are approved by the authorised body; and
  - (c) indicate in respect of a person or body whose name is so included, the categories of contract and, where applicable, the values or amounts in respect of those categories for which approval has been given; and
  - (d) invitations to tender shall be sent to all persons or bodies in the categories or values of contract for which they have been approved.
- (iii) Where the estimated value or amount of the proposed contracts utilising the standing list exceeds the UK threshold (*Note 1*), the list shall be compiled and maintained in accordance with the Public Contracts Regulations 2015 (specifically Regulation 33 “Framework Agreements”).

- (iv) A public notice inviting applications for inclusion in the standing list shall be issued in accordance with Rule 8, and the standing list shall be established in accordance with the procedures and restrictions set out in Rule 9.
- (v) Where the standing list is compiled in accordance with Rule 10 (iii) it shall have a maximum duration of 4 years; in all other cases it shall have a maximum duration of 5 years (*Note 8*).

### **Selective tendering – Constructionline**

- 11 (i) Where construction contracts are to be tendered, and the estimated total value of the contract lies between £214,904 and the UK threshold for Works Contracts (£5,372,609) (*Note 1*), and subject to Rule 11 (ii), tenderers can be selected from those pre-qualified organisations listed on Constructionline rather than advertising the tender opportunity in accordance with Rule 9 and where tenderers are so selected the requirements of Rule 9 shall be deemed to be fully satisfied.
- (ii) The authorised body shall always consider whether a construction contract of this value might be of interest to persons or bodies in other EU member states, and if it is, place a public notice on the FTS portal rather than selecting tenderers from Constructionline. If it is the considered opinion of the authorised body that the contract will only be of interest to organisations within the UK, Constructionline may be used providing a formal record is made of the rationale for this decision. (*Note 6 (v)*).

### **Open tendering**

- 12. (i) This Rule shall apply where an authorised body has decided that tenders for a contract are to be obtained by open competition. (*Note 3*)
- (ii) A public notice inviting tenders or applications for tenders shall be issued in accordance with Rule 8.

### **Submission of tenders**

- 13. (i) Where in pursuance of these Rules an invitation to tender is made, every invitation shall state that no tender will be received unless it is enclosed in a sealed envelope to be supplied by the Council, for this purpose, which shall bear the word “Tender” - followed by the subject to which it relates but no name or other mark indicating the sender (*Note 9(ii)*). Alternatively, where an invitation to tender is made using the Council’s e-tendering system, tenders must be submitted via the system and not in paper form.
- (ii) Non-electronic tenders shall be addressed to the Chief Operating Officer at 52 Derby Street, Ormskirk, Lancashire and shall be kept under lock and key in the custody of the Head of Legal and Democratic Services or such other officer of the Council as may be duly authorised by him in that behalf until the time and date specified for their opening.

- (iii) Tenders submitted via the Council's e-tendering system shall be held within a secure on-line sealed inbox and shall not have their electronic seals broken before the time and date specified in the invitation to tender on the e-tendering system.
- (iv) No tender received after the time and date specified in the invitation shall be accepted or considered under any circumstances unless the Head of Legal and Democratic Services is satisfied that there is [clear evidence of it having been posted by first class post at least the day before tenders were due to be returned, or clear evidence of it having been delivered to the Council's office at 52 Derby Street, Ormskirk by the time specified in the tender documents, or] clear evidence of the delay being caused by a problem with the e-tendering system or its supporting infrastructure which was beyond the tenderer's control (*Note 9(i) and (ii).*)

### **Opening and acceptance of tenders**

14. (i) Tenders received in sealed envelopes under either Rule 9, 10, 11 or 12 shall be opened at one time and in the presence of:
- (a) two Members of the Council. Each tender will be initialled by the Member present.
  - (b) a representative of the Legal and Democratic Services Manager together with the appropriate officer(s) of the spending Service(s).
- (ii) All tenders received in sealed envelopes shall be dated and time stamped on receipt and recorded consecutively in a register maintained for this purpose by the Head of Legal and Democratic Services.
- (iii) The electronic seals on tenders submitted via the Council's e-tendering system shall be broken by an officer in the Council's Procurement Unit or, in cases where the Council's Procurement Unit has conducted the tendering process, by a non-Procurement Unit representative of the Head of Legal and Democratic Services.
- (iv) The Officer breaking the electronic seals on tenders shall ensure that the details of each tender are recorded in the register referred to in Rule 14(ii).
- (v) A tender other than the lowest tender if payment is to be made by the Council or the highest tender if payment is to be received by the Council shall not be accepted except
- (a) as agreed by an authorised body (other than an officer), having considered a report by the appropriate Senior Officer; or
  - (b) where a Senior Officer decides that best value for the Council would be achieved by considering factors in addition to cost in the tender evaluation process and the Senior Officer in consultation with the relevant Lead Member, has established the criteria and methodology

to be used in the tender evaluation process. In such a case the criteria must include price which shall account for at least 60% of the total score. The remaining criteria shall be relevant to the tender exercise and shall be weighted appropriately but together must not exceed 40% of the total score (*Note 25*).

- (c) where, in the opinion of the Senior Officer of the spending Service, the consideration of sustainability issues, associated with the product/service being procured, means that best value would be obtained by accepting a tender other than the lowest (or highest if payment is to be received by the Council). In such circumstances, the tender which is accepted must not exceed the lowest (or highest) by more than 15% to a maximum amount of £10,000. Where a tender other than the lowest (or highest) is accepted then a written record must be kept of the rationale for the acceptance and this must be initialled by the appropriate Senior Officer. Where a Senior Officer wishes to accept a tender (for sustainability reasons) which exceeds the lowest (or highest) by more than 15% or by more than £10,000, a separate exception to Contracts Procedure Rules shall be obtained on a case by case basis. (*Note 10*).
- (vi) Where the estimated value or amount of a proposed contract exceeds the relevant UK threshold (*Note 1*), the contract must be awarded to the tenderer which has offered the Most Economically Advantageous Tender (MEAT) in order to comply with the Public Contracts Regulations 2015. MEAT does not allow price to be the sole contract award criterion. Tender evaluation criteria and the scoring methodology shall be set out clearly in the invitation to tender documents.

### **Nominated sub-contractors and suppliers**

- 15. Where a sub-contractor or supplier is to be nominated to a main contractor, the following provisions shall have effect:
  - (i) Where the estimated amount of the sub-contract or the estimated value of the goods to be supplied by the nominated supplier does not exceed £50,000 then, unless the Senior Officer of the spending Service is of the opinion in respect of any particular nomination that it is not reasonably practicable to obtain written competitive quotations, such quotations shall be invited.
  - (ii) Where the estimated amount of the sub-contract or the estimated value of the goods to be supplied by the nominated supplier exceeds £ 50,000 then, unless the authorised body determine in respect of any particular nomination that it is not reasonably practicable to obtain competitive tenders, such tenders shall be invited in accordance with either Rules 9, 10, 11 or 12 as the case may be.
  - (iii) The provisions of Rules 13 and 14 shall apply to tenders received under this Rule.

- (iv) Some standard forms of contract are prescriptive about how suppliers and/or sub-contractors must be nominated. Where such a standard form of contract is being used and where the requirements of that standard form as regards nomination are incompatible with this Rule then the requirements of the standard form shall take precedence.

### **Contract conditions**

16. (i) Every contract which exceeds £10,000 in value or amount shall: (*Note 2*)
- (a) be in writing and signed by an officer of the Council duly authorised in that behalf EXCEPT THAT where the Contract exceeds £50,000 it shall be made in writing and must either be signed by at least two officers of the Council or made under the common seal of the Council attested by at least one officer.
  - (b) specify the goods or services to be supplied or the work to be executed; the price to be paid together with the statement as to the amount of any discount(s) or other deduction(s); the period(s) within which the contract is to be performed and such other conditions and terms as may be agreed between the parties, and
  - (c) in appropriate cases, to be determined by the Senior Officer of the spending Service, where a contract exceeds £50,000 in amount or value, provide for the payment of liquidated damages by the contractor where he fails to complete the contract within the time specified in the contract or any amendment thereto made in accordance with the terms of the contract. (*Note 12*)
- (ii) The Senior Officer of the spending Service may also require a contractor to give sufficient security for the due performance of any contract. (*Note 13*)
- (iii) When specifying the standard of goods/services/works to be provided under a contract the following shall be observed (*Note 14*).
- (a) where a mandatory technical standard is required under UK Law and where that requirement is compatible with EU obligations then that standard shall be specified
  - (b) where there is no mandatory technical standard the following should be used in order of preference:-
    - British standards implementing European standards,
    - European technical approvals (e.g. for new construction materials),
    - Common technical specifications,
    - International standards, or
    - Other technical reference systems established by the European standardisation bodies.
  - (c) where neither (a) or (b) apply then the following can be used but must be accompanied by the words "or equivalent":-
    - British standards,
    - British technical approvals (e.g. Agreement certificates), or



- British technical specifications relating to the design, calculation and execution of the work or works and the use of the products.
- (iv) The Senior Officer shall be aware of the Bribery Act 2010 which introduces general offences of offering or receiving bribes, a specific offence of bribing a foreign public official, and the corporate offence of failing to prevent bribery; and the Council's Anti-Fraud and Corruption Strategy (*Note 23*).

The following clause shall be inserted in every written Council contract:

"The Council may terminate this contract and recover all its loss if the Contractor, its employees or anyone acting on the Contractor's behalf do any of the following things:

- (a) offer, give or agree to give to anyone any inducement or reward in relation to the improper performance of any function or activity in respect of this or any other Council contract (even if the Contractor does not know what has been done), or
  - (b) commit an offence under the Bribery Act 2010 or Section 117(2) of the Local Government Act 1972, or
  - (c) commit any fraud in connection with this or any other Council contract whether alone or in conjunction with Council members, contractors or employees. Any clause limiting the Contractor's liability shall not apply to this clause".
- (v) All contracts shall include a prompt payment clause as required by Regulation 113 of the Public Contracts Regulations 2015 (*Note 29*).
- (vi) All contracts whose value or amount exceeds the relevant UK threshold (*Note 1*) shall include a contract termination clause as required by Regulation 73 of the Public Contracts Regulations 2015 (*Note 29*).
- (vii) In all appropriate circumstances the Senior Officer of the spending Service shall ensure that a contractor has appropriate insurances at levels relevant to the contract in question. In this respect regard should be paid to the guidance issued by the Head of Finance, Procurement and Commercial Services. (*Note 17*)

### **Bulk Buying Etc.**

- 17 (i) Where the Council wishes to procure via an existing contract or framework agreement which has been entered into by another public body or by a bulk buying consortium and that contract or framework agreement facilitates participation by public bodies (which include the Council) then the requirement of Contract Procedure Rules Nos. 5 to 14 inclusive shall have no application providing the following requirements are all satisfied (*Note 19*).
- (a) the contract or framework agreement has been the subject of a tender exercise which has involved the placing of a Contract Notice

in the Official Journal of the European Union which required organisations to notify their interests in tendering for the contract or framework agreement.

- (b) the terms of that existing contract or framework agreement allow the Council to make a procurement(s) via that contract or framework agreement.
- (c) the procurement(s) are made in strict accordance with the terms of that existing contract or framework agreement.
- (d) the award of the contract is reported in accordance with Rule 21.

Where a procurement(s) is to be made in accordance with the foregoing the Service Officer of the spending Service shall compile, sign and retain a file note which shall detail the nature of the procurement(s) to be made including values, the title of the existing contract or framework agreement which will facilitate the procurement(s), the name of the organisation which established that existing contract or framework agreement and that the requirements of this Contracts Procedure Rule have been complied with. A copy of the existing contract or framework agreement shall also be retained with the file note.

A copy of that file note (only) shall be provided to the Council's Internal Audit Section for their retention.

- (ii) The requirements set out at Rule 17(i) shall also apply where the Council wishes to procure as part of a consortium and another consortium member will act as lead for the procurement process.

### **Contract Modifications**

- 18 Contracts and framework agreements whose value or amount exceeds the UK threshold (*Note 1*) may only be increased in value or amount within the limits and for the reasons set out in Regulation 72 of the Public Contracts Regulations 2015. (*Note 26*).

### **Division of Contracts into Lots**

- 19 Where the estimated value or amount of a proposed contract exceeds the relevant UK threshold (*Note 1*) the authorised body shall always give consideration to dividing the contract into smaller lots. Where it is determined that such subdivision would be impractical or disadvantageous, the authorised body shall give its main reasons for its decision in the tender documents or in the report referred to in Rule 21 (vi) (*Note 28*).

### **Retention and Recording of Contracts**

- 20 (i) In respect of all contracts which exceed £50,000 in value

- (a) The signed contract documents shall be provided to Legal Services so they can be retained in the Council's central contract document filing system (*Note 21*).
  - (b) Summary details of the contract shall be provided to the Purchasing Manager for inclusion in the Council's Contract Register (*Note 21*).
- (ii) Where the value of a contract exceeds £10,000 but does not exceed £50,000 it is the responsibility of the spending Service to retain a copy of the signed contract documents. Those documents shall be retained in accordance with the Council's Retention and Disposal Policy.

### **Reporting of Contract Awards**

21. (i) In respect of all contracts and framework agreements whose value or amount exceeds the UK threshold (*Note 1*), a contract award notice shall be sent firstly to Find a Tender Service portal (FTS) no later than 30 days after the award of the contract or framework agreement, then to Contracts Finder no later than 90 days after the award of the contract or framework agreement (*Note 27*).
- (ii) A contract award notice shall be sent to Contracts Finder for contracts awarded using a framework agreement where the value or amount of the contract exceeds the UK threshold (*Note 1*) within 90 days of the award of the contract (*Note 27*).
- (iii) In respect of all contracts and frameworks agreements (including contracts awarded using a framework agreement) whose value or amount lies between £50,000 and the UK threshold, a contract award notice shall be sent to Contracts Finder within 90 days of award of the contract or framework agreement (*Note 27*).
- (iv) A notice of modification shall be sent to FTS portal when an existing contract or framework agreement whose value exceeds the UK threshold (*Note 1*) is modified in accordance with Rule 18, but only in the circumstances set out in Regulation 72 of the Public Contracts Regulations 2015 (*Note 27*).
- (v) Contract award and modification notices shall comply with the content and format requirements set out in the Public Contracts Regulations 2015 (*Note 27*).
- (vi) Within 30 days of awarding a contract or framework agreement that has been established using an EU procurement procedure set out in Part 2 of the Public Contracts Regulations 2015, a formal report shall be compiled in accordance with Regulation 84 of the Public Contracts Regulations 2015 (*Note 27*). The report shall be retained by the authorised body for the duration of the contract or framework agreement.

## Subsidy Control

22. Where it is proposed to provide financial support to a contractor, or where a contractor's proposal entails financial support or a benefit from the council or another public body necessary to ensure the continuance of contracting activity, this could amount to a subsidy under the Subsidy Control Act 2022. Assistance which could be considered a subsidy may be through payments to the contractor, subsidised payments, and the provision of free or low cost equipment, free or low cost support or low cost loans.
23. If there is an element of subsidy to the procurement or contract, a determination of the type and amount of subsidy must be carried out. The Subsidy Control Act 2022 allows for some assistance where it is deemed to be Minimal Financial Assistance (MFA) or for Services of Public Economic Interest (SPEI).
24. MFA has a financial threshold so no recipient can receive more than the specified amount over the applicable period set out in the Subsidy Control Act 2022.
25. SPEI are essential services provided to the public. To designate a service as an SPEI, the council must be satisfied that:
  - the service is provided for the benefit of the public; and
  - the service would not be provided, or would not be provided on the terms required,
  - by an enterprise under normal market conditions
26. Where there is an element of subsidy to the proposed procurement, the advice of Legal Services must be sought prior to advertising the opportunity or concluding the contract.

**NOTES – (All these “Notes” are prefixed “N” to make them easily distinguishable from the Contract Procedure Rule numbers).**

N1. .

The Public Procurement (Agreement on Government Procurement) (Thresholds) (Amendment) Regulations 2023 implements the changes required to update the UKs public procurement reviewable financial thresholds which govern the procedures for the award of public contracts for good, works and services.

- (i) Works Contracts (broadly building and civil engineering work) threshold from January 2024 £5,372,609 (this threshold value will be reviewed 1<sup>st</sup> January 2025).
- (ii) Supplies & Services Contracts (except subsidized services contracts) threshold from January 2024 £214,904 (this threshold value will be reviewed 1<sup>st</sup> January 2025).
- (iii) Light Touch Regime for Services threshold from January 2024 £663,540 (this threshold value will be reviewed 1<sup>st</sup> January 2025).

These thresholds are the total value of the contract over its full duration, including any extension periods and options set out in the procurement documents, and excluding VAT other taxes or duties. Procurement legislation is very strict requiring that no one must do anything, the purpose of which is to avoid having to tender a contract in compliance with procurement requirements.

If a threshold value is going to be exceeded then contact either the Legal and Executive Services Manager (Extn. 5025) or the Procurement Executive (Extn. 5022) for further advice.

Even where the threshold values given above are not exceeded (or where the service being tendered falls under Schedule 3 of the Public Contracts Regulations 2015) there may still be a need to advertise the tender opportunity throughout Europe. For advice on this matter Officers are referred to Procurement Practice Note No.3 which is available on the Council's Intranet in the “Document” Section under “Miscellaneous documents” see those documents listed under the sub-heading “Procurement”.

The Public Contracts Regulations 2015 identify a number of goods, services or activities which are either completely exempt from the rules set out in the Regulations, or which are subject to a more relaxed “light touch” procurement regime. These are listed in a Procurement Practice Note on the Council's intranet. Contracts involving the following supplies and services are subject to a ‘light touch’ regime if the value of the contract is above the UK Threshold;

- Health, social and related services (unless included in the Health Care Services (Provider Selection Regime) Regulations 2023)
- Administrative social, educational, healthcare and cultural services
- Compulsory social security services
- Benefit services

- Other community, social and personal services including services furnished by trade unions, political organisations, youth associations and other 9 membership organization services
- Legal services
- Other administrative services and government services
- Provision of services to the community
- Prison related services, public security and rescue services
- Investigation and security services
- International services
- Postal services
- Miscellaneous services listed in schedule 3 of the Public Contracts Regulations 2015

N2. The Local Government Act 1988 Section 17 (5) lists matters which it deems “non-commercial” and which no local authority should make reference to in any contract documents and which no local authority should take any account of when deciding whether or not to accept a tender. These non-commercial matters

apply to all local authority contracts and the list is reproduced in a Procurement Practice Note for ease of reference. However, Statutory Instrument 2001 No. 909 gives local authorities some latitude in being able to address workforce related issues where this is necessary to achieve best value or to comply with TUPE. Circular 03/2003 contains advice in respect of work force matters and contracts. Officers who wish/need to address such workforce related issues in contract documents/tenderer selection/contract award, should contact either the Legal and Executive Services Manager (Extn. 5025) or the Procurement Executive (Extn. 5022) for advice.

- N3. (i) There are three main ways in which tender prices can be obtained: (This Note 3 also has some application to written quotations as required by Rule 6, see below).
- (a) selective tendering (covered by Rules 9, 10 and 11)
  - (b) open competition (covered by Rule 12)
  - (c) negotiation.

Use of negotiation in cases where the estimated value or amount of a proposed contract falls within the threshold prescribed in Rules 6 and 7 would require formal steps to be taken under Rule 4. Generally, negotiation is acceptable where it is based on some preliminary form of price competition such as in two stage tendering, or continuation contracts where the earlier contract, for broadly similar work, was won in competition within a year or two of the later contracts. There are only very restricted cases where negotiations can be used. Prior to use of this procedure contact either the Legal and Executive Services Manager Extn. 5025 or the Procurement Executive Extn. 5022.

- (ii) The Public Contracts Regulations 2015 stipulate that an open competition process must be carried out where the estimated value or amount of a proposed contract lies between £50,000 and £214,904. However, above £214,904 it is advisable to use open competition only in exceptional circumstances and it is recommended that either the Legal and Executive Services Manager (Extn. 5025) or the Procurement Executive (Extn. 5022) should be contacted for advice.

- N4. TContracts Finder is a UK government website which facilitates the online publication of tendering opportunities and contract award information for UK contracts which are below the UK threshold.. The content and format requirements differ between FTS and Contracts Finder, and are strictly defined in the Public Contracts Regulations 2015. Publication of notices is arranged by the Purchasing Manager (Ext. 5426) or the Procurement Executive (Extn. 5022). The Council's e-tendering system is designed to publish notices on Contracts Finder and on FTS. Notices may be published on Contracts Finder via the e-tendering system by any person

authorised and trained to use the system, but FTS notices should always be published by the Central Purchasing Unit.

- N5. Regulation 111 of the Public Contracts Regulations 2015 prohibits the use of a pre-qualification stage in any procurement below £214,904 in value. This measure is intended to remove barriers which make it difficult for smaller firms to access public sector contracts. Moreover, for higher-value procurements in which a pre-qualification stage is permitted, use of a Standard Selection Questionnaire (SQ) (or PAS 91 for Works contracts) is mandated. For advice in respect of this matter contact the Procurement Executive (Extn. 5022).
- N6. (i) In considering whether or not to depart from the periods indicated in Rule 8(iv), it is considered that 14 days shall be regarded as the minimum period for contracts below the UK tendering thresholds. The principle to be followed is that a reasonable and sufficient period shall be allowed. Such reasonable and sufficient timescales can only be identified by officers who are familiar with the market in question and on a case by case basis
- (ii) Where the threshold values given in Note 1 are exceeded the procurement legislation sets out the periods which must be allowed for organisations to apply for inclusion on the tender list and the tender periods and specifies that tender exercises need to be advertised on the FTS portal. Procurement tendering timescales are summarised in a Procurement Practice Note on the Council's intranet.
- (iii) Rule 9 (iii) requires that a minimum of 4 tenders be sought. The Public Contracts Regulations 2015 stipulate minimum numbers of tenderers in specified circumstances (e.g. Regulations 28-31).
- (iv) Even where the respective UK threshold value (see N1) is not exceeded general procurement law requires that where a tendering opportunity may be of interest to an organisation in another Member State of the EU, that tendering opportunity must be advertised throughout the EU. In such a case an appropriate publication/portal must be identified and an appropriate advert/notice.
- (v) Wherever Constructionline is used under Rule 11 for contracts between £214,904 and the UK threshold for Works Contracts (£5,372,609) advice should be sought from either the Legal and Executive Services Manager (Extn. 5025) or the Procurement Executive (Extn. 5022) regarding the potential for interest from other EU Member States.
- (vi) Use of a Standard Selection Questionnaire(or PAS 91 for Works contracts) is mandatory, and the process for evaluating questionnaire



responses is subject to statutory guidance. Advice on this matter should be sought from the Procurement Executive (Extn. 5022).

- N7. In Rule 10 the list will detail the principles and procedure under which organisations contained on the list will be chosen for inclusion for individual tender lists.
- N8. Generally, lists of contractors maintained under Rule 10 shall be kept under continuous review with provision for both deletions and additions when the list is re-tendered. It is important that standing lists shall not become rigid and self-perpetuating and that the entry of new and rising firms be encouraged. In reviewing standing lists those firms who have shown interest in local authority contracts and whose performance has been satisfactory shall, subject to checks on their current viability, be retained. Those who have failed to show an interest or whose performance has been inadequate or whose financial position has become unsatisfactory shall be dropped. Note that although firms may be removed from the list at any time, new ones can only be added when the list is re-tendered.
- N9. (i) In cases of late receipt of a tender then where that tender has arrived via the postal system only official postmarks shall be accepted as evidence of the day of the posting of a tender. Where such postmarks are illegible the tender shall be rejected. The envelopes of admitted late tenders shall be endorsed by the officer responsible and the envelope retained. Late tenders which are not admitted shall be returned to the sender as soon as possible.
- (ii) Where tenders are delivered to the Council's offices at 52 Derby Street, Ormskirk, Lancashire by hand then the person handing the tender in shall be given a receipt indicating the date and time at which the tender was delivered and showing clearly the title of the contract in respect of which the tender is made.
- N10. That the Senior Officer shall in considering the sustainability issues associated with any products/services have regard to the Council's "Environmental Purchasing Guide for Staff". Where that document fails to resolve matters, consideration shall be given to the advice of the Environmental Strategy Officer.
- N11. Where the Council is acting as an agent for another body (e.g. highway work for Lancashire County Council or Department of Transport, sewerage work for the Water Company, etc.) then that body may have special requirements which must be taken into account (e.g. that a particular tendering method has to be used for contracts over a certain size).
- N12. In Rule 16(i)(c) provision is made for the Council to require, in appropriate cases, the payment of liquidated damages for failure to complete a contract, exceeding £50,000 in value, within the stipulated (or extended) time. The following points shall be borne in mind in connection with this Rule.
- (i) Where liquidated damages are provided for in a contract, the amount included for them shall be a genuine pre-estimate of the loss to the

Council/client body which delayed completion is likely to cause. Amounts which are likely to be construed as a penalty shall not be inserted.

- (ii) When considering whether it is necessary to provide for liquidated damages in a contract, the Senior Officer of the spending Service shall satisfy himself/herself that such damages are applicable to the type of work/supplies/services and the form of contract and that they are enforceable and administratively economic to recover, (e.g. in the case of standing-offer type contracts [term contracts] where there may be difficulties in genuinely pre-estimating the loss to the client they may not be appropriate). Where the Council is acting as agent for any other organisation then liquidated damages should be administered in accordance with their requirements.

N13. Rule 16(ii) provides that the Council may take security for the due performance of a contract. The most common form of security is the performance bond, the cost of which is inevitably met by the Council via the tender. Where proper selective tendering procedures are used, including the investigation of the financial standing of firms, the need for bonds may be reduced. Each contract will, therefore, be considered on its merits and the need for a bond will be dispensed with wherever this seems reasonable. The question of bonding is at the discretion of the relevant Senior Officer and is to be exercised in the light of all relevant circumstances. Guidance on the use of performance bonds has been issued by the local authority associations.

N14. Rule 16 (iii) requires that certain “standards” are specified in contracts; this is to comply with the general requirements of E.U. Procurement legislation (as set out in the Public Contracts Regulations 2015). If there are no mandatory technical standards compatible with E.U. obligations then it is best to use a British Standard which implements a European standard and these can be recognised as they are prefixed by the letters “BS EN”. As this is a rather technical point of procurement law, should an Officer have any queries these should be raised with the Legal and Executive Services Manager (Extn 5025) or the Procurement Executive (Extn. 5022).

N15. (i) Rule 4 relates to the waiver of Contract Procedure Rules under special circumstances. Any waiver of the Contract Procedure Rules should be approved in advance of any action undertaken in all instances. Such special circumstances would include;

- only one company makes the product which the Council wishes to purchase and no other product is a reasonable substitute. Where the supplies, works or services are of a unique or specialised nature or are identical or similar to or compatible with an existing provision so as to render only one or two sources of supply appropriate, including:
  - An upgrade; or
  - Where the contract concerns, wholly or mainly, repairs to or the supply of parts for existing proprietary machinery, plant or equipment and the repairs to or the supply of parts cannot be carried out practicably by alternative suppliers.

- a recent tender exercise has shown that one supplier/contractor provides significantly better value for money than anyone else for the product/work in question
- urgency, resulting from circumstances beyond the Council's control, means that there is insufficient time to obtain tenders in accordance with the procedures set out in Contracts Procedure Rules.

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- (ii) Furthermore where an Officer intends to ask Council, a Committee or Sub-Committee to provide a waiver of Contracts Procedure Rule (s) then he/she must ensure that the body in question have the necessary authority.
- (iii) When the Chief Operating Officer grants an exception to Contracts Procedure Rules in accordance with Rule 4, that exception shall be recorded as a “record of decision taken under delegated authority” which is available from the Member Services Section. That record of decision shall then be included in the next relevant Members Update.
- N16. (i) These Rules consider contracts in three cost bands (up to £10,000; £10,000 to £50,000; over £50,000). These are not annual values, they are the value of the contract for its whole duration including any optional extension periods and options to acquire additional goods, services or building works.
- (ii) No attempt must be made to split a single contract into several lower value contracts to avoid the application of any aspect of these Rules.
- (iii) Care must be taken where a low value contract is expanded to include additional work because if that additional work moves the contract value into another cost band a waiver of these Rules may be necessary if the requirements of these Rules are not to be breached. Advice on this matter can be obtained from the Legal and Executive Services Manager (Ext. 5025) or the Procurement Executive (Ext 5022).
- N17. Rule 16 (vii) requires contractors to have appropriate insurances. Advice on this topic is contained in a document entitled “Insurance Procedure: Checking Contractors/Consultants Insurances” which is available from the Insurance Section.
- N18. Rule 10 relates to “standing lists”. The Public Contract Regulations 2015 which is the main domestic legislation to give effect to EU procurement legislation, provide for a category of contracts called “framework agreements”. In specific circumstances, certain framework agreements, can be deemed to operate as standing lists. (True standing lists would generally only apply to tender exercises where the values are below the threshold values given in Note I). For advice in respect of this matter contact either the Legal and Executive Services Manager (Extn. 5025) or the Procurement Executive (Extn. 5022).
- N19. In respect of Rule 17 the following advice is offered:-
- (i) where an officer wishes to make a procurement under the terms of an existing contract or framework agreement but where the requirements of Rule 17 are not satisfied it may still be possible to go ahead providing that existing contract was tendered and awarded in a fair, open and transparent manner and in full accordance with all legislation which applies to the Council. In such a case a specific exception to Contracts Procedure Rules must be obtained in accordance with Rule 4.
- (ii) Some “Services” fall under Schedule 3 of the Public Contracts Regulations 2015 which means that a Contract Notice, as described in Rule 17 (i),

would not be required by procurement legislation, therefore, the requirements of Rule 17(i) would not be satisfied. In such cases a specific exception to Contracts Procedure Rules must be obtained in accordance with Rule 4.

- (iii) As compliance with Rule 17 is a technical matter Officers are encouraged to contact either the Procurement Executive (Extn 5022) or the Legal and Executive Services Manager (Extn 5025) whenever they are considering using Rule 17.

N20. Rule 5 requires that where contracts are under £10,000 the relevant Senior Officer shall ensure that the accepted price offers good value for money and reflects competitiveness. The Rule goes on to say that in appropriate circumstances this could include obtaining three quotations. In such circumstances it would be acceptable to obtain quotations via e-mail. This requirement to offer good value and reflect competitiveness could also be satisfied where quotations/tenders have been obtained in the last 12 months for similar work when it would then be in order to award a new contract to the tenderer who was successful in the previous tender exercise providing the new work is the same or similar to the work contained in the previous accepted tender and the new work can be priced by reference to the rates in the previous accepted tender. Where it is proposed to award a contract below £10,000 in value and where value for money and competitiveness will be demonstrated (as required by Rule 5) other than by obtaining three quotes or by reference to a previous quotation/tender exercise (as detailed in this N20) then the advice of the Audit Manager (Extn 2603), the Legal and Executive Services Manager (Extn 5025), or the Procurement Executive (Ext.5022) should be sought. In all cases reasonable evidence must be retained (as an audit trail) to demonstrate that the requirements of Rule 5 have been complied with.

N21. Rule 20 requires that in respect of contracts over £50,000 in value:-

- (i) The signed copy of the contract documents shall be provided to Legal Services for filing. The Officer to be contacted in this respect is the Head of Legal and Democratic Services. Furthermore the contract documents to be provided to Legal Services are the original signed contract documents. The spending Service shall retain appropriate copy(ies) of the signed contract documents to facilitate the proper client management of the contract.
- (ii) Summary details are to be provided to the Purchasing Manager (Extn. 5426) for inclusion in the Council's Contracts Register. Those summary details in respect of each contract shall comprise; the identity of the spending division, the name of the contractor/supplier/consultant, the title of the contract, the total value of the contract over its life excluding any potential extension(s) to the contract period, the start date of the contract, the end date of the contract and any other details which would allow a better understanding of the contract.
- (iii) Should a contract be extended then the Purchasing Manager (Extn. 5426) shall be advised accordingly and shall be provided with appropriate revised summary details in respect of the extended contract.

- N22. Rule 1 contains a definition of the term “contract”. In respect of that definition the following advice is offered. Many small value purchases are made through Council-wide bulk contracts which have been put in place centrally. Such contracts have already been entered into in full accordance with Contracts Procedure Rules and require no further quotation or tender exercise. It is the responsibility of the spending Service to ensure that the Council-wide bulk contract being used allows the purchase of the goods/services/building works being purchased. Queries regarding this matter should be directed to the Purchasing Manager (Extn. 5426) or the Procurement Executive (Extn. 5022).
- N23. Senior Officers may choose to supplement the requirements set out at Rule 16 (iv) by specifying particular requirements, e.g. adherence to the Council’s Anti-Fraud and Corruption Policy (as amended from time to time), having regard to risks arising from any particular area of contractual activity. If so they are invited to discuss this with the Legal and Executive Services Manager (Extn. 5025) or the Procurement Executive (Extn. 5022).
- N24. Where quotations are to be sought, care must be taken not to always obtain quotations from the same organisations thereby discouraging the development of price rings. It is important that the entry of new and rising organisations be encouraged. Therefore where appropriate, when seeking quotations include within the organisations who are invited to quote, an organisation which is “new” to the Council (i.e. an organisation who the Council do not regularly do business with and/or invite to submit quotations). However, the relevant Senior Officer must be happy with the financial stability and technical ability of any organisation before a contract is awarded to that organisation.
- N25. Where a tender evaluation methodology is to include criteria other than price (Rule 14(iii)(b) and Rule 14(iv)) care must be taken to ensure that the evaluation methodology is relevant, objective and transparent. The production of a robust tender evaluation methodology is a rather technical matter and advice must be sought from either the Procurement Executive (Ext. 5022) or the Purchasing Manager (Ext. 5426).
- N26. There will be circumstances where it is clearly more convenient or economic to add a new requirement to a suitable existing contract than to pursue a quotation or tendering process. However, the Public Contracts Regulations 2015 place strict limits on the nature and extent of such additions where the original value of the existing contract or the additional requirement exceeds the UK threshold. These limits are summarised in a Procurement Practice Note which can be viewed on the Council’s intranet. The advice of the Procurement Executive (Extn. 5022) should always be sought when considering such changes to existing contracts.
- N27. The reporting requirements relating to contract awards set out in the Public Contracts Regulations 2015 are relatively complex. Publication of contract award notices in Contracts Finder and the OJEU is arranged by the Purchasing Manager (Extn. 5426) or the Procurement Executive (Extn. 5022). A detailed digest of the various requirements are contained in a Procurement Practice Note which can be viewed on the Council’s intranet.

N28. Regulation 46 of the Public Contracts Regulations 2015 promotes the division of contracts which exceed the Threshold Amount into smaller lots, with the objective of encouraging wider participation from SMEs in bidding for public sector opportunities. As well as requiring that the reasons for not dividing a contract into lots are documented and transparent, Regulation 46 also requires that tender documents are explicit about how many lots may be awarded to any one supplier and how this will be decided. Detailed guidance on lotting can be found in a Procurement Practice Note on the Council's intranet, and advice may be sought from the Procurement Executive (Extn. 5022).

N29. Model contract clauses which meet the requirements of Regulations 73 and 113 of the Public Contracts Regulations 2015 are set out in a Procurement Practice Note which is available on the Council's intranet.





## **Part 3.9 Officer Employment Procedure Rules**

### **1. Recruitment and appointment**

#### **(a) Declarations**

- i) The Council will draw up a statement requiring any candidate for appointment as an officer to state in writing whether they are the parent, grandparent, partner, child, stepchild, adopted child, grandchild, brother, sister, uncle, aunt, nephew or niece of an existing councillor or officer of the Council; or of the partner of such persons.
- ii) No candidate so related to a councillor or an officer will be appointed without the authority of the relevant chief officer or an officer nominated by him/her.

#### **(b) Seeking support for appointment.**

- i) The Council will disqualify any applicant who directly or indirectly seeks the support of any councillor for any appointment with the Council. The content of this paragraph will be included in any recruitment information.
- ii) No councillor will seek support for any person for any appointment with the Council. This shall not preclude a councillor from giving a written testimonial of a candidate's ability, experience, or character for submission to the Council with an application for appointment.

### **2. Recruitment of Head of Paid Service, Chief Officers and Deputy Chief Officers**

Where the Council proposes to appoint a chief officer or deputy chief officer and it is not proposed that the appointment be made exclusively from among their existing officers, the Council will:

#### **(a) draw up a statement specifying:**

- i) the duties of the officer concerned; and
- ii) any qualifications or qualities to be sought in the person to be appointed;

#### **(b) make arrangements for the post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it; and**

#### **(c) make arrangements for a copy of the statement mentioned in paragraph (1) to be sent to any person on request.**

3. **Appointment of Head of Paid Service**

The Council must approve the appointment of the Head of Paid Service before an offer of appointment is made following the recommendation of such an appointment by the Chief Officers Committee.

4. **Appointment of Chief Officers and Deputy Chief Officers**

(a) The Chief Officers Committee will appoint chief officers and deputy chief officers.

5. **Other appointments**

(a) **Officers below deputy chief officer.** Appointment of officers below deputy chief officer (other than assistants to political groups) is the responsibility of the Head of Paid Service or his/her nominee, and may not be made by councillors.

6. **Disciplinary Action - Head of Paid Service, Monitoring Officer and Chief Finance Officer**

The Council must approve the dismissal of the Head of the Paid Service, Monitoring Officer and Chief Finance Officer before notice of dismissal is given to him/her, following the recommendation of such dismissal by the Disciplinary and Investigation Committee and consideration by Council of:-

- (i) any advice, views or recommendations from the Independent Panel
- (ii) the conclusions of any investigation into the proposed dismissal;
- and
- (iii) any representations from the relevant officer.

7. **Disciplinary action - Dismissal of Chief Officers and Deputy Chief Officers other than Head of Paid Service, Monitoring Officer or Chief Finance Officer**

(a) The Disciplinary and Investigation Committee will be responsible for the dismissal of Chief Officers and Deputy Chief Officers.

8. **Disciplinary action - Further Provisions**

**Suspension.** The Head of Paid Service, Monitoring Officer and Chief Finance Officer may be suspended whilst an investigation takes place into alleged misconduct. That suspension will be on full pay and last no longer than two months. The Disciplinary and Investigation Committee shall have the delegated power to suspend the Head of Paid Service, Monitoring Officer or Chief Finance Officer.

In a matter of urgency:

- a) the Head of Paid Service shall have the power to suspend;
  - i. the Monitoring Officer; or
  - ii. Chief Finance Officer.
  
- b) the Monitoring Officer, in consultation with the Chief Finance Officer, shall have the power to suspend the Head of Paid Service.

Any urgent suspension decision must be taken in consultation with the Chairperson of the Disciplinary and Investigation Committee and must be reviewed by the Committee as soon as possible and at the latest within 10 working days.

## 9. **Other Dismissals and Disciplinary Action**

- (a) Officers below Deputy Chief Officers:- the dismissal of and taking disciplinary action against officers below deputy chief officer (other than assistants to political groups) must be discharged on behalf of the Council by the head of the paid service or his/her nominee.
  
- (b) Councillors will not be involved in the dismissal of any officer below Deputy Chief Officer except where such involvement is necessary for any investigation or inquiry into alleged misconduct, though the Council's disciplinary, capability and related procedures, as adopted from time to time may allow a right of appeal to members.

## 10. **Definitions**

For the purpose of these Rules

- (a) Chief Officer is either a statutory or non-statutory chief officer as defined in Section 2(6) and (7) of the Local Government and Housing Act 1989 and a Deputy Chief Officer is as defined in Section 2(8) of that Act, in practice at West Lancashire Borough Council this means the posts of Chief Operating Officer and Corporate Directors, and in limited circumstances the Head of Legal and Democratic Services and Head of Finance, Procurement and Commercial Services.
  
- (b) the Proper Officer is the Chief Operating Officer or where disciplinary action is being taken against him/her a Corporate Director.



## Part 4.2 Protocol on Member/Officer Relations

### 1. Introduction

- 1.1 The purpose of this protocol is to guide members and officers of the Council in their relations with one another. Given the variety and complexity of such relations, this protocol does not seek to be either prescriptive or comprehensive. It seeks simply to offer guidance on some of the issues which most commonly arise. It is hoped however that the approach which it adopts to these issues will serve as a guide to dealing with other issues.
- 1.2 This protocol is to a large extent no more than a written down statement of current practice and convenience. In some respects however, it seeks to promote greater clarity and certainty. This protocol also seeks to reflect the principles underlying the respective Codes of Conduct which apply to members and officers. The shared object of these codes is to enhance and maintain the integrity (real and perceived) of local government and they therefore demand very high standards of personal conduct.
- 1.3 Both councillors and officers are servants of the public and they are indispensable to one another. But their responsibilities are distinct. Councillors are responsible to the electorate and serve only so long as their term of office lasts. Officers are responsible to the Council. Their job is to give advice to councillors and the Council, and to carry out the Council's work under the Direction and control of the Council, their committees or sub-committees.
- 1.4 Mutual respect between councillors and officers is essential to good local government. Close personal familiarity between individual councillors and officers can damage this relationship and prove embarrassing to other councillors and officers. In line with the reference to "mutual respect", it is important that any dealings between members and officers should observe reasonable standards of courtesy and that neither party should seek to take unfair advantage of their position.
- 1.5 It is particularly important to recognise that officers giving advice to a formal committee or Council meeting are constrained in their ability to respond to any behaviour amounting to a personal attack or unnecessarily persistent questioning on the part of a member. It is unacceptable for a member to pursue a course of conduct which places an officer in this position. It is important to remember that officers are under a clear duty to give appropriate advice to members, even where they suspect it might be unpalatable. Officers should not be placed in a position where they are tempted to suppress their professional advice for fear of a member's response. Accordingly, if any member is unhappy with the advice received from an officer they should not persist in raising the matter at the meeting but should register their concern and intention to raise the issue with the appropriate Corporate Director, Head of Service or the Chief Operating Officer at a later time.

- 1.6 The Chairman of the meeting should be very much aware of the need to ensure an officer is not subjected to undue criticism whilst giving advice to elected members and should intervene to prevent such a situation from continuing. If necessary, the Chairman should report the appropriate matter to the Council's Leader following the meeting, so the matter can be referred to and dealt with by the appropriate party leader. A written response should be made to the officer concerned, indicating the outcome of any referral.
- 1.7 This Protocol has no direct function in regulating comments which members may wish to make in private, including in conversation with senior and chief officers. However, members must draw the line in an appropriate place and realise that issues of a serious nature should be raised on a formal basis in the manner discussed in Paragraph 1.6 above.

## **2. Officer advice to party groups**

- 2.1 There is statutory recognition for party groups and it is common practice for such groups to give preliminary consideration to matters of Council business in advance of such matters being considered by the relevant Council decision making body. Officers may properly be called upon to support and contribute to such deliberations by party groups, but will only do so with the prior agreement of the Chief Operating Officer.
- 2.2 The support provided by officers can take many forms, ranging from a briefing meeting with a single member prior to a meeting to a presentation to a full party group meeting. Whilst in practice such officer support is likely to be in most demand from whichever party group is for the time being in control of the Council, such support is available to all party groups.
- 2.3 Certain points must however be clearly understood by all those participating in this type of process, members and officers alike. In particular:-
- (a) officer support in these circumstances must not extend beyond providing information and advice in relation to matters of *Council* business. Officers must not be involved in advising on matters of *party* business. The observance of this distinction will be assisted if officers are not expected to be present at meetings, or parts of meetings, when matters of party business are to be discussed;
  - (b) party group meetings, whilst they form part of the preliminaries to Council decision making, are not empowered to make decisions on behalf of the Council. Conclusions reached at such meetings do not therefore rank as Council decisions and it is essential that they are not interpreted or acted upon as such; and
  - (c) similarly, where officers provide information and advice to a party group meeting in relation to a matter of Council business, this cannot act as a substitute for providing all necessary information and advice to the Council, relevant committee or sub-committee when the matter in question is considered.

- 2.4 It is inappropriate for officers to be involved in providing information and advice to a party group meeting which includes persons who are not members of the Council. Such persons will not be bound by the Code of Conduct (in particular, the provisions concerning the declaration of interests and confidentiality) and for this and other reasons officers are not able to provide the appropriate level of information and advice.
- 2.5 Officers must respect the confidentiality of any party group discussions at which they are present in the sense that they should not relay the content of any such discussion to another party group.
- 2.6 Any particular cases of difficulty or uncertainty in this area of officer advice to party groups should be raised with the Chief Operating Officer who will determine them after discussion with the relevant group leader(s).
- 2.7 Whether or not an employee is in a politically restricted post the need to maintain political impartiality and to serve the needs of the Council as a whole is paramount. Employees should recognise this as essential and should treat all members with appropriate regard, courtesy and respect, irrespective of the member's political affiliation. It is important that both parties recognise the fundamental need for political neutrality on the part of officers, and as result it is imperative that an officer does not find himself in a situation where they are being drawn into a political dispute between members of different political groups or within a political group.

### **3. Support services to members and party groups**

- 3.1 The only basis on which the Council can lawfully provide support services (e.g. stationery, typing, printing, photocopying, transport, etc.) to members is to assist them in discharging their role as members of the Council. Such support services must therefore only be used on Council business. They should never be used in connection with party political or campaigning activity or for private purposes.

### **4. Members' access to information and to Council documents**

- 4.1 Members are free to approach the Chief Operating Officer, any Corporate Director or Head of Service to provide them with such information, explanation and advice (about a Services' functions) as they may reasonably need in order to assist them in discharging their role as members of the Council. This can range from a request for general information about some aspect of a Services' activities to a request for specific information on behalf of a constituent.
- 4.2 As regards the legal rights of members to inspect Council documents, these are covered partly by statute and partly by the common law.
- 4.3 Members have a statutory right to inspect any Council document which contains material relating to any business which is to be transacted at a Council, committee or sub-committee meeting. This right applies irrespective of whether the member is a member of the committee or sub-committee concerned and extends not only to reports which are to be submitted to the meeting, but also to any relevant background papers. This right to inspect does not however apply to certain items which contain exempt information (pink papers) ie exempt information relating to employees, occupiers of Council property, applicants for grants and other services,

contract and industrial relations negotiations, advice from Counsel and criminal investigations nor does the right apply to background documents which contain exempt information.

- 4.4 The common law right of members is much broader and is based on the principle that any member has a prima facie right to inspect Council documents so far as his/her access to the documents is reasonably necessary to enable the member properly to perform his/her duties as a member of the Council. This principle is commonly referred to as the “need to know” principle.
- 4.5 The exercise of this common law right depends therefore upon the member’s ability to demonstrate that he/she has the necessary “need to know”. In this respect a member has no right to “a roving commission” to go and examine documents of the Council. Mere curiosity is not sufficient. The crucial question is the determination of the “need to know”. This question must initially be determined by the Chief Operating Officer, Corporate Director or Head of Service who holds the document in question (with advice from the Head of Legal and Democratic Services). In the event of dispute, the question falls to be determined by the relevant body, i.e. the Council or committee in connection with whose functions the document is held.
- 4.6 In some circumstances (e.g. a committee member wishing to inspect documents relating to the functions of that committee) a member’s “need to know” will normally be presumed. In other circumstances (e.g. a member wishing to inspect documents which contain personal information about third parties) a member will normally be expected to justify the request in specific terms.
- 4.7 Whilst the term “Council document” is very broad and includes for example, any document produced with Council resources, it is accepted by convention that a member of one party group will not have a “need to know”, and therefore a right to inspect, a document which forms part of the internal workings of another party group.
- 4.8 Further and more detailed advice regarding members’ rights to inspect Council documents may be obtained from the Head of Legal and Democratic Services.
- 4.9 Finally, any Council information provided to a member must only be used by the member for the purpose for which it was provided i.e. in connection with the proper performance of the member’s duties as a member of the Council. This point is emphasised in the Code of Conduct. As a councillor or committee or sub-committee member, you necessarily acquire much information that has not yet been made public and is still confidential. It is a betrayal of trust to breach such confidences. You should never disclose or use confidential information for the personal advantage of yourself or of anyone known to you, or to the disadvantage or the discredit of the council or anyone else.
- 4.10 The relevant Procedure Rules confer rights on members to attend meetings and sometimes to speak and vote where they are not members of the body in



question. Members should ensure from the seating arrangements that their position is clear and that they comply with any appropriate restrictions.

## **5. Officer/Chairman or Lead Member relationships**

- 5.1 It is clearly important that there should be a close working relationship between the Chairman of a committee/Lead Member and the chief officer and other senior officers of any Service which reports to that committee/Lead Member. However, such relationships should never be allowed to become so close, or appear to be so close, as to bring into question the officers' ability to deal impartially with other members and other party groups.
- 5.2 Whilst these members may be consulted as part of the process of drawing up the agenda for a forthcoming meeting, it must be recognised that in some situations a Head of Service will be under a duty to submit a report on a particular matter. Similarly, Corporate Director or Head of Service will always be fully responsible for the contents of any report submitted in his/her name. Any issues arising between a Chairman/Lead Member and a Corporate Director or Head of Service in this area should be referred to the Chief Operating Officer for resolution in conjunction with the Leader of the Council.
- 5.3 In relation to action between meetings, it is important to remember that the law allows for decisions (relating to the discharge of any of the Council's functions) to be taken by a committee, a subcommittee or an officer. In accordance with Constitution 4.2 "Proper Officer Provisions and Scheme of Delegation to Chief Officers etc." and decisions/action can be taken between meetings.
- 5.4 Where named officers are authorised to take action in consultation with the Chairman or Lead Member, it is the officer, rather than the Chairman/Lead Member, who takes the action and it is the officer who is accountable for it.
- 5.5 Finally, it must be remembered that officers within a Directorate/Service are accountable to their Corporate Director/Head of Service and that whilst officers should always seek to assist a Chairman/Lead Member (or indeed any member), they must not, in so doing, go beyond the bounds of whatever authority they have been given by their Corporate Director/Head of Service.

## **6. Correspondence**

- 6.1 There is a presumption that correspondence between an individual member and an officer will not be copied (by the officer) to any other member unless there is a need to do so.
- 6.2 Official letters on behalf of the Council should normally be sent out in the name of the appropriate officer, rather than in the name of a member. It may be appropriate in certain circumstances (eg representations to a Government Minister) for a letter to appear in the name of a member, but this should be the exception rather than the norm. Letters which for example, create obligations or give instructions on behalf of the Council should never be sent out in the name of a member.

## **7. Involvement of ward councillors**

- 7.1 Whenever a public meeting is organised by the Council or committee to consider a local issue, all the members representing the ward or wards affected should as a matter of course be invited to attend the meeting. Similarly, whenever the Council undertakes any form of consultative exercise on a local issue, the ward members should be notified at the outset of the exercise.
- 7.2 Officers will not be obliged to attend public meetings called by individual councillors.

## **8. Spouses/partners**

- 8.1 Whilst paragraph 4.1 of the Officers "Code of Conduct" (Constitution 17.1) and paragraph 1.4 above, states or infers that close personal familiarity between individual councillors and officers should be avoided, this is not intended to be an absolute bar on the spouses or partners of councillors being employed by the Council. In those circumstances the Codes will be interpreted as complied with provided councillors do not have any Lead Member for the area of work of the partner or spouse.

## **9. Arbitration**

- 9.1 The Protocol is intended to act as a guide for both members and officers. Should any difficulties arise they should in the first instance be raised with the relevant Corporate Director who can then discuss the matter with the officer(s) and/or member(s) concerned. The Chief Operating Officer should then consider any continuing difficulties.

## **10. Contributions to Journals/Publications by Officers**

- 10.1 The agreement of the Chief Operating Officer and the relevant Lead Member should be sought to the submission by Officers (in their professional capacity) of Articles for Journals/Publications etc.
- 10.2 Advance notification of submission of such Articles should be given to the relevant group spokespersons.

### **10.1 Review of Protocol**

- 10.1 The Protocol is intended to provide members and officers with guidelines to determine their roles and their relations with each other.
- 10.2 It is intended to be a "live" document and will be reviewed from time to time to reflect changing circumstances.

10.3 Members or officers with queries about this protocol should contact the Chief Operating Officer or Head of Legal and Democratic Services.





## **PART 4.3 MONITORING OFFICER PROTOCOL**

1. The Monitoring Officer undertakes to discharge the responsibilities as outlined in this paper with determination and a manner which will enhance the reputation of the Council. In general terms the ability to discharge these duties depends on excellent working relations with colleagues and members but also the flow of information and access to debate particularly at early stages.
2. The following arrangements and understandings between the Monitoring Officer, colleagues and members are designed to help ensure the effective discharge of their functions:
  - 2.1 The Monitoring Officer or the Deputy Monitoring Officer will attend the Corporate Management Team (CMT) meeting which meets every two weeks and deals with the corporate strategic and operational management of the Council.
  - 2.2 Advance notice of meetings whether formal or informal between Chief and Senior Officers and Lead Members or Committee Chairmen will be given, wherever possible, to the Monitoring Officer where any procedural, vires or other constitutional issues are likely to arise.
  - 2.3 Chief and Senior Officers will alert the Monitoring Officer to all emerging issues of concern including legality, probity, vires and constitutional issues.
  - 2.4 The Monitoring Officer will have copies of all formal reports to members.
  - 2.5 The Monitoring Officer is expected to develop good liaison and working relations with the Council's Auditor and the Ombudsmen

including the giving and receiving of relevant information whether confidential or otherwise.

- 2.6 The Monitoring Officer will closely support the Mayor and have a special relationship with the Chairman of the Standards and other Committees and will ensure that the Head of Paid Service and Chief Financial Officer have up-to- date information regarding emerging issues.
- 2.7 The Monitoring Officer may make informal enquiries into allegations of misconduct of Members in the absence of a written complaint being received.
- 2.8 The Governance Management Team, which includes the Head of Paid Service, Chief Financial Officer and Monitoring Officer will meet regularly to consider and recommend action in connection with current governance issues and other matters of concern regarding policy.
- 2.9 In carrying out any investigation (whether under Regulations or otherwise) the Monitoring Officer will have unqualified access to any information held by the Council and any employee who can assist in the discharge of those functions.
- 2.10 The Monitoring Officer will have access to a budget sufficient to seek Counsel's opinion on any appropriate matter concerning these functions.
- 2.11 The Monitoring Officer will be responsible for preparing a training programme for members on the ethical framework subject to the approval of the Standards Committee.
- 2.12 The Monitoring Officer will report to the Council from time to time on the Constitution and any necessary or desirable changes following consultation, in particular with the Head of Paid Service and Chief Financial Officer and carry out minor amendments under delegated authority.
- 2.13 In consultation with the Mayor, the Monitoring Officer may defer the making of a formal report under Section 5 of the Local Government and Housing Act 1989 where another investigative body is involved.
- 2.14 The Monitoring Officer may make a report to the Council from time to time as necessary on the staff, accommodation and resources required to discharge these functions.
- 2.15 The Monitoring Officer will appoint a Deputy and keep the Deputy Monitoring Officer briefed on appropriate emerging issues.

2.16 The Monitoring Officer will make arrangements to ensure good communication between the Council and Clerks to Parish Councils.

3. The Head of Legal and Democratic Services has been designated Monitoring Officer by the Council and has nominated the Principal Solicitor (Deputy Monitoring Officer) as Deputy. The Chief Operating Officer is the Head of Paid Service and the Head of Finance, Procurement and Commercial Services is the Chief Financial Officer.

N.B: Chief and Senior Officers in this protocol refers to the Chief Operating Officer. Corporate Directors, Head of Legal and Democratic Services and Head of Finance, Procurement and Commercial Services .

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## **PART 4.4 PLANNING CODE OF GOOD PRACTICE**

### **Background**

The Members' Planning Code of Good Practice is derived from an existing national model code recently revised by Lawyers in Local Government (LLG), in order to promote best practice in the planning process.

The drafting of the original model code was subject to consultation and comment from a number of local authorities through the machinery of the Association of Council Secretaries and Solicitors (now LLG), the Local Government Association, the Local Government Association, the local Government Ombudsman, Audit Commission and from firms of solicitors or counsel acting on their behalf.

The Code takes into account the changes to the Seven Principles of Public Life (the 'Nolan principles') and commentary from the Committee on standards in public life, the changes in the approach to codes of conduct and also to predetermination introduced by the Localism Act 2011 and the guide on 'Openness and transparency on personal interests' published by the Department for Communities and Local Government in 2013. For further reading please refer to 'Probity in Planning' issued by the Local Government Association.

### **Introduction**

**The aim of this Code:** to ensure that in the planning process there are no grounds for suggesting that a decision has been biased, partial or not well founded in any way.

One of the key purposes of the planning system is to regulate the development and use of land in the public interest. **Your role as a Member of the Planning Authority is** to make planning decisions openly, impartially, with sound judgement and for justifiable reasons. You are also a democratically accountable decision-taker who had been elected to provide and pursue policies. You are entitled to be predisposed to make planning decisions in accordance with your political views and policies **provided** that you have considered all material considerations and have given fair consideration to relevant points raised.

**When the Code applies:** this code applies to Members at all times when involving themselves in the planning process. (This includes when taking part in the decision making meetings of the Council in exercising the functions of the Planning Authority or when involved on less formal occasions, such as meetings with officers or the public and consultative meetings). It applies as equally to planning enforcement matters or site specific policy issues as it does to planning applications.

**If you have any doubts about the application of this Code to your own circumstances you should seek advice early, from the Monitoring Officer or one of their staff, and preferably well before any meeting takes place.**

## 1. Relationship to the Members' Code of Conduct

- **Do** apply the rules in the Members' Code of Conduct first, which must always be complied with, namely the rules on Disclosable Pecuniary Interests, Pecuniary Interests, Non-Pecuniary Interests and the general rules giving effect to the seven principles of public life: selflessness, integrity, objectivity, accountability, openness, honesty and leadership.
- **Do** then apply the rules in this Members' Planning Code of Good Practice, which seek to explain and supplement the Members' Code of Conduct and the law on decision making for the purposes of development management. If you do not abide by this Members' Planning Code, you may put:
  - the Council at risk of proceedings on the legality of the related decision or maladministration; and
  - yourself at risk of being named in a report made to the Council or, if the failure is also likely to be a breach of the interest provisions of Localism Act 2011, a complaint being made to the police to consider criminal proceedings.

## 2. Development Proposals and Interests under the Members' Code of Conduct

- **Do** disclose the existence and nature of your interest as required by the Members' Code of Conduct.
- **Do take into account when approaching a decision** that the Principle of Integrity is defined in terms that:

*"Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. **They must declare and resolve any interests and relationships**".*

It is therefore advisable that you:

- **Don't** seek or accept any preferential treatment, or place yourself in a position that could lead the public to think you are receiving preferential treatment, because of your position as a councillor. This would include, where you have an interest under the Members' Code of Conduct, using your position to discuss that proposal with officers or Members when other members of the public would not have the same opportunity to do so.
- **Do** note that you are not prevented from seeking to explain and justify a proposal in which you have an interest to an appropriate officer, in person or in writing, but that your role as a councillor may place additional limitations on you in representing the proposal in which you have an interest.

- **Do** notify the Monitoring Officer in writing where it is clear to you that you have a disclosable pecuniary interest (for instance if you are an applicant for planning permission) or other personal conflict of interest and note that:
- you should send the notification no later than submission of an application where you can;
- where an application has been submitted by you, your spouse, or by a member of your close family it will always be reported to the Committee as a main item and not dealt with by officers under delegated powers;
- you must not get involved in the processing of the application; and
- it is advisable that you consider the appointment of an agent to act on your behalf in respect of the proposal when dealing with officers and in circumstances where you are eligible to address Committee under the Council's public speaking rules in the same way that an ordinary member of the public would.

### 3. **Fettering Discretion in the Planning Process**

(natural justice, predisposition and predetermination)

- **Don't** fetter your discretion by approaching the decision with a closed mind.
- **Do** be aware that in your role as an elected Member you are entitled, and are often expected, to have expressed views on planning issues and that these comments have an added measure of protection under the Localism Act 2011.
- **Do** keep at the front of your mind that, when you come to make the decision, you
  - are entitled to have and to have expressed your own views on the matter, provided you are prepared to reconsider your position in the light of all the evidence and arguments;
  - must keep an open mind and hear all of the evidence before you, both the officers' presentation of the facts and their advice as well as the arguments from all sides;
  - are not required to cast aside views on planning policy you held when seeking election or otherwise acting as a Member, in giving fair consideration to points raised;
  - are only entitled to take into account material considerations and must disregard considerations irrelevant to the question and legal context at hand; and
  - are to come to a decision after giving what you feel is the right weight to those material considerations,

- **Do** be aware that you may be perceived to be biased where the Council is the landowner, developer or applicant if you have acted as, or could be perceived as being, a chief advocate for the proposal. (This is more than a matter of membership of, for example, both Policy and Resources Committee and Planning Committee, but that through your significant personal involvement in preparing or advocating the proposal you will be, or perceived by the public as being, no longer able to act impartially or to determine the proposal purely on its planning merits.)
- **Do** consider yourself able to take part in the debate on a proposal at Planning Committee where you are also a member of a consultee body (for instance where you are a member of a parish council) provided:
  - you do not have a disclosable pecuniary interest, or pecuniary interest in the proposal (which may arise for instance in circumstances where an application is made by the consultee body itself) and
  - you made it clear at the consultee stage (in circumstances where you chose to comment on the proposal, for instance at a Parish Council meeting), that:
    - your views are expressed on the limited information before you only and these views do not commit yourself as to how you or others may vote when the proposal comes before Planning Committee;
    - you reserve judgement and the independence to make up your own mind on the proposal, based on your overriding duty to the whole community and not just to the people in that area, ward or parish, as and when it comes before the Planning Committee and you hear all of the relevant information; and
  - you inform the Planning Committee, during its consideration of the proposal, of any prior involvement by you at the consultee stage
- **Do** consider yourself able to take part in the debate on a proposal at Planning Committee where the Council is a consultee on a matter to be determined by another body in circumstances where you serve on the decision making committee of that other body (for instance where the proposal relates to a planning matter to be determined by the County Council and you serve on both the Planning Committee and the County Council's Development Control Committee) provided:
  - you do not have a disclosable pecuniary interest, or pecuniary interest in the proposal
  - you make it clear to Planning Committee that
    - your views are expressed on the information before you and these views do not commit yourself as to how you or others may vote when the proposal comes before you for consideration by the decision making body;

- you reserve judgement and the independence to make up your own mind on the proposal, based on your overriding duty to the whole community served by the decision making body as and when the proposal comes before that body and you hear all of the relevant information; and
- you inform the decision making body, during its consideration of the proposal, of any prior involvement by you at the consultee stage”
- **Do** alternatively explain that you do not intend to speak and vote as a member of the Committee because you will be perceived as having judged (or you reserve the right to judge) the matter elsewhere, so that this may be recorded in the minutes.
- **Do** consider taking the opportunity where you have fettered your discretion but do not have a disclosable pecuniary interest, pecuniary interest or other personal conflict of interest to exercise any separate speaking rights as a Ward Member that you may have, in accordance with the Regulatory Committee Procedure Rules.

#### **4. Contact with Applicants, Developers and Objectors**

- **Do** refer those who approach you for planning, procedural or technical advice to officers.
- **Don't** agree to any formal meeting requests from applicants, developers or groups of objectors. Where you feel that a formal meeting would be useful in clarifying the issues, you should not seek to arrange that meeting yourself but should request the Corporate Director of Place and Community to organise it. Planning officer(s) will then ensure that those present at the meeting are advised from the start that the discussions will not bind the authority to any particular course of action, that the meeting is properly recorded on the application file and the record of the meeting is disclosed when the application is considered by the Committee.
- **Do** otherwise:
  - follow the rules in paragraph 5 on lobbying;
  - consider whether or not it would be prudent in the circumstances to make notes when contacted with a meeting request; and
  - report to the Corporate Director of Place and Community any significant contact with the applicant and other parties, explaining the nature and purpose of the contacts and your involvement in them, and ensure that this is recorded on the planning file.

**In addition in respect of public presentations by applicants/developers:**

- **Do** attend formal planning presentations by applicants/developers where you feel that this will assist you in understanding planning proposals.
- **Do** ask relevant questions for the purposes of clarifying your understanding.
- **Do** remember that the presentation is not part of the formal process of debate and determination of any subsequent application.
- **Do** be aware that a presentation is a form of lobbying. You must take great care when expressing any views on the merits or otherwise of the proposal presented not to fetter, or give the appearance of fettering, your discretion on any subsequent application.

## 5. Lobbying of Councillors

- **Do** explain to those lobbying or attempting to lobby you that, whilst you can listen to what is said, it may subsequently prejudice your impartiality, and therefore your ability to participate in the Committee's decision making, to make any sort of promise to vote one way or another or such a firm point of view that it amounts to the same thing.
- **Do** remember that your overriding duty is to the whole community not just to the people in your ward and, taking account of the need to make decisions impartially, that you should not improperly favour, or appear to improperly favour, any person, company, group or locality.
- **Don't** accept gifts or hospitality from any person involved in or affected by a planning proposal. (An offer of hospitality of a bare minimum, such as a tea or coffee may be accepted where this is appropriate in the circumstances of the engagement).
- **Do** copy or pass on any lobbying correspondence you receive to the Corporate Director of Place and Community at the earliest opportunity.
- **Do** promptly refer to the Corporate Director of Place and Community any offers made to you of planning gain or constraint of development, through a proposed s.106 Planning Obligation or otherwise.
- **Do** inform the Monitoring Officer where you feel you have been exposed to undue or excessive lobbying or approaches (including inappropriate offers of gifts or hospitality), who will in turn advise the appropriate officers to follow the matter up.
- **Do** note that, unless you have a disclosable or overriding other personal conflict of interest, you will not have fettered your discretion or breached this Planning Code of Good Practice through:
  - listening or receiving viewpoints from residents or other interested parties;

- making comments to residents, interested parties, other Members or appropriate officers (making clear that you must keep an open mind when it comes to making the decision);
- seeking information through appropriate channels; or
- being a vehicle for the expression of opinion of others in your role as a Ward Member.

## 6. Lobbying by Councillors

- **Don't** become a member of, lead or represent an organisation whose primary purpose is to lobby, promote or oppose planning proposals unless you notify the Corporate Director of Place and Community of your involvement in the organisation and are prepared to step away from the Committee when it comes to make its decision.
- **Do** join general interest groups which reflect your areas of interest and which concentrate on issues beyond particular planning proposals (such as the Victorian Society, CPRE, Ramblers Association or a local civic society), but do consider whether you should seek to disclose your membership to aid transparency where the organisation has made representations on a particular proposal.
- **Don't** excessively lobby fellow councillors regarding your concerns or views nor attempt to persuade them that they should decide how to vote in advance of the meeting at which any planning decision is to be taken
- **Don't** decide or discuss how to vote on any application at any political group meeting, or lobby any other Member to do so. Political Group Meetings should never dictate how Members should vote on a planning issue.

## 7. Site Visits/Inspections

- **Do** try to attend site visits organised by the Council where possible.
- **Don't** request a site visit unless you feel it is strictly necessary because:
  - particular site factors are significant in terms of the weight attached to them relative to other factors or the difficulty of their assessment in the absence of a site inspection; or
  - there are significant policy or precedent implications and specific site factors need to be carefully addressed.
- **Do** ensure that you report back to the Committee any information gained from the site visit that you feel would benefit all Members of the Committee

- **Do** ensure that you treat the site visit only as an opportunity to seek information and to observe the site.
- **Do** ask the officers at the site visit questions or seek clarification from them on matters which are relevant to the site inspection.
- **Don't** hear representations from any other party, with the exception of the Ward Member(s) whose address must focus only on site factors and site issues. Where you are approached by the applicant or a third party, advise them that they should make representations in writing to the authority and direct them to or inform the officer present.
- **Don't** express opinions or views.
- **Don't** enter a site which is subject to a proposal other than as part of an official site visit, even in response to an invitation, as this may give the impression of bias unless:
  - you feel it is essential for you to visit the site other than through attending the official site visit,
  - you have first spoken to the Corporate Director of Place and Community about your intention to do so and why (which will be recorded on the file) and
  - you can ensure you will comply with these good practice rules on site visits.

## 8. Public Speaking at Meetings

- **Don't** allow members of the public to communicate with you during the Committee's proceedings (orally or in writing) other than through the scheme for public speaking or through the Chair, as this may give the appearance of bias.

## 9. Officers

- **Don't** put pressure on officers to put forward a particular recommendation. (This does not prevent you from asking questions or submitting views to the Corporate Director of Place and Community, which may be incorporated into any committee report).
- **Do** recognise and respect that officers involved in the processing and determination of planning matters must act in accordance with the Council's Code of Conduct for Officers and their professional codes of conduct, primarily the Royal Town Planning Institute's Code of Professional Conduct. As a result, planning officers' views, opinions and recommendations will be presented on the basis of their overriding obligation of professional independence, which may on occasion be at odds with the views, opinions or decisions of the Committee or its Members.



## 10. Decision Making

- **Do** ensure that, if you request a proposal to go before the Committee rather than be determined through officer delegation that you set out your planning reasons in writing. This will then be referred to in the report to the Committee.
- **Do** come to meetings with an open mind and demonstrate that you are open-minded.
- **Do** comply with section 38 of the Planning and Compulsory Purchase Act 2004 and make decisions in accordance with the Development Plan unless material considerations indicate otherwise.
- **Do** come to your decision only after due consideration of all of the information reasonably required upon which to base a decision. If you feel there is insufficient time to digest new information or that there is simply insufficient information before you, request that further information. If necessary, defer.
- **Don't** vote or take part in the meeting's discussion on a proposal unless you have been present to hear the entire debate, including the officers' introduction to the matter.
- **Do** ensure you have sound planning reasons for a request to defer any proposal.
- **Do** make sure that if you are proposing, seconding or supporting a decision contrary to officer recommendations or the development plan that you clearly identify and understand the planning reasons leading to this conclusion/decision. Where you propose a decision contrary to officers' advice you should state clearly and precisely your reason(s) specifying all matters, policies and proposals relevant to your reason(s) including why you disagree with the reasoning in the officer's report which led to that recommendation. These reasons must be given prior to the vote and be recorded. Be aware that you may have to justify the resulting decision by giving evidence in the event of any challenge.
- **Do** ensure that you co-operate with the following procedures:

Where a motion is to be put to a meeting, which if successful would result in the overturning of the recommendation of the Corporate Director of Place and Community, with regard to the determination of an application, the Chairman will ensure the following steps have been taken before putting the motion to the vote:

1. Officers have been given the opportunity to explain the reasons why the application has been recommended for refusal/approval.
2. That the motion includes:
  - a) A summary of the reasons why the mover of the motion considers the application should be approved/refused ideally by reference to

the Development Plan, local and national planning policies (including the NPPF) and all other relevant material planning considerations.

- b) Where necessary, a summary of the reasons why the mover of the motion disagrees with the reasoning in the officer report which led to the recommendation, ensuring, where appropriate, all relevant policy tests are considered.
  - c) Where the motion is to approve - appropriate delegation to the Corporate Director of Place and Community (in consultation with the Chairman or Vice Chairman) in order to ensure that appropriate planning conditions can be drawn up and/or a section 106 planning obligation is entered into (or other matters dealt with) prior to approval.
3. That the motion has been recorded by the Member Services Officer in writing and subsequently read out so members of the Committee and all relevant parties (including members of the public present) are clear as to what has been proposed.

## **11. Training**

- **Do** make every effort to attend the planning training sessions provided by the Council.
- **Do** endeavour to attend any other relevant training sessions provided by the Council.



**COUNCIL:  
28 FEBRUARY 2024**

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**Report of: Corporate Director of Transformation, Housing & Resources**

**Relevant Portfolio Holder: Councillor Y Gagen**

**Contact for further information: Mr Tom Lynan (Extn.5013)  
(E-mail: [tom.lynan@westlancs.gov.uk](mailto:tom.lynan@westlancs.gov.uk))**

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**SUBJECT: STATUTORY POLLING REVIEW 2024**

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Wards affected: Borough wide

## **1.0 PURPOSE OF THE REPORT**

- 1.1 To conduct an Interim Review of Polling Districts and Polling Places in line with the Representation of the People Act 1983, as amended (the 1983 Act).

## **2.0 RECOMMENDATIONS**

- 2.1 That the outline timetable for the Review as set out in Appendix 1 of this report be agreed.
- 2.2 That the Electoral Services Manager administer the Review for both parliamentary and local government polling districts and polling places.
- 2.3 That the (Acting) Returning Officer(s) be consulted on the Review and provide comment on all existing polling stations and any new polling stations.

## **3.0 BACKGROUND**

- 3.1 Section 18C of the Representation of the People Act 1983 (as amended) makes provision about the timing of reviews of polling districts and places by local authorities in the UK. The 1983 Act provides that a local authority must carry out and complete a review of all the polling districts and places in its area within the period of 16 months beginning with 1 October 2013, and the period of 16 months beginning with 1 October of every fifth year after that.
- 3.2 The last statutory review took place during the period October 2018 – January 2020, with the current review having to take place between October 2023 – January 2025.

3.3 The legislation does not prevent a local authority carrying out a review of some or all of the polling districts or polling places in its areas at other times and, a system for conducting interim reviews is in place, as was used in 2022 and 2023.

3.4 To aid understanding of the report and Appendices the following definitions will assist: -

- Parliamentary constituency: an area having separate representation in the House of Commons - these cannot be changed by the review. The division of these constituencies into polling districts and places is the subject of the review.
- Polling district: a geographical area created by the sub-division of a constituency, ward, or division into smaller parts. Each parish is to be a separate polling district (unless there are special circumstances) – this means that a parish must not be in a polling district which either has part in another parish or in an un-parished area;
- Polling place: the building or area in which the Returning Officer will select polling stations. Polling station: Chosen by the Returning Officer for the election, a polling station is the room or building within the polling place where the poll takes place.

3.5 Local authorities are required to divide every constituency into polling districts for UK parliamentary elections and to designate a polling place for each polling district. Polling places should be within the polling district unless special circumstances make it desirable to designate an area outside the district. These must be reviewed every five years. In conducting the statutory review of polling places and polling districts, local authorities must adhere to rules set out in legislation, as follows:

- The Council must publish notice of the review at the Council's office, on its website and in at least one conspicuous place within the area. The notice should also be sent to other interested groups such as councillors and disability groups etc.;
- The Council must consult the (Acting) Returning Officer for any constituency which is wholly or partly in its area;
- The Council must seek representations from those who it considers have “particular expertise in relation to access to facilities or premises for persons who have different forms of disability”, including the opportunity to make representations/comment on the Returning Officer's representations;
- Any elector in a constituency wholly or partly in the Council's area may make representations;
- Any representations made may include proposals for specified alternative polling places;
- On completion of the review the Council must give reasons for its decisions in the review and publish other information as is prescribed. As noted, the Electoral Commission recommends that a review of local government polling arrangements is conducted simultaneously.

3.6 Authorities must:

- Seek to ensure that all the electors have such reasonable facilities for voting as are practicable in the circumstances;
- Seek to ensure that so far as is reasonable and practicable polling places are accessible to those who are disabled; and
- When considering or reviewing the designation of a polling place, have regard to the accessibility needs of disabled persons.

#### **4.0 STAGED PROCESS OF THE REVIEW**

4.1 There are 5 potential stages to the Review: -

- Notification of the Review
- Administering the Review
- Consultations
- Conclusion
- Appeal

4.2 As can be seen from the preceding paragraph and the detail at Appendix 2, this is a detailed, prescribed process with an opportunity for full input by the public, members of respective authorities, MPs and other interested parties.

#### **5.0 TIMETABLE**

5.1 An outline timetable for the work to be carried out in order to undertake the Review is attached as Appendix 1.

#### **FUTURE TIMESCALES**

6.1 Once Council has determined the final proposals, the relevant documentation will be made available to the public in accordance with legislation.

6.2 On completion of the Review, if proposed timescales are met, any changes to the Electoral Register will take effect from 1 December 2024, when the Revised Register of Electors is published. This will be subject to the timing of the General Election, as publishing the Register during an election period creates difficulties in administering the process. Should 1 December fall during the General Election period, publication of the register will be delayed until 2 January 2025.

6.2 West Lancashire will undergo another full Statutory Review in 2028/29. Legislation requires that all Polling Stations be kept under consideration and evaluation. If changes are identified as being desirable, then the interim review process should be initiated.

#### **7.0 SUSTAINABILITY IMPLICATIONS**

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

#### **8.0 FINANCIAL AND RESOURCE IMPLICATIONS**

8.1 The Review will be undertaken within existing budgets.

## **9.0 RISK ASSESSMENT**

9.1 The review process enables the Council to carry out the Review, with input from key stakeholders through public consultation. A mechanism for an appeal exists through the Electoral Commission. Failure to complete the review within the statutory time period would be a breach of official duty.

## **10.0 HEALTH AND WELLBEING IMPLICATIONS**

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

### **Background Documents**

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

### **Equality Impact Assessment**

There is a direct impact on members of the public, employees, elected members and / or stakeholders, therefore an Equality Impact Assessment is required. A formal equality impact assessment is attached as an Appendix to this report, the results of which have been taken into account in the Recommendations contained within this report

### **Appendices**

1. Timetable for Polling District/Place Review 2018/19
2. Stages of the Review
3. Equality Impact Assessment

**Timetable for Polling District/Place Review 2024**

<b>Date</b>	<b>Action</b>	<b>Description</b>
1 March 2024 1 March 2024 – 9 May 2024 (Consultation)	Publish Notification of the Review and begin consultation.	<ul style="list-style-type: none"> <li>• Publish Notice of the Review – website, West Lancs Now, Newspaper, Press Release, notice board at main offices &amp; CSP.</li> <li>• Publish the schedule and the comments of the (Acting) Returning Officer(s)</li> <li>• Send copy of proposals and copy of the notice to Political parties, Borough Councillors, County Councillors, MP's Parish Clerks, disability groups and any other interested parties/groups.</li> <li>• Invite comments on the existing polling districts/places and potential new arrangements.</li> </ul>
9 May 2024	Closing date for submission of comments to the consultation	
13 May 2024 – 20 June 2019	Consider consultation responses, and draft initial proposals	<ul style="list-style-type: none"> <li>• Investigate potential changes and draft initial recommendations, considering representations received.</li> </ul>
21 June 2024 – 29 August 2024	Consultation on Initial Proposals	
2 September 2024 – 6 October 2024	Draft Final Proposals and Report for Council	<ul style="list-style-type: none"> <li>• Draft final proposals, considering representations received.</li> </ul>
17 October 2024	Council Decision on Final Proposals	
19 October 2024	Publish the conclusion of the review.	<ul style="list-style-type: none"> <li>• Publish the outcome of the review and any changes to the register as required.</li> </ul>
1 December 2024*	Republish the register with any changes as required.	<ul style="list-style-type: none"> <li>• Any changes implemented take effect from this date.</li> </ul>

\*Subject to date of the General Election

## 1.0 STAGE 1 – NOTIFICATION OF THE REVIEW

1.1 The formal commencement of the review requires the local authority to give notice of the holding of a review. The notice must be published using the following methods:

- notice to be displayed at the council’s office and in at least one conspicuous place within the authority;
- on the Council’s website

1.2 Additionally, the Council could publish the notice in a council newsletter and display copies in other public buildings.

The Electoral Commission recommends that the notice should state:

- That the Council is conducting a review of polling districts and polling places;
- That the Returning Officer will make a comment on proposed polling stations;
- That electors in the Council’s area or within a UK Parliamentary constituency which has any part in the authority may make a representation;
- That the Council would welcome any person or body with expertise in access for persons with any type of disability to make a representation or to comment on the authority’s proposals, (Acting) Returning Officer’s representation or any other matter;
- That persons or bodies making representations should, if possible, give alternative places that may be used as polling places;
- The postal address, e-mail address and website address at which documents can be inspected and representations made;
- An indication of the timetable of the review and a deadline for representations.

1.3 The Electoral Commission also suggests that the Council should send a copy of the notice to interested parties such as councillors, disability groups and other stakeholders. Officers will prepare a press release drawing attention to the review and the process as well as posting details on the Council’s website.

## 2.0 STAGE 2 – ADMINISTERING THE REVIEW

2.1 The Council should undertake a preliminary review of the current polling districts and polling places with a view to establishing their suitability. There is no requirement to change any of these districts and polling places, but any ‘no change’ decision must be fully justified as part of the overall proposals.

2.2 The review process should be transparent, structured and conducted formally with supporting documentation – to ensure a complete “audit trail” for all the decisions arising from it, including justification for each decision, even if this is for “no change”.

2.3 The legislation suggests an approach starting with polling districts, followed by choosing polling places and then considering polling stations. In practice, however, it is important that good quality polling places are identified first, which can then be used as part of the process of defining suitable polling district arrangements that comply with the requirements set out in the legislation. The Electoral Commission guidance contains template checklists to assist with the evaluation of current/proposed polling places and stations.

2.4 The following should be considered as part of the assessment of the suitability of polling district boundaries:



Boundaries: Are they well defined? For example, do they follow the natural boundaries of the area? If not, is it clear which properties belong in the polling district?

Location: Are there suitable transport links within the polling district, and how do they relate to the areas of the district that are most highly populated? Are there any obstacles to voters crossing the current polling district and reaching the polling place e.g., railway lines, rivers?

2.5 There are a number of factors that must be considered when reviewing existing polling places or when assessing new polling places, including:

Location: Is it reasonably accessible within the polling district? Does it avoid barriers for the voter such as steep hills, major roads, rivers, etc.? Are there any convenient transport links?

Size: Can it accommodate more than one polling station if required? If multiple polling stations are required, is the polling place ample enough to accommodate all voters going into and out of the polling stations, even where there is a high turnout?

Suitability: Is the building readily available in the event of any unscheduled elections? Is there any possibility that the building may be demolished as part of a new development? Is the building accessible to all those entitled to attend the polling place?

2.6 Ideally, there would be the choice of a range of fully accessible buildings, conveniently located for electors in the area within which to establish polling stations. In practice, however, the choice of polling places will often be a balance between the quality of a building (access, facilities, etc.) and the proximity of the building to the electors. When making a decision, all factors will need to be considered and the Council will need to be able to demonstrate the reasoning behind the decision.

2.7 Where, because of local circumstances, a polling place has been selected that is not fully accessible, then reasonable adjustments must be undertaken to provide access for all electors. Alternatively, the local authority should consider whether it would be appropriate to designate a polling place that falls wholly or partly outside the polling district.

2.8 It should be noted that for the purpose of taking the poll in England and Wales, the Returning Officer is entitled to use free of charge schools maintained or assisted by a local authority as well as those schools that receive grants made out of moneys provided by Parliament.

2.9 Part of the decision-making process involves assessing if the polling place is capable of accommodating more than one polling station together with the necessary staff and equipment, particularly in circumstances where the number of electors allocated to a polling place is high.

2.10 The suitability of a room or area for use as a polling station, will reflect whether the size and layout allows for the most effective throughput of voters, including those where there is a high number of electors in the polling station at any one time on polling day. Each polling station should be designed to provide suitable conditions for the elector to vote in private, for staff to conduct elections in an efficient and effective manner and for those entitled to observe the voting process to do so without compromising the secrecy of the ballot.

### **3.0 STAGE 3 - CONSULTATION**

3.1 The consultation stage is for representations and comments on proposals for polling districts and places to be considered. There are two parts to this:

- A compulsory submission from the Returning Officer of the parliamentary constituency – this must be published (see below); and
- Submissions from other persons and bodies, including those with expertise in relation to access for disabled people.

3.2 The Returning Officer must comment on existing and proposed polling stations and must contain information on where polling stations will be placed within a polling place. The Returning Officer's submission must be published within 30 days of receipt, in a conspicuous place at the council offices and in at least one place within each parliamentary constituency. It should also be published on the council website. It is also suggested that the response could be made available in other council offices, libraries, community centres or other places where residents may visit.

3.3 The Council must consult widely on the review and seek out the views of interested groups or bodies including electors, candidates and agents, political parties and members of the council. Consultees should be asked for comment both in general and if appropriate about the particular buildings within the Council's district.

3.4 It will be particularly important to consult with those who have experience of assessing access for persons with different disabilities. These could include local disability groups and also national groups such as charities who have guides on access.

3.5 Each of the bodies consulted and any elector for a parliamentary constituency either within or partly within the Council's area may comment on any of the recommendations within the whole area. Any person or body making a comment has the right (and, indeed should be encouraged) to suggest an alternative polling place/station and to give a reason for the alternative proposal so that it may be given appropriate consideration.

#### **4.0 STAGE 4 - CONCLUDING THE REVIEW**

4.1 After considering the representations the Council must decide on the most appropriate polling districts and polling places. The final proposals must be made after taking into consideration all of the representations made. The Council must agree on the proposals for polling districts and places.

4.2 If the review results in the alteration of polling districts, the Electoral Registration Officer must make the necessary alterations to the electoral register. Any alteration is effective on the date on which the Electoral Registration Officer publishes a notice stating that the alterations have been made. If the review is concluded before publication of the annual revised register, the changes can be incorporated in the revised register to be published by 15 February 2014. Otherwise, alterations can be made by the publication of another revised register or on a notice of alteration.

4.3 Where the Electoral Registration Officer has decided to republish to incorporate the changes, they will need to publish a notice fourteen calendar days before the publication of the revised version of the register in a local newspaper, at his or her office and at some other conspicuous place or places in the area.

#### **5.0 PUBLISHING THE CONCLUSIONS OF THE REVIEW**

5.1 Once the Council has agreed on the proposals, following consideration of representations the new polling districts and polling places must be made available to the public. These should also be made available at the Council offices, in at least one place in each constituency and on the council's website. The reasons for the choice of every polling district and polling place must be given.

5.2 Along with the reasons for the final decision of the review, there is a range of other details that must also be published, including all correspondence and representations received, details of the designation of polling districts and places as a result of the review and details of where the results of the review have been published.

## **6.0 THE APPEALS PROCESS**

6.1 Following the conclusion of the Council's Review, there is a right to make representations to the Electoral Commission.

6.2 The Commission must set out in writing its conclusions and the reasons for its decision. The Commission's decision will be issued to the person(s) who made the representation, the Council and the Returning Officer. The decision and related documents will also be published on the Commission's website. Councils are advised to publish the outcome of the appeal in the same way as the results of the review are published.

6.3 The Commission may direct the Council to consider any alterations to the polling places that the Commission deems necessary under the review. After two months, if the Council has failed to make the alterations, the Commission can itself make the alterations as if the Council had implemented them.

## Equality Impact Assessment Form



<b>Directorate: Transformation &amp; Resources</b>	<b>Service: Legal and Democratic Services</b>
<b>Completed by: Thomas Lynan</b>	<b>Date: 10/01/24</b>
<b>Subject Title: STATUTORY POLLING REVIEW 2024</b>	
<b>1. DESCRIPTION</b>	
Is a policy or strategy being produced or revised:	No
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 ( <b>Eliminating unlawful discrimination/harassment, advancing equality of opportunity, fostering good relations</b> ):	Yes
Details of the matter under consideration:	STATUTORY POLLING REVIEW 2024
<i>If you answered <b>Yes</b> to any of the above <b>go straight to Section 3</b></i> <i>If you answered <b>No</b> to all the above <b>please complete Section 2</b></i>	
<b>2. RELEVANCE</b>	
Does the work being carried out impact on service users, staff or Councillors (stakeholders):	
If <b>Yes</b> , provide details of how this impacts on service users, staff or Councillors (stakeholders): <i>If you answered <b>Yes</b> go to <b>Section 3</b></i>	
If you answered <b>No</b> to both Sections 1 and 2 provide details of why there is no impact on these three groups:	
<b>3. EVIDENCE COLLECTION</b>	
Who does the work being carried out impact on, i.e. who is/are the stakeholder(s)?	There is a direct impact on members of the public, employees, elected members and or other stakeholders.
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)?	All groups are affected.

Which of the protected characteristics are most relevant to the work being carried out?	
Age	No
Gender	No
Disability	Yes
Race and Culture	No
Sexual Orientation	No
Religion or Belief	No
Gender Reassignment	No
Marriage and Civil Partnership	No
Pregnancy and Maternity	No
<b>4. DATA ANALYSIS</b>	
In relation to the work being carried out, and the service/function in question, who is actually or currently using the service and why?	Members of the public currently use the service because it is a universal service integral to the function of the Council.
What will the impact of the work being carried out be on usage/the stakeholders?	Changes to polling arrangements.
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?	All relevant stakeholders have the opportunity to express their views through consultation.
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?	All relevant stakeholders have the opportunity to express their views through consultation.
If any further data/consultation is needed and is to be gathered, please specify:	All relevant stakeholders have the opportunity to express their views through consultation.
<b>5. IMPACT OF DECISIONS</b>	
In what way will the changes impact on people with particular protected characteristics (either positively or negatively or in terms of disproportionate impact)?	Changes to the area in which they vote, and in some cases a change to the Polling Place where they would vote. This is expected to have a neutral or positive impact on electors.
<b>6. CONSIDERING THE IMPACT</b>	
If there is a negative impact what action can be taken to mitigate it? (If it is not possible or desirable to take actions to reduce the impact, explain why this is the case (e.g. legislative or financial drivers etc.).)	Changes are expected to have a neutral or positive impact.
What actions do you plan to take to address any other issues above?	No actions <i>If no actions are planned state no actions</i>

**7. MONITORING AND REVIEWING**

When will this assessment be reviewed and who will review it?

This assessment will be reviewed as and when further reviews of the polling estate are required.



Agenda Item:

COUNCIL:

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**Report of:** Corporate Director of Transformation, Housing & Resources

**Relevant Portfolio Holder:** Councillor Robert Molloy

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

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**SUBJECT: NNDR DISCRETIONARY SCHEME**

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Wards affected: Borough wide

## 1.1 PURPOSE OF THE REPORT

- 1.1 To consider proposed changes to National Non-Domestic Rates Relief for 2024-25 following recent Government announcements and to note the Policy to underpin these Schemes, as appended to this Report.

## 2.0 RECOMMENDATIONS

- 2.1 That Council consider the content of the Policy to underpin implementation of the Borough Council's proposed Discretionary Scheme as appended to this report.
- 2.2 That the Committee note the Policy coverage to underpin the recently announced Government changes.
- 2.3 That delegated authority be given to the Corporate Director of Transformation, Housing & Resources in consultation with the relevant portfolio holders to implement the new Non-Domestic Discretionary Rate Relief and make any minor/inconsequential amendments to the scheme as and when announced by the Government.

## 3.0 BACKGROUND

- 3.1 Under Section 47 of the Local Government Finance Act 1988 (LGFA), billing authorities have the discretion to grant rate relief on all or part of the amount of non-domestic rates payable. Section 47 (2) of the Act places conditions on what type of organisation may receive the award by virtue as detailed in the Act.

3.2 Within the Non-Domestic Rating Bill which received Royal Assent on 26<sup>th</sup> October 2023 the Bill will remove the restriction in section 47 (7) of the Local Government Finance Act 1988 on backdating of decision concerning Discretionary Rate Relief. The Government will also make regulations revoking all rules on discretionary relief contained in the Non-Domestic Rating (Discretionary Relief) Regulations 1989. This means that Local Authorities will from 1<sup>st</sup> April 2024 be able to make decisions on discretionary reliefs and set their own rules for notifications of relief.

3.3 Depending on the category of relief, the scheme is jointly funded by the Government and the Council.

#### **4.0 POLICY CONTEXT**

4.1 The policy designed for this purpose and attached for reference specifies how West Lancashire Borough Council will operate the Discretionary Rate Relief scheme and to indicate the factors that will be considered when deciding whether to make an award.

The aim of the policy is:

- To ensure a professional, consistent and timely approach to the award of discretionary rate relief;
- To provide a framework that gives clarity to the decision making criteria;

#### **5.0 PROPOSALS**

5.1 The proposed arrangements are summarised in **Appendix A** for ease of reference

#### **6.0 ISSUES**

6.1 To support the delivery of this change The Local Authority must have the policy agreed in advance of 1<sup>st</sup> April 2024 to enable changes being implemented from 1<sup>st</sup> April 2024.

#### **7.0 IMPLEMENTATION**

7.1 Resources will be required to implement some of the schemes due to commence with effect from 1<sup>st</sup> April 2024, 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 Ensuring prudent financial management is in place to deal with applications for relief where the cost is borne by the Council. Any relief awarded outside of the Governments Mandatory schemes will be aimed towards the rates payable by voluntary and community organisations. This means that they can use their resources towards achieving the aims of the scheme, rather than paying for rates.



## **9.0 FINANCIAL AND RESOURCE IMPLICATIONS**

- 9.1 Specialist external consultancy support to assist in Scheme and Policy Design has been procured @ £950.00 + VAT.
- 9.2 Local authorities will be fully funded for awarding reliefs announced by Government with new burdens funding for administrative and IT costs.

## **10.0 Risk Assessment**

- 10.1 The legislative changes will provide the Council with the ability to determine the timescales of relief it provides for applications received for consideration of Discretionary Rate Relief.
- 10.2 The formal consideration and reporting of the budget estimates is part of the overall budgetary management and control framework that is designed to minimise the financial risks facing the Council. This process ensures that a robust and achievable budget is set.

## **11.0 Health and Wellbeing Implications**

- 11.1 It is anticipated that the successful achievement of this policy will *maximise positive and minimise negative impacts in the following areas*:
- 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 policy for the granting of Discretionary Non-Domestic Rate Relief – Policy Document
2. Equality Impact Assessment





# **West Lancashire Borough Council Policy for the granting of Discretionary Non-Domestic Rate Relief**

## Version Control

<i>Version</i>	<i>Version date</i>	<i>Revised by</i>	<i>Description</i>
1	January 2024	LM/DA	Creation of policy to include all reliefs for 2024, including the Non Domestic Rating Act 2023

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## **1.0 Purpose of the Policy**

- 1.1 The purpose of this policy is to determine the level of discretionary relief and related areas to be granted to certain defined ratepayers within the Council's area. The policy includes all changes effective from 1<sup>st</sup> April 2024 and includes all new reliefs due to the revaluation of rateable values in April 2023 and the Non Domestic Rating Act 2023. The Council is keen to support businesses during the crisis, as far as possible.
- 1.2 The Local Government Finance Act 1988 and subsequent legislation requires the Council to grant mandatory relief for premises occupied by Charities and similar organisations that own or occupy them wholly or mainly for charitable purposes. Likewise, certain premises situated within a rural settlement area will be eligible for mandatory relief. Powers have also been granted under the Localism Act 2011, which allow for the granting of discretionary rate relief to any premises where the Council feels the granting of such relief would be of benefit to the local community.
- 1.3 In addition to the above, Central Government is keen that in certain cases, assistance should be provided to businesses who have had increases in their rate liability due to the revaluation of premises in April 2017. In these cases, and where the Council meets Central Government guidelines, grants are available under section 31 of the Local Government Act 2003.
- 1.4 Whilst the Council is obliged to grant relief to premises, which fall within the mandatory category, the Council also has powers to grant discretionary relief and reductions to ratepayers, subject to certain criteria being met. In the case of the new reliefs, some guidance has been issued by Central Government outlining actions expected to be taken by local authorities. This policy includes Government guidance where appropriate but also looks to target discretionary relief in line with the Council's vision and priorities.
- 1.5 This document outlines the following areas:
  - Details of the criteria for receiving Discretionary Reliefs for all relevant areas;
  - The Council's policy for the granting of all types of Discretionary Reliefs;
  - Guidance on granting and administering the reliefs and awards;
  - Governments requirements including provisions for Subsidy; and
  - The Council's Scheme of Delegation.
- 1.6 Where organisations apply for relief they will be granted (or not granted) relief or reductions in line with the following policy.

## **2.0 Mandatory Relief - Legislative Background**

### **Charity Relief**

- 2.1 The powers relating to the granting of mandatory and discretionary relief are given to the Council under the Local Government Finance Act 1988. Charities and Trustees for Charities are only liable to pay one fifth of the Non-Domestic Rates that would otherwise be payable where property is occupied and used wholly or mainly for charitable purposes. This amounts to mandatory relief of 80%. For the purposes of the Act, a charity is an organisation or trust established for charitable purposes, whether or not it is registered with the Charity Commission. The provision has been extended under the Local Government Act 2003 (effective from 1st April 2004) to registered Community Amateur Sports Clubs (CASCs). Full details of the mandatory provisions are given later within this policy.
- 2.2 In the case of charity shops, the premises must meet the criteria laid down by section 64 (10) of the Local Government Finance Act 1988 which states that the premises are to be treated as used for charitable purposes at any time it is wholly or mainly used for the sale of goods donated to the charity and the proceeds of goods (after any deductions for expenses) are applied for the purpose of the charity.

- 2.3 The Council has discretion to grant relief of up to a further 20% for these mandatory cases under its discretionary provisions.

### **Rural Rate Relief**

- 2.4 From 1st April 1998, under powers originally granted to the Council by the Local Government and Rating Act 1997, certain types of business in rural settlements, with a population below 3000 may qualify for mandatory rate relief of 100 per cent.
- 2.5 Where businesses in rural settlements have a Rateable Value of up to £16,500 and are not in receipt of mandatory relief, the Council may decide to give up to 100 per cent discretionary relief if it is satisfied that the business is of benefit to the community and having regard to the interests of its Council Taxpayers.

## **3.0 Discretionary Relief – Legislative Background**

### **Introduction**

- 3.1 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.
- 3.2 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.
- 3.3 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.
- 3.4 Unlike mandatory relief, ratepayers are obliged to apply to the Council. The Council will expect all businesses to make applications in such a format as is required (which may vary from time to time) and for the business to provide such information and evidence as required in order to determine whether relief should be awarded.
- 3.5 The Council is obliged to carefully consider every application on its merits, taking into account the contribution that the organisation makes to the amenities within the authority's area. 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.
- 3.6 Granting of the relief falls broadly into the following categories:
- (a) Discretionary Relief – Charities who already receive mandatory relief;
  - (b) Discretionary Relief – Premises occupied by organisations not established or conducted for profit whose main objects are charitable or are otherwise philanthropic or religious or concerned with education, social welfare, science, literature or the fine arts or premises occupied by organisations not established or conducted for profit and wholly or mainly used for purposes of recreation;
  - (c) Discretionary Relief – Rural Rate Relief - premises not receiving mandatory relief but of benefit to the local community and less than £16,500 RV;
  - (d) Discretionary Relief – Granted under the Localism Act 2011 provisions;
  - (e) Local Newspaper Relief (until 1st April 2025);
  - (f) Supporting Small Businesses Relief (from 1st April 2023);
  - (g) Retail Hospitality & Leisure Relief (from 1st April 2024 for a period of one year); and
  - (h) S49 Relief
- 3.7 The decision to grant or not to grant discretionary relief is a matter purely for the Council.

## **The Council's general approach to granting Discretionary Relief**

- 3.8 In deciding which organisations should receive discretionary rate relief, the Council has considered the following factors and priorities:
- (a) The awarding of relief will be in line with the Council's vision and values - The organisation will need to demonstrate how its use of business property contribute to the Council's priorities.
  - (b) Be equitable and balance the wider interests of the community with the resources made available by the Council Taxpayer;
  - (c) Any award should support business, charities, organisations, and groups that help to retain services in the Council's area and not compete directly with existing businesses in an unfair manner;
  - (d) Local organisations will be given priority over national organisations;
  - (e) Where requested, the organisation will need to supply the Council with clear evidence of **all** financial affairs (normally two full years) including, and most importantly, the amounts of monies raised, used, and invested locally.
  - (f) To enable appropriate organisations to start, develop or continue their activities, which deliver outcomes to the community and that also relate to the priorities of the Council, which without granting discretionary relief they would be unable to do; and
  - (g) To assist the Council in delivering services which could not be provided otherwise;
- 3.9 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 this will be provided **after** applying any Government funded relief, where possible and subject to the requirements of individual reliefs.
- 3.10 In certain cases, the order in which relief is granted is specified. Mandatory relief shall be granted in all cases where the criteria is met irrespective of whether discretionary relief can be granted or not.

## **The Council's approach to granting Government led Discretionary Relief schemes.**

- 3.11 Over the past few years, a number of schemes have been led by Central Government but without specific legislative changes. These are administered under S47 of the Local Government Finance Act 1988 and guidance is often provided. 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. However, the Council reserves the right to vary its approach where thought appropriate.

## **4.0 Effect on the Council's Finances**

- 4.1 The granting of discretionary relief will, in the main, involve a cost to the Council. Since the change to the funding for Non-Domestic Rating in April 2013, the effect of the relief is complex.
- 4.2 Any amounts granted prior to 1<sup>st</sup> April 2013 and continuing since that date will be included in the Council's baseline within the Business Rates Retention Scheme. For any amounts granted for similar cases, the costs of the relief will be borne in accordance with the Business Rates Retention Scheme shown above. This also applies where mandatory relief is granted.
- 4.3 Where Central Government leads an initiative, grants are often available 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.
- 4.4 The financial effects of discretionary reliefs covered by this policy are as follows:



Appendix	Relief Type	Granted after 1 <sup>st</sup> April 2024
	<b>Charity Relief</b>	
A	Discretionary relief granted to Mandatory Relief recipients.	40% borne by the Council
B	Non-profit Making Organisations including Sports Clubs and societies.	40% borne by the Council
	<b>Rural Discretionary</b>	
C	Discretionary Relief – Rural Rate Relief - premises not receiving mandatory relief but of benefit to the local community and less than £16,500 RV;	40% borne by the Council
	<b>Localism</b>	
D	Discretionary Relief granted to ratepayers generally and not covered by any other section.	40% borne by the Council
	<b>Local Newspaper Relief</b>	
E	Discretionary Relief granted to local newspapers meeting the criteria (until 31 March 2025)	Section 31 Grant
	<b>Supporting Small Business Relief</b>	
F	Supporting Small Businesses Relief (from 1 April 2023 for a period of up to three years if conditions are met.	Section 31 Grant
	<b>Retail, Hospitality and Leisure Relief</b>	
G	Retail, Hospitality and Leisure Relief Scheme (from 1 April 2024 for a period of one year).	Section 31
	<b>S49 Hardship Relief</b>	
H	Granting relief where the ratepayer is suffering hardship	40% borne by the Council

## 5.0 Discretionary Relief – Subsidy

- 5.1 Discretionary relief is potentially subject to the Subsidy Control Act 2022. The purpose of the Subsidy Control Act 2022 is to implement a domestic subsidy control regime in the United Kingdom that reflects the UK's strategic interests and particular national circumstances, providing a legal framework within which public authorities make subsidy decisions.
- 5.2 To the extent that the Council is seeking to provide relief that falls below the Minimal Financial Assistance (MFA) thresholds, the Subsidy Control Act 2022 allows an economic actor (e.g., a holding company and its subsidiaries) to receive up to £315,000 in a three-year period (consisting of the 2023/24 year and the two previous financial years). MFA subsidies cumulate with each other and with other subsidies that fall within the category of 'Minimal or SPEI financial assistance'. BEIS COVID-19 business grants and any other subsidies claimed under the Small Amounts of Financial Assistance limit of the Trade and Cooperation Agreement should be counted under the £315,000 allowance.
- 5.3 In those cases where it is clear to the Council that the ratepayer is likely to breach the MFA limit then the Council will withhold relief. Otherwise, the Council may include the relief in bills and ask the ratepayers, on a self-assessment basis, to inform the Council if they are in breach of the MFA limit.

5.4 MFA subsidies above £100,000 are subject to transparency requirements. This is not cumulated per beneficiary but applies per subsidy award. This means that for every individual subsidy provided of more than £100,000, the Council will include details of the subsidy on the subsidy control database.

## **6.0 Administration of Discretionary Relief**

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

### **Applications and Evidence**

6.2 The Council will specify how applications are to be received (if required) and this may vary from time to time.

6.3 Where indicated by the Council, organisations may be required to provide a completed application form plus any such evidence, documents, accounts (normally the last two years), financial statements etc. 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 organisations claiming relief to facilitate this where necessary.

6.4 Where applications are required, they should initially be made to the Revenues and Benefits Service and will be determined in accordance with this policy.

**6.5 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 for relief will be accepted from ratepayers only.**

### **Granting of relief**

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

6.7 Where an application is successful, the ratepayer will be notified. Where relief is not granted, then the following information is provided;

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

6.8 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. Where the relief is fully Government funded, relief will be granted as long as the ratepayer is eligible.

6.9 A fresh application for discretionary relief may be necessary for each financial year **or** at such time-period as the Council determines.

### **Variation of a decision**

6.10 Variations in any decision will be notified to ratepayers as soon as practicable and will take effect on a date determined by the Council.

6.11 A decision may be revoked at any time by the Council.

## **7.0 Scheme of Delegation**

### **Granting, Varying, Reviewing and Revocation of Relief**

7.1 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.

- 7.2 The Council's scheme of delegation allows for the Corporate Director of Transformation, Housing and Resources after consultation with the Leader of the Council, 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 relevant executive or committee prior to final determination.
- 7.3 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**

- 7.4 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.

## **Appeals**

- 7.5 Where the Council receives an appeal from the ratepayer regarding the granting, non-granting or the amount of any discretionary relief, the case will be reviewed by the Revenues Manager. Where a decision is revised then the ratepayer shall be informed, likewise if the original decision is upheld. If a ratepayer is unhappy with the decision made, full details should be submitted, in writing to the Revenues Manager within 30 days of notification of the decision.
- 7.6 Where the ratepayer wishes to appeal the decision of the Revenues Manager, the case will be considered by the Council's Section 151 Officer whose decision on behalf of the Council will be final. We will aim to conclude any review within 30 days.
- 7.7 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.

## **8.0 Reporting changes in circumstances**

- 8.1 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.
- 8.2 Where a change of circumstances is reported, the relief will, if appropriate, be revised or cancelled. Where any award is to be reduced, the Council will look to recover the amount from the date the change of circumstances occurred.

## **9.0 Fraud**

- 9.1 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.

**Appendix A**  
**Discretionary Relief – Mandatory Relief recipients**

## Discretionary Relief – Mandatory Relief recipients

### General Explanation

- A.1 S43 of the Local Government Finance Act 1988 allows mandatory relief (80%) to be granted on premises if the ratepayer is a charity or trustees for a charity and the premises are wholly or mainly used for charitable purposes. No charge is made in respect of unoccupied premises where it appears that *when next in use* it will be used wholly or mainly for those purposes.
- A.2 The legislation has been amended by the Local Government Act 2003 (effective from 1<sup>st</sup> April 2004) to include registered Community Amateur Sports Clubs (CASC). These organisations can now receive the mandatory (80%) relief.

### Charity registration

- A.3 Charities are defined within the legislation as being an institution or other organisation established for charitable purposes only or by persons administering a trust established for charitable purposes only.
- A.4 The question as to whether an organisation is a charity may be resolved in the majority of cases by reference to the register of charities maintained by the Charity Commissioners under s.4 of the Charities Act 1960. Entry in the register is conclusive evidence. By definition, under the Non-Domestic Rating legislation, there is no actual need for an organisation to be a registered charity to receive the relief and this has been supported by litigation, however in all cases the organisation must fall within the following categories:
- trusts for the relief of poverty;
  - trusts for the advancement of religion;
  - trusts for the advancement of education; and
  - trusts for other purposes beneficial to the community, but not falling under any of the preceding heads.
- A.5 Certain organisations are exempted from registration generally and are not required to make formal application to the Charity Commissioners these are:
- the Church Commissioners and any institution administered by them;
  - any registered society within the meaning of the Friendly Societies Acts of 1896 to 1974;
  - units of the Boy Scouts Association or the Girl Guides Association; and
  - voluntary schools within the meaning of the Education Acts of 1944 to 1980.
- A.6 The Council will consider charitable organisations, registered or not, for mandatory relief.

### Use of Premises – wholly or mainly used.

- A.7 Irrespective of whether an organisation is registered as a charity or not, the premises **must** be wholly or mainly used for charitable purposes. This is essential if any relief (either mandatory or discretionary) is to be granted. In most cases this can be readily seen by inspection, but on occasions the Council has had to question the actual use to which the premises are to be put. In some cases, it will be necessary for the Council to inspect any premises fully.
- A.8 Guidance from the Department of Housing, Levelling Up and Communities has stated that in the case of 'mainly', at least 51% must be used for charitable purposes whether of that charity or of that and other charities.
- A.9 The following part of this section gives details on typical uses where relief may be given plus additional criteria that have to be satisfied. The list is not exhaustive but gives clear guidance on premises for which mandatory relief can be granted *and therefore* premises which may be equally considered for discretionary rate relief.

## **Offices, administration, and similar premises.**

A.10 Premises used for administration of the Charity include:

- Offices;
- Meeting Rooms; and
- Conference Rooms.

## **Charity shops**

A.11 Charity shops are required to meet additional legislative criteria if they are to receive mandatory relief. Section 64 (10) of the Local Government Finance Act 1988 provides that a property is to be treated as being wholly or mainly used for charitable purposes at any time if, at the time, it is wholly or mainly used for the sale of goods donated to a charity and the proceeds of the sale of the goods (after any deduction of expenses) are applied for the purposes of the charity.

A.12 In order to ascertain whether an organisation meets these requirements, inspections may be made by an officer of the Council when an application is received.

## **Granting of Mandatory Relief - the Council's Policy**

A.13 Where the criteria for awarding mandatory relief are met, the rate charges shall be calculated in accordance with the legislation reducing the liability of ratepayers for each day that the criteria are met.

## **Charity Relief – Mandatory Relief recipients, the Council's Policy for granting discretionary relief.**

A.14 The Council will consider applications for a discretionary rate relief 'top up' from charities based on their own merits, on a case-by-case basis.

A.15 In determining the application, the following matters will be taken into consideration:

- How the charity supports and links into the Council's corporate vision and priorities;
- The purpose of the charity and the specific activity carried out within the premises for which the relief is requested; and
- Whether the charity operates at a local or national level and where appropriate, the local and national funding streams and financial position of the charity. The Council is keen to ensure that the organisation provides significant benefit to local residents.

A.16 The Council is keen to support businesses that have a critical role to play in the local economy and to assist the Council in meeting the Corporate aims and values.

A.17 In the case of registered Community Amateur Sports Clubs, the key criteria in determining the application will be:

- The ratepayer occupies the whole hereditament;
- Relief cannot be granted in respect of premises that are occupied by the Council or precepting authority;
- How the CASC supports and links into the Council's corporate vision and priorities;
- The membership and fee structure, and whether the CASC is accessible to all residents, including whether there are concessions for certain groups, for example people on a low income or young people under 18;
- Membership numbers and the number and percentage of these members that are local residents;
- If the CASC has due regard to equality issues and if it actively encourages members from under-represented groups, for example black and minority ethnic residents, people over 50 and people with disabilities;
- Whether facilities are available to the wider community regardless of ability; and
- If the CASC runs a bar or food provision: the level of income from this activity and how this money is used; and whether the CASC operates at a local or national level and where appropriate, the

local and national funding streams and financial position of the CASC.

A.18 The Council wishes to support and enable appropriate businesses to start, develop and continue with their operations that deliver outcomes directly related to the Council's aims and vision. In the main, this will be done through other means rather than granting discretionary relief. There may be occasions where applications are made for such relief or where a package of measures, including discretionary relief, are appropriate in supporting businesses. This would need to be in accordance with any limitations in respect of subsidy.

## **Appendix B**

### **Discretionary Relief – Non-Profit Making Organisations including Recreation.**



# Discretionary Relief – Non-Profit Making Organisations including Recreation.

## General explanation

### Non-Profit

- B.1 The legislation allows the Council to grant discretionary relief where the property is not an *excepted* one and all or part of it is occupied for the purposes of one or more institutions or other organisations none of which is established or conducted for profit and each of whose main objects are charitable or are otherwise philanthropic or religious or concerned with education, social welfare, science, literature, or the fine arts.
- B.2 Relief cannot be granted to any premises occupied by the Council, or any town, parish council or major Precepting Authority (*excepted premises*).
- B.3 A number of issues arise from the term 'not established or conducted for profit'. This requires the Council to make enquiries as to the overall purpose of the organisation although if surpluses and such amounts are directed towards the furtherance or achievement of the objects of the organisation then it does not necessarily mean that the organisation was established or conducted for profit.

### Recreation Clubs

- B.4 Ideally all recreation clubs should be encouraged to apply for Community Amateur sports Club (CASC) status, which would automatically entitle them to 80% relief. The relief granted to CASCs is covered earlier within this policy.
- B.5 Recreation clubs can also apply to the Charity Commissioners for registration as a Charity (thereby falling under the mandatory provisions for 80% relief) where they meet the following conditions:
- The promotion of community participation in healthy recreation and by the provision of facilities for the playing of particular sports; and
  - The advancement of the physical education of young people not undergoing formal education.
- B.6 Where sports clubs do not meet the CASC requirement, and are not registered charities, discretionary relief can be granted (0-100%) where the property is not an *excepted* one, it is wholly or mainly used for purposes of recreation and all or part of it is occupied for the purpose of a club, society or other organisation not established or conducted for profit.

### Access to clubs

- B.7 Guidance issued by the DHLUC also requires the Council to consider access to clubs within the community before granting discretionary relief.
- B.8 Membership should be open to all sections of the community. There may be legitimate restrictions placed on membership which relate for example to ability in sport or to the achievement of a standard in the field covered by the organisation or where the capacity of the facility is limited, but in general membership should not be exclusive or restrictive.
- B.9 Membership rates should not be set at such a high level as to exclude the general community. However, membership fees may be payable at different rates that distinguish the different classes of membership such as juniors, adults, students, pensioners, players, non-players, employed and unemployed. In general, the club or organisation must be prepared to show that the criteria by which it considers applications for membership are consistent with the principle of open access.
- B.10 The Council also asks the following question to help establish the level of access 'Does the organisation actively encourage membership from particular groups in the community e.g., young

people, women, older age groups, persons with disability, ethnic minorities' etc.?’

### **Provision of facilities.**

- B.11 Clubs which provide training or education are encouraged, as are those who provide schemes for particular groups to develop their skills e.g., young people, the disabled, retired people.
- B.12 A number of organisations run a bar. The mere existence of a bar will not in itself be a reason for not granting relief. However, the Council focuses on the main purpose of the organisation. The Council is encouraged to examine the balance between playing and non-playing members.
- B.13 Within this area, the Council also considers whether the facilities provided relieve the Council of the need to do so or enhance and supplement those that it does provide.

### **Discretionary Relief - Non-Profit Organisations including Recreation – the Council’s Policy.**

- B.14 The Council will consider applications for discretionary rate relief from non-profit making organisations on their own merits on a case-by-case basis. In determining the application, the following matters will be taken into consideration (The list is not exhaustive):
- The organisation should be prepared to show that there is a policy of open access to all sections of the community. Restriction on membership may be acceptable where required standards of achievement are necessary (e.g. sports or other fields covered by the organisation) or where capacity is limited;
  - Organisations should actively encourage membership from groups which the authority consider to be particularly deserving of support (e.g. young people, older age groups, persons with a disability, ethnic minorities etc.);
  - Rate relief might be granted in order to encourage an organisation to make its facilities available to people other than members;
  - The fact that an organisation which provides schemes to develop the skills of their members and where the facilities available have been provided by self-help or grant aid may be an indicator that it is deserving of support;
  - The existence of a bar is not, in itself, a reason for not granting relief but should be considered in relation to the main purpose of the organisation;
  - Organisations which provide facilities which indirectly relieves the authority of the need to do so or which enhance and supplement those which it does provide should be considered in relation to the needs of the community as a whole;
  - Other considerations to be taken into account when determining the level of relief is whether the organisation is affiliated to local or national organisations and whether membership is drawn from people who are mainly resident in the billing authority’s area; and
  - The authority should bear in mind the need to encourage new activities in a wide range of organisations.
- B.15 The Council will also require additional financial information including:
- If the organisation runs a bar or food provision, the level of income from this activity and how this money is used; and
  - Whether the organisation operates at a local or national level and where appropriate, the local and national funding streams and financial position of the organisation.

**Appendix C**  
**Discretionary Relief – Premises within Rural Settlements**

## **Discretionary Relief – Premises within Rural Settlements**

- C.1 In addition to having the ability to grant discretionary relief to those in receipt of mandatory relief, the Local Government and Rating Act 1997 allows discretionary relief of up to 100% to be granted where the rateable value is £16,500 or less and:
- (a) Property is used for purposes which are of benefit to the local community; and
  - (b) It would be reasonable for the billing authority to award relief, having regards to the Council's Council Taxpayers.
- C.2 As with most discretionary relief, part of the cost, is met by Central Government and the balance from local sources.
- C.3 The main criteria for granting discretionary relief in respect of rural rate relief is that premises are used to benefit the local community.

### **What rural settlements exist within the Council's area?**

- C.4 The list of all designated rural settlements within the Council's area are published on the Council's website [www.westlancs.gov.uk/bills-benefits/business-rates/business-rates-forms-and-reliefs](http://www.westlancs.gov.uk/bills-benefits/business-rates/business-rates-forms-and-reliefs). The boundary of each settlement is the same as the Parish boundary, except where otherwise defined.

### **Benefit to the local community**

- C.5 Whilst each application for the relief will be considered on its own merits, there are certain factors which weigh heavily in the decision-making process. It is this Council's belief that the spirit of the legislation is to assist businesses and amenities, which contribute significantly to the quality of life of the people who have their main home in the Rural Settlement.
- C.6 To be successful for consideration, a business must show that its existence is a significant benefit to the local community with the majority of local residents directly benefiting from services or facilities provided by that business.

### **Rural Rate Relief – the Council's Policy for granting discretionary relief.**

- C.7 The Council will also consider applications for a discretionary rural rate relief from all ratepayers, not entitled to mandatory relief up to a maximum of 100%.
- C.8 In determining the application, the following matters will be taken into consideration:
- The granting of any discretionary relief will be essential in ensuring the viability of any business within the rural settlement;
  - The granting of any discretionary relief is proportionate given the level of any business rates charged compared with the overall turnover of the business;
  - The granting of any discretionary relief will assist the business in continuing to be viable and / or prevent the business from failing;
  - The business is considered by the Council to be essential to the community and that any reduction or withdrawal of the business will have a serious detrimental effect on the rural settlement; and
  - The granting of any discretionary relief is reasonable having regard to the effect on taxpayers of the Council.

**Appendix D**  
**Discretionary Relief – Localism Act 2011**

## Discretionary Relief – Localism Act 2011

### General explanation

- D.1 Section 69 of the Localism Act 2011 amended Section 47 of the Local Government Finance Act 1988. These provisions allow all Councils to grant discretionary relief in **any** circumstances where it feels fit having regards to the effect on the Council Taxpayers of its area.
- D.2 The provisions are designed to give authorities flexibility in granting relief where it is felt that to do so would be of benefit generally to the area and be reasonable given the financial effect to Council Taxpayers. An example where the Council has granted relief in the past are where premises were affected by flooding.

### Discretionary Relief – Localism – the Council’s Policy

- D.3 Applications will be considered from any ratepayer who wishes to apply. However, where a ratepayer is suffering hardship or severe difficulties in paying their rates liability then relief can be granted under the existing provisions as laid down by Section 49 of the Local Government Finance Act 1988. There will be no requirement to grant relief in such cases under the Council’s discretionary relief policy.
- D.4 Any ratepayer applying for discretionary rate relief under these provisions and who does not meet the criteria for existing relief (charities, non-profit making organisations etc.) may apply. When considering an application for rate relief the following factors will be taken into account:
- (a) That relief is for a temporary period;
  - (b) The significance of potential loss of employment in the area;
  - (c) Opportunities for new business growth, expansion, and employment within the area;
  - (d) The positive effects on business cash flow and evidence of positive impact on future viability;
  - (e) Sufficient evidence of likelihood of recovery of the applicant’s business;
  - (f) Reassurance of duration of retained employment and continued production/operation in the area;
  - (g) Uniqueness of service/commodity being provided within the community/district;
  - (h) What proactive measures the business/organisation is taking to reduce overheads, etc.;
  - (i) Measures being taken to reduce their rate liability, for example occupying smaller premises, letting out parts of the building, etc.;
  - (j) Consideration will also be given to rate deferral, reprofiling of instalments, arrangements as an alternative method of support;
  - (k) It is in the interests of council taxpayers as a whole to give relief;
  - (l) Giving rate relief to a business/organisation must be balanced against whether this creates unfair market conditions to the detriment of others;
  - (m) It should also be recognised that one of the main overheads of any business is Non-Domestic Rates and therefore it is reasonable to expect that businesses have made provision to pay this;
  - (n) Businesses can appeal against the rateable value or where there is a material change can apply to the Valuation Office Agency to have the rateable value reassessed the Council would expect businesses to use this mechanism first; and
  - (o) Payment record history will be taken into account.
- D.5 Relief will be withdrawn/ cancelled if:
- (p) the conditions or circumstances on the basis of on which the relief was granted change or
  - (q) fail to materialise, or the information submitted as part of the application proves to be misleading;
  - (r) the applicant ceases to be the ratepayer; or
  - (s) business/organisation ceases to trade (in case of occupied rates) or downscales operations and workforce in contravention of any agreement; or
  - (t) the use of the property changes

D.6 A formal application from the ratepayer will be required in each case and any relief will be granted in line with subsidy requirements as specified within this policy.

**Appendix E**  
**Local Newspaper Relief**



E.1 This is a relief that will be awarded until 2025 and the Government is not changing the legislation around the reliefs available to these properties. Central Government will reimburse local authorities that use their discretionary relief powers (under section 47(3)) of the Local Government Finance Act 1988 to grant relief in line with the eligibility criteria set out in this guidance.

E.2 The Council will be compensated by Central Government through a grant under section 31 of the Local Government Act 2003.

### **Eligibility criteria**

E.3 The scheme will provide a £1,500 relief (per annum) for office space occupied by local newspapers up to a maximum of one discount per local newspaper title and per hereditament.

### **Local Newspapers**

E.4 The relief is to be specifically for local newspapers and by that, the Council means what would be considered a “traditional local newspaper.” The relief will not be available to magazines.

### **Office Space**

E.5 The hereditament **must** be occupied by a local newspaper and wholly or mainly used as office premises for journalists and reporters.

### **Amount of Relief**

E.6 The amount of relief is limited to a maximum of one discount per newspaper title (e.g., per newspaper name) **AND** per hereditament. As with all discretionary rate relief, any grant will be subject to subsidy limits as defined within this policy.

### **Local Newspaper Relief – the Council’s policy for granting discretionary relief.**

E.7 The Council has decided to grant relief strictly in accordance with Central Government guidelines.

**Appendix F**  
**Supporting Small Businesses Relief**

## **General Explanation**

- F.1 For the financial years 2023/24 to 2025/26, the Government will, in line with the eligibility criteria set out below, reimburse the Council if it uses its discretionary relief powers under section 47 of the Local Government Finance Act 1988 (as amended), to grant 2023 Supporting Small Business relief.
- F.2 It will be for the Council, which administers the 2023 Supporting Small Business (2023 SSB) relief, to adopt a local scheme and determine in each individual case when, having regard to this guidance, to grant relief under section 47.
- F.3 Central government will reimburse the Council and major precepting authorities for the actual cost to them under the rates retention scheme of the 2023 Supporting Small Business relief that falls within the definitions in this policy.

## **Who is eligible for the 2023 Supporting Small Business Relief (2023 SSB) and how much relief will be available?**

- F.4 2023 SSBR will help those ratepayers who as a result of the change in their rateable value at the revaluation are losing some or all of their Small Business, Rural Rate Relief or 2017 SSBR and, as a result, are facing large increases in their bills.
- F.5 Charities and Community Amateur Sports Clubs, who are already entitled to mandatory 80% relief, are not eligible for 2023 SSBR.
- F.6 To support these ratepayers, 2023 SSBR will ensure that the increase in the bills of these ratepayers is limited to a cash value of £600 per year. This cash maximum increase ensures that ratepayers do not face large bill increases in 2023/24 after transitional relief and small business rate relief (as applicable) have been applied. In order to simplify the scheme, the 2023 SSBR will not include minimum percentage bill increases (unlike the 2017 scheme).
- F.7 Those on 2023 SSBR whose 2023 rateable values are £51,000 or more will not be liable to pay the supplement (1.3p) to fund small business rate relief while they are eligible for 2023 SSBR.
- F.8 The 2017 SSBR scheme was provided to support small and medium ratepayers who had seen large increases in their bills at the 2017 revaluation. They have, therefore, had 6 years of support to allow them to adjust to their full 2017 bills. Therefore, for those ratepayers receiving 2017 SSB relief in 2022/23, any eligibility for 2023 SSBR will end on 31 March 2024.
- F.9 The Council will ensure this eligibility criteria is clear in the scheme approved and that relief for these ratepayers is awarded for one year only so that the relief can then be withdrawn on 31 March 2024 without further notice.
- F.10 A change of ratepayers will not affect eligibility for the Supporting Small Business scheme but eligibility will be lost if the property falls vacant or becomes occupied by a charity or Community Amateur Sports Club.
- F.11 There is no second property test for eligibility for the 2023 SSBR scheme. However, those ratepayers who during 2022/23 lost entitlement to Small Business Rate Relief (because they failed the second property test) but have, under the rules for Small Business Rate Relief, been given a 12 month period of grace before their relief ended - can continue on the 2023 SSBR scheme for the remainder of their 12 month period of grace.

## **Sequence of reliefs**

- F.12 Hereditaments eligible for charity or Community Amateur Sports Club relief or hereditaments which are unoccupied are not eligible for 2023 SSBR. For the avoidance of doubt, small business rate relief or rural rate relief will not be applied to further reduce the bill found under 2023 SSBR (to avoid the double counting of relief).

- F.13 The same principle applies to properties for which a Section 44A certificate has been granted (apportionment of rateable values for partly occupied properties). The presence of a section 44A certificate will not further reduce the bill found under 2023 SSBR.
- F.14 All other discretionary reliefs, including those funded by section 31 grants, will be considered after the application of 2023 SSBR.

### **Subsidy control**

- F.15 The 2023 SSBR is likely to amount to a subsidy. Therefore, any relief provided by the Council under this scheme will need to comply with the UK's domestic and international subsidy control obligations.
- F.16 To the extent that the Council is seeking to provide relief that falls below the Minimal Financial Assistance (MFA) thresholds, the Subsidy Control Act allows an economic actor (e.g., a holding company and its subsidiaries) to receive up to £315,000 in a three-year period (consisting of the 2023/24 year and the two previous financial years). MFA subsidies cumulate with each other and with other subsidies that fall within the category of 'Minimal or SPEI financial assistance'. BEIS COVID-19 business grants and any other subsidies claimed under the Small Amounts of Financial Assistance limit of the Trade and Cooperation Agreement should be counted under the £315,000 allowance.
- F.17 In those cases where it is clear to the Council that the ratepayer is likely to breach the MFA limit then the Council will withhold the relief. Otherwise, the Council may include the relief in bills and ask the ratepayers, on a self-assessment basis, to inform the Council if they are in breach of the MFA limit.
- F.18 MFA subsidies above £100,000 are subject to transparency requirements. This is not cumulated per beneficiary but applies per subsidy award. This means that for every individual subsidy provided of more than £100,000, the Council will include details of the subsidy on the subsidy control database.

### **Recalculations of reliefs**

- F.19 As with other reliefs, the amount of SSBR awarded will be recalculated in the event of a change of circumstances. This could include, for example, a backdated change to the rateable value or to the hereditament. This change of circumstances could arise during the year in question or during a later year.
- F.20 Under regulations made under section 47 of the Local Government Finance Act 1988 authorities must give at least 12 months' notice of a revocation or variation of a rate relief scheme the effect of which would be to increase rate bills. Such a revocation or variation can only take effect at the end of a financial year (other than to comply with international agreements). But within these regulations, the Council may still make decisions which are conditional upon eligibility criteria. If a change in circumstances renders a property ineligible, the relevant bill can be amended in the year to reflect the loss of the relief.
- F.21 Therefore, when making an award for SSBR, the Council will ensure the conditions of the award that the relief are subject to the property's continuing eligibility. If the use of the property changes so that it is no longer eligible, the relevant chargeable amount must be recalculated to reflect that fact.
- F.22 The Council will also ensure that the scheme provides that eligibility for those ratepayers previously in the 2017 SSBR scheme in 2022/23 are eligible for one year of relief only and that the relief will then be withdrawn from those ratepayers on 31 March 2024 without further notice.

### **Supporting Small Businesses Relief – the Council's policy for granting discretionary relief.**

- F.23 The Council has decided to grant relief strictly in accordance with Central Government guidelines.

**Appendix G**  
**Retail, Hospitality and Leisure Relief**

## General Explanation

G.1 The 2024/25 Retail, Hospitality and Leisure Business Rates Relief scheme will provide eligible, occupied, retail, hospitality, and leisure properties with a 75% relief, up to a cash cap limit of £110,000 per business.

### How will the relief be provided?

G.2 As this is a temporary measure for 2024/25, Government is not changing the legislation relating to the reliefs available to properties. Instead, Government will, in line with the eligibility criteria set out in this guidance, reimburse the Council if it uses its discretionary relief powers under section 47 of the Local Government Finance Act 1988 (as amended) to grant relief. It will be for the Council to adopt a local scheme and determine in each individual case when, having regard to this guidance, to grant relief under section 47.

G.3 Government will fully reimburse the Council and major precepting authorities for their loss of income under the rates retention scheme as a result of awarding the relief that falls within the definitions in this guidance, using a grant under section 31 of the Local Government Act 2003.

G.4 The government expects the Council to apply and grant relief to qualifying ratepayers from the start of the 2024/25 billing year.

### Which properties will benefit from relief?

G.5 Hereditaments which benefit from the relief will be those which for a chargeable day in 2024/25:

- meet the eligibility criteria; and
- the ratepayer for that chargeable day has not refused the relief for the eligible hereditament.

The ratepayer may refuse the relief for each eligible hereditament anytime up to 30 April 2024. The ratepayer cannot subsequently withdraw their refusal for either all or part of the financial year.

G.6 The Council has decided that, for the purposes of section 47 of the 1988 Act, hereditaments where the ratepayer has refused the relief are outside of the scheme and outside of the scope of the decision of which hereditaments qualify for the discount and are therefore ineligible for the relief.

G.7 In line with the legal restrictions in section 47(8A) of the Local Government Finance Act 1988, the Council may not grant the discount to themselves or precepting authorities.

### How much relief will be available?

G.8 Subject to the £110,000 cash cap per business, the total amount of government-funded relief available for each property for 2023/24 under this scheme is for chargeable days from 1 April 2024 to 31 March 2025, 75% of the chargeable amount.

G.9 The relief will be applied after mandatory reliefs and other discretionary reliefs funded by section 31 grants have been applied, but before those where the Council has used its wider discretionary relief powers introduced by the Localism Act 2011, which are not funded by section 31 grants. However, the former categories of discretionary relief available prior to the Localism Act 2011 (i.e., charitable relief etc.) will be applied first in the sequence of discretionary reliefs and, therefore, before Retail, Hospitality and Leisure relief. Authorities may use their discretionary powers to, at cost to themselves, offer further discounts outside this scheme or additional relief to hereditaments within the scheme. However, where the Council applies a locally funded relief under section 47, this will be applied after the Retail, Hospitality and Leisure relief.

G.10 The ordering **will** be applied in following sequence:

- Transitional Relief
- Mandatory Reliefs (as determined in legislation)
- S.47 Discretionary Relief in the following order:
  - (i) 2023 Supporting Small Business (SSB);

- (ii) Former categories of discretionary relief available prior to the Localism Act 2011 (i.e., charitable, CASC, rural top up, and not for profit) will be applied first in the sequence of discretionary reliefs, after SSB;
- (iii) Other discretionary (centrally funded);
- (iv) 2024/25 Retail Hospitality and Leisure relief scheme; and
- (v) Other locally funded schemes (such as section 49 hardship).

G.11 Subject to the cash cap, the eligibility for the discount and the relief itself will be assessed and calculated on a daily basis. The following formula will be used to determine the amount of relief to be granted for a chargeable day for a particular hereditament in the financial year 2024/25:

- Amount of relief to be granted =  $V \times 0.75$  where:
- V is the daily charge for the hereditament for the chargeable day after the application of any mandatory relief and any certain other discretionary reliefs in line with the above.

G.12 This will be calculated ignoring any prior year adjustments in liabilities which fall to be liable on the day.

G.13 Ratepayers that occupy more than one property will be entitled to relief for each of their eligible properties up to the maximum £110,000 cash cap, per business.

### **The Cash Cap and Subsidy Control**

G.14 Under the cash cap, no ratepayer can in any circumstances exceed the £110,000 cash cap across all of their hereditaments in England.

G.15 Where a ratepayer has a qualifying connection with another ratepayer, then those ratepayers will be considered as one ratepayer for the purposes of the cash caps. A ratepayer shall be treated as having a qualifying connection with another:

- (a) where both ratepayers are companies, and
  - (i) one is a subsidiary of the other, or
  - (ii) both are subsidiaries of the same company; or
- (b) where only one ratepayer is a company, the other ratepayer (the “second ratepayer”) has such an interest in that company as would, if the second ratepayer were a company, result in its being the holding company of the other.

G.16 The Retail Hospitality and Leisure Scheme is likely to amount to subsidy. Any relief provided by the Council under this scheme will need to comply with the UK’s domestic and international subsidy control obligations.

G.17 To the extent that the Council is seeking to provide relief that falls below the Minimal Financial Assistance (MFA) thresholds, the Subsidy Control Act allows an economic actor (e.g., a holding company and its subsidiaries) to receive up to £315,000 in a 3-year period (consisting of the 2023/24 year and the 2 previous financial years). MFA subsidies cumulate with each other and with other subsidies that fall within the category of ‘Minimal or SPEI financial assistance’. Expanded Retail Discount granted in 2021/22 does not count towards the £315,000 allowance but BEIS COVID-19 business grants and any other subsidies claimed under the Small Amounts of Financial Assistance limit of the Trade and Cooperation Agreement will be counted.

G.18 In those cases, where it is clear to the Council that the ratepayer is likely to breach the cash cap or the MFA limit, then the Council will automatically withhold the relief.

G.19 MFA subsidies above £100,000 are subject to transparency requirements. This is not cumulated per beneficiary but applies per subsidy award. This means that for every individual subsidy provided of more than £100,000, the Council will include details of the subsidy on the subsidy control database.

## **Splits, mergers, and changes to existing hereditaments**

G.20 The relief will be applied on a day-to-day basis using the formula set out above. A new hereditament created as a result of a split or merger during the financial year, or where there is a change of use, will be considered afresh for the relief on that day.

## **Recalculations of relief**

G.21 The amount of relief awarded will be recalculated in the event of a change of circumstances. This could include, for example, a backdated change to the rateable value or the hereditament. This change of circumstances could arise during the year in question or during a later year.

G.22 Under regulations made under section 47 of the Local Government Finance Act 1988 the Council must give at least 12 months' notice of a revocation or variation of a rate relief scheme the effect of which would be to increase rate bills. Such a revocation or variation can only take effect at the end of a financial year (other than to comply with international agreements). But within these regulations, the Council may still make decisions to ensure the scheme is administered in accordance with the extant rules. If a change in circumstances renders a property ineligible, the relevant bill can be amended in the year to reflect the loss of the relief.

## **Eligibility for the Retail, Hospitality and Leisure Relief Scheme**

G.23 The Council uses the following definitions to establish eligibility for the relief:

**Hereditaments that meet the eligibility for Retail, Hospitality and Leisure scheme will be occupied hereditaments which meet all of the following conditions for the chargeable day:**

- they are wholly or mainly being used:
  - (i) as shops, restaurants, cafes, drinking establishments, cinemas, or live music venues,
  - (ii) for assembly and leisure; or
  - (iii) as hotels, guest & boarding premises, or self-catering accommodation

**i. Hereditaments that are being used for the sale of goods to visiting members of the public:**

- Shops (such as: florists, bakers, butchers, grocers, greengrocers, jewellers, stationers, off licences, chemists, newsagents, hardware stores, supermarkets, etc)
- Charity shops
- Opticians
- Post offices
- Furnishing shops/ display rooms (such as: carpet shops, double glazing, garage doors)
- Car/caravan show rooms
- Second-hand car lots
- Markets
- Petrol stations
- Garden centres
- Art galleries (where art is for sale/hire)

**ii. Hereditaments that are being used for the provision of the following services to visiting members of the public:**

- Hair and beauty services (such as: hairdressers, nail bars, beauty salons, tanning shops, etc)
- Shoe repairs/key cutting
- Travel agents
- Ticket offices e.g., for theatre
- Dry cleaners
- Launderettes
- PC/TV/domestic appliance repair
- Funeral directors
- Photo processing
- Tool hire



- Car hire

**iii. Hereditaments that are being used for the sale of food and/or drink to visiting members of the public:**

- Restaurants
- Takeaways
- Sandwich shops
- Coffee shops
- Pubs
- Bar

**iv. Hereditaments which are being used as cinemas.**

**v. Hereditaments that are being used as live music venues:**

- Live music venues are hereditaments wholly or mainly used for the performance of live music for the purpose of entertaining an audience. Hereditaments cannot be considered a live music venue for the purpose of business rates relief where a venue is wholly or mainly used as a nightclub or a theatre, for the purposes of the Town and Country Planning (Use Classes) Order 1987 (as amended).
- Hereditaments can be a live music venue even if used for other activities, but only if those other activities (i) are merely ancillary or incidental to the performance of live music (e.g., the sale/supply of alcohol to audience members) or (ii) do not affect the fact that the primary activity for the premises is the performance of live music (e.g., because those other activities are insufficiently regular or frequent, such as a polling station or a fortnightly community event).
- There may be circumstances in which it is difficult to tell whether an activity is a performance of live music or, instead, the playing of recorded music.

**vi. Hereditaments that are being used for the provision of sport, leisure, and facilities to visiting members of the public (including for the viewing of such activities).**

- Sports grounds and clubs
- Museums and art galleries
- Nightclubs
- Sport and leisure facilities
- Stately homes and historic houses
- Theatres
- Tourist attractions
- Gyms
- Wellness centres, spas, massage parlours
- Casinos, gambling clubs and bingo halls

**vii. Hereditaments that are being used for the assembly of visiting members of the public.**

- Public halls
- Clubhouses, clubs, and institutions

**viii. Hereditaments where the non-domestic part is being used for the provision of living accommodation as a business:**

- Hotels, Guest, and Boarding Houses
- Holiday homes
- Caravan parks and sites

G.24 To qualify for the relief the hereditament should be wholly or mainly being used for the above qualifying purposes. In a similar way to other reliefs (such as charity relief), this is a test on use rather than occupation. Therefore, hereditaments which are occupied but not wholly or mainly used for the qualifying purpose will not qualify for the relief.

G.25 The list set out above is not intended to be exhaustive as it would be impossible to list the many and varied uses that exist within the qualifying purposes.

**Hereditaments that are being used for the provision of the following services to visiting members of the public:**

G.26 The list below sets out the types of uses that the government does not consider to be an eligible use for the purpose of this discount. Again, it is for the Council to determine for themselves whether particular properties are broadly similar in nature to those below and, if so, to consider them **not** eligible for the discount under their local scheme:

- Financial services (e.g., banks, building societies, cash points, bureaux de change, short-term loan providers, betting shops);
- Medical services (e.g., vets, dentists, doctors, osteopaths, chiropractors);
- Professional services (e.g., solicitors, accountants, insurance agents/ financial advisers, employment agencies, estate agents, letting agents); and
- Post office sorting offices.

**Retail Hospitality and Leisure Relief – the Council’s policy for granting discretionary relief.**

G.27 The Council has decided to grant relief strictly in accordance with Central Government guidelines.

**Appendix H**  
**Section 49 – Hardship Relief**

## **Section 49 – Hardship Relief**

### **General explanation**

H.1 The Council is able to exercise its discretion under Section 49 of the Local Government Finance Act 1988 to provide either partial or full relief for non-domestic rate payments in cases of hardship where it would be reasonable to do so having due regard to the interests of council tax payers in general.

### **Section 49 Hardship Relief – the Council’s Policy**

H.2 The Council will consider applications for hardship relief from individuals and organisations based on their own merits on a case-by-case basis. The Corporate Director of Transformation, Housing and Resources after consultation with the Leader of the Council will consider applications. Application forms are available from the Council.

H.3 In making decisions on whether to award the relief the Council takes into account the following criteria (not listed in any priority):

- Any reduction or remission of rates on the grounds of hardship should be the exception rather than the rule;
- Any reduction of the rates must be shown to be significant to the future viability of the business;
- The business must continue to trade;
- Cash flow forecasts for a minimum of the next twelve months must be provided together with a comprehensive Business Plan incorporating a brief history of the business;
- The test of "hardship" is not strictly confined to financial hardship and that this, in itself, is not a deciding factor;
- The loss of the business would reduce amenities of an area if it is the sole provider of a service in the area;
- Details of any subsidy, grants, or subsidies either from central or local government over the previous three years;
- The loss of the business would worsen the employment prospects in the area;
- The interests of the Council Tax payers of the area would be best served by awarding the relief;
- The business must demonstrate how it is beneficial to the local community and why it is currently suffering financial hardship;
- The business provides employment to local residents in an area where employment opportunities are limited;
- Independent advice given by banks or financial advisors should be sought to demonstrate the future viability of the business; and
- Applications will only be considered where signed by the ratepayer, or, where an organisation is the ratepayer, an appropriately authorised representative of the organisation; and

H.4 The ratepayer will provide additional information as deemed necessary by the Council to be essential in order for a fair evaluation of the application.

# Equality Impact Assessment Form



**Directorate: Transformation & Resources**

**Service: Revenues and Benefits**

**Completed by: Estelle Dobson**

**Date: ??.01.24**

**Subject Title:**

## 1. DESCRIPTION

Is a policy or strategy being produced or revised?	Yes <span style="float: right;"><i>*delete as appropriate</i></span>
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 ( <b>Eliminating unlawful discrimination/harassment, advancing equality of opportunity, fostering good relations</b> )?	Yes
Details of the matter under consideration:	Discretionary Schemes both Borough Council and Central Government funded have been agreed and Policy to underpin these Discretions requires decision and adoption to progress payment to eligible NNDR payers

*If you answered **Yes** to any of the above go straight to Section 3*

*If you answered **No** to all the above, please complete Section 2*

## 2. RELEVANCE

Does the work being carried out impact on service users, staff or Councillors (stakeholders):	No <span style="float: right;"><i>*delete as appropriate</i></span>
If <b>yes</b> , provide details of how these impact on service users, staff or Councillors (stakeholders): <i>If you answered <b>Yes</b> go to Section 3</i>	
If you answered <b>No</b> to both Sections 1 and 2 provide details of why there is no impact on these three groups: <i>You do not need to complete the rest of this form.</i>	

## 3. EVIDENCE COLLECTION

Who does the work being carried out impact on, i.e. who is/are the stakeholder(s)?	NNDR payers
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)?	Yes
Which of the protected characteristics are most relevant to the work being carried out?  Age Gender Disability Race and Culture Sexual Orientation Religion or Belief Gender Reassignment Marriage and Civil Partnership Pregnancy and Maternity	<i>*delete as appropriate</i>  No No* No* No* No* No* No* No* No*
<b>4. DATA ANALYSIS</b>	
In relation to the work being carried out, and the service/function in question, who is actually or currently using the service and why?	The service/discretionary scheme is not yet set up and running
What will the impact of the work being carried out be on usage/the stakeholders?	Support 'Good cause' businesses within the Borough
What are people's views about the services? Are some customers more satisfied than others, and if so, what are the reasons? Can these be affected by the proposals?	n/a
What sources of data including consultation results have you used to analyse the impact of the work being carried out on users/stakeholders with protected characteristics?	Existing data contained within the Northgate Revenues computer system
If any further data/consultation is needed and is to be gathered, please specify:	
<b>5. IMPACT OF DECISIONS</b>	
In what way will the changes impact on people with particular protected characteristics (either positively or negatively or in terms of disproportionate impact)?	n/a
<b>6. CONSIDERING THE IMPACT</b>	

<p>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.).</p>	
<p>What actions do you plan to take to address any other issues above?</p>	<p><i>If no actions are planned state no actions</i></p>
<p><b>7. MONITORING AND REVIEWING</b></p>	
<p>When will this assessment be reviewed and who will review it?</p>	<p>?</p>







COUNCIL: 28 FEBRUARY 2024

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**Report of:** Corporate Director of Transformation, Housing & Resources

**Relevant Portfolio Holder:** Councillor Gareth Dowling

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

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**SUBJECT:** SAFER STREETS 5

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Wards affected: Borough wide

## **1.0 PURPOSE OF THE REPORT**

- 1.1 To approve Home Office grant funding and to use this funding to enhance the Council's CCTV network.

## **2.0 RECOMMENDATIONS TO COUNCIL**

- 2.1 That the Home Office funding of £160,000 is approved and committed to be spent in accordance with paragraph 3.3 of this report.
- 2.2 That the Head of Planning and Regulatory Services is granted delegated authority, in discussion the Portfolio Holder for Planning and Community Safety, to bid, accept and administer opportunities for Community Safety external grant funding where the timescale and/or requirements for such funding prevent the matter from being presented to Members and that would otherwise lead to the funding opportunity not being taken.

## **3.0 BACKGROUND**

- 3.1 Following invites for Expressions of Interest, the West Lancashire Community Safety Partnership (CSP) submitted a bid to the Lancashire Office of the Police and Crime Commissioner (OPCC) in August 2023 for Round 5 of the Home Office *Safer Streets* fund. The purpose of the fund is to provide measures proven to tackle neighbourhood crime, violence against women and girls and anti-social behaviour (ASB).
- 3.2 The bid was supported by the Police and OPCC and was designed to meet the Home Office criteria and specifically to "Enhance the Safety of Students, Visitors and Workers in Ormskirk Town Centre and on University Campus Red Routes,

with a focus on Preventing and Detecting Violence to Women and Girls, Preventing and Detecting Serious Violence and Preventing and Detecting Serious Anti-Social Behaviour".

- 3.3 A key element of the bid logistics was to replace the Council's existing legacy CCTV monitoring wall, operator desk, and spot monitors, install a new Network Video Recorder in the CCTV Control Room and install 3 new CCTV cameras in Ormskirk Town Centre. The three locations which included, Railway Road, Ormskirk Bus Station and the junction of Wigan Road were supported by the Police through a 'Designing Out Crime' report.
- 3.4 The Council and CSP were informed on 26 September 2023 that the Home Office had approved the bid. However, the Home Office subsequently decided to reduce the amount of funding available to the Police and the OPCC and limit the scope of the funding. Projects due to be funded by the OPCC were subsequently put on hold and the Council and CSP were not informed that the funding could proceed until 23 January 2024. However, it remains a Home Office requirement that the Council must be able to commission the project and commit/spend the funding by 31 March 2024.

#### **4.0 CURRENT POSITION**

- 4.1 This short timescale makes it impossible for the Council to use routine procurement practices to award the work and commission the project. Moreover, there is no flexibility in the parameters dictated by the Home Office for the allocated funding and so the project could not be delivered, and the related benefits not realised.
- 4.2 An exemption to Contract Procedure Rules is therefore applicable to allow for the direct award of the project to a competent and experienced CCTV provider. The justification for such exemption is due to:
- Urgency: the grant agreement funding was only confirmed on 23 January 2024 and the monies must be spent by 31 March 2024 and so there was nothing the Council could have done to prepare itself a tender prior to this date.
  - A lack of suitable tenderers in the market: the market has been recently tested for similar CCTV works (albeit of a larger scope under the CCTV maintenance contract) with only two responses. It is therefore likely that there will be a very low number of potential bidders for this work.
  - Risk and loss of opportunity: if the monies are not spent within the timescales and according to the terms set out in the grant agreement then the Council will not receive or must repay the grant monies and the project cannot be delivered.
- 4.3 The late confirmation of the funding from the Home Office also necessitates the recommendations in this report that seek Council approval of the bid itself and to spend the funding as stated in paragraph 3.3 of this report.
- 4.4 If Members approve the recommendations in this report, Officers are able to prepare the specification for the work and ensure the related legal and procurement requirements are addressed so the project can be committed before

the given deadline date. The physical works would then be delivered thereafter over an agreed timescale.

- 4.5 In determining this matter, Members may recall that Council approved a budget to commission a full review of the Council's CCTV system as part of the 2023/24 budget. This review was to ensure the CCTV system remained cost effective and functional for the next 10-15 years. The review has been completed and Officers are currently assessing the findings before presenting relevant options to Members. However, the Home Office funding could be used to support and enhance the core functions of the existing CCTV system which would still allow for all review options to be considered. It also gives the added advantage of giving additional funding to allow such options to be properly considered in due course.

## **5.0 SUSTAINABILITY IMPLICATIONS**

- 5.1 The project will result in improvements to the Council's CCTV network and camera provision in Ormskirk. The updated CCTV monitoring wall, operator desk, and spot monitors will also improve the functionality available to CCTV operators. These additions will therefore improve surveillance and responsiveness to address the Council's priority to *Enhance and improve a safe, built environment* and the core function of the CSP to combat and reduce crime.

## **6.0 FINANCIAL AND RESOURCE IMPLICATIONS**

- 6.1 The works outlined in paragraph 3.3 of this report can be delivered within the allocated funding. The delivery of the project can therefore be delivered within existing resources, including maintenance of the new equipment that would be installed.
- 6.2 The late confirmation of this funding has resulted in a great deal of unplanned and urgent work for Officers to obtain the relevant permissions and authorisations, which in turn, placed a significant risk to the delivery of the project itself. Officers are therefore keen to avoid a recurrence of this situation and the recommendation provided at paragraph 2.2 of this is report is sought to mitigate this risk, but only where the timescale and/or requirements for such prevent the matter from being presented to Members accordingly.

## **7.0 RISK ASSESSMENT**

- 7.1 Notwithstanding the challenging timescales, the Home Office funding provides an opportunity for the Council to update and improve its CCTV network. If the opportunity is not taken the works would have to be funded directly or not provided. The delivery of the project also still allows for the options of the pending CCTV review to be considered in due course.

## **8.0 HEALTH AND WELLBEING IMPLICATIONS**

- 8.1 Outside of the stated aims to combat and reduce crime and the related positive health impacts on persons who feel comforted by an improved CCTV network and related Council and Police response, there are no health and wellbeing implications arising from this report.

## **Background Documents**

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

## **Equality Impact Assessment**

There is a direct impact on members of the public, employees, elected members and / or stakeholders, therefore an Equality Impact Assessment is required. A formal equality impact assessment is attached as an Appendix to this report, the results of which have been taken into account in the Recommendations contained within this report.

## **Appendices**

1. Equality Impact Assessment

## Equality Impact Assessment Form



<b>Directorate:</b> Place & Community	<b>Service:</b> Community Safety
<b>Completed by:</b> Paul Charlson	<b>Date:</b> 08/02/24
<b>Subject Title:</b> Safer Streets 5	
<b>1. DESCRIPTION</b>	
Is a policy or strategy being produced or revised:	No
Is a service being designed, redesigned or cutback:	No
Is a commissioning plan or contract specification being developed:	Yes
Is a budget being set or funding allocated:	Yes
Is a programme or project being planned:	Yes
Are recommendations being presented to senior managers and/or Councillors:	Yes
Does the activity contribute to meeting our duties under the Equality Act 2010 and Public Sector Equality Duty ( <b>Eliminating unlawful discrimination/harassment, advancing equality of opportunity, fostering good relations</b> ):	No
Details of the matter under consideration:	
<p><i>If you answered <b>Yes</b> to any of the above go straight to Section 3</i></p> <p><i>If you answered <b>No</b> to all the above please complete Section 2</i></p>	
<b>2. RELEVANCE</b>	
Does the work being carried out impact on service users, staff or Councillors (stakeholders):	N/A
If <b>Yes</b> , provide details of how this impacts on service users, staff or Councillors (stakeholders):	
<i>If you answered <b>Yes</b> go to Section 3</i>	
If you answered <b>No</b> to both Sections 1 and 2 provide details of why there is no impact on these three groups:	
<i>You do not need to complete the rest of this form.</i>	
<b>3. EVIDENCE COLLECTION</b>	
Who does the work being carried out impact on, i.e. who is/are the stakeholder(s)?	Public, residents and businesses. CSP members.

If the work being carried out relates to a universal service, who needs or uses it most? (Is there any particular group affected more than others)?	N/A
Which of the protected characteristics are most relevant to the work being carried out?	
Age	No
Gender	No
Disability	No
Race and Culture	No
Sexual Orientation	No
Religion or Belief	No
Gender Reassignment	No
Marriage and Civil Partnership	No
Pregnancy and Maternity	No
<b>4. DATA ANALYSIS</b>	
In relation to the work being carried out, and the service/function in question, who is actually or currently using the service and why?	CCTV service operated by the Council. Its use impacts all public, residents and businesses and CSP members.
What will the impact of the work being carried out be on usage/the stakeholders?	Improved CCTV provision. Improved ability to identify and combat crime.
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?	Annual People Survey supportive of community safety measures.
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?	See above.
If any further data/consultation is needed and is to be gathered, please specify:	None.
<b>5. IMPACT OF DECISIONS</b>	
In what way will the changes impact on people with particular protected characteristics (either positively or negatively or in terms of disproportionate impact)?	Improved CCTV provision. Improved ability to identify and combat crime.
<b>6. CONSIDERING THE IMPACT</b>	
If there is a negative impact what action can be taken to mitigate it? (If it is not possible or	All Council CCTV provision is delivered within relevant Office of Surveillance

desirable to take actions to reduce the impact, explain why this is the case (e.g. legislative or financial drivers etc.).	Commissioners guidance. The Security Systems & Alarms Inspection Board (SSAIB) also certify the Council's CCTV operation annually.
What actions do you plan to take to address any other issues above?	None.  <i>If no actions are planned state no actions</i>
<b>7. MONITORING AND REVIEWING</b>	
When will this assessment be reviewed and who will review it?	Annually, as part of a full CCTV report and [above mentioned] SSAIB certification.







COUNCIL: 23 February 2024

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**Report of:** Corporate Director of Transformation, Housing & Resources

**Relevant Portfolio Holder:** Councillor Cummins

**Contact for further information:** Name Kathryn Moffitt (Extn. 5175 )  
(E-mail: [Kathryn.moffitt@westlancs.gov.uk](mailto:Kathryn.moffitt@westlancs.gov.uk))

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**SUBJECT:** PUBLIC HEALTH, HEALTHY WEIGHT COLLABORATION AGREEMENT

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Wards affected: Borough wide

## **1.0 PURPOSE OF THE REPORT**

- 1.1 To seek approval to collaborate with Lancashire County Council (Public Health Team) to deliver a 5 year (the "Initial Term") Healthy Weight service in West Lancashire for adults, children and families, with the option to extend the Initial Term by up to a further 3 years (the "Extension Period").

## **2.0 RECOMMENDATIONS TO COUNCIL**

- 2.1 That entering into the collaboration agreement detailed below with Lancashire County Council to deliver the Healthy Weight services be approved.
- 2.2 That delegated authority is given to the Corporate Director of Transformation, Housing & Resources to spend the monies received further to the collaboration agreement to deliver healthy weight management services across West Lancashire with appropriate organisations and to undertake such procurement processes and agree and enter into such documents as are required to do so.

## **3.0 BACKGROUND**

- 3.1 The whole systems approach to obesity recognises that obesity is a complex issue with multiple causes and has significant implications beyond health. There is no one solution in tackling this problem and it requires a long-term, system wide approach to support change. Evidence suggests a family based holistic approach to be more effective, acknowledging that working with whole families extends the reach of services and increases the likelihood of making and sustaining behaviour

change. ([Health matters: whole systems approach to obesity – GOV.UK \(www.gov.uk\)](https://www.gov.uk)).

- 3.2 Lancashire's Cardiovascular Disease (CVD) mortality rates are well above the England average which in part is likely to be associated with correspondingly high levels of deprivation. Two of the common modifiable risk factors of CVD is being overweight or obese and physically inactive.
- 3.3 Lancashire County Council's Health and Wellbeing Board have made a commitment to prioritise Healthy Hearts as one of its initial three priorities. The Healthy Weight service will form a key part of supporting the Healthy Hearts Strategy and will report to the Healthy Hearts Steering group.
- 3.4 Addressing unhealthy weight and supporting people to sustain weight loss is complex and it is recognised that just providing traditional weight management services is no longer enough.
- 3.5 A flexible service is needed that adapts to meet need and promotes sustainability whilst contributing to a whole systems approach to tackling obesity, working closely and in partnership with stakeholders to improve outcomes for all.
- 3.6 West Lancs Borough Council's Community and Wellbeing Team have for the last five years been successfully delivering the Adult Weight Management services across the borough.
- 3.7 The Children and Young People (Family healthy weight programme) has recently been delivered by Shares Lancashire Ltd in West Lancs, delivering targeted interventions to families identified by schools in our priority wards.
- 3.8 In 2017 Lancashire County Council adopted and signed the Healthy Weight Declaration (HWD). The HWD outlines 16 commitments which tackle a range of issues influencing unhealthy weight.

#### **4.0 CURRENT POSITION AND PROPOSED COLLABORATION AGREEMENT**

- 4.1 The existing Healthy Weight Management Grant Agreement that the Community and Wellbeing Team are currently delivering comes to an end on 31<sup>st</sup> March 2024. The new Healthy Weight collaboration agreement is detailed below due to start 1<sup>st</sup> April 2024 and finish 31<sup>st</sup> March 2029 with a possible additional 3 year extension.
- 4.2 Lancashire County Council have engaged partners and residents to gather insight and design the new collaboration agreement that support the delivery of a healthy weight service in each district across Lancashire.
- 4.2 At a community level the healthy weight service will support a reduction in health inequity by engaging all eligible members of the local community. The venues used for delivery and methods will need to vary depending on the need in the community.

- 4.3 Lancashire County Council have designed a collaboration agreement to ensure that Adult Weight Management and Family based healthy lifestyles intervention funding is distributed to each District Council based on population and need.
- 4.4 Under the collaboration agreement West Lancs Borough Council will receive £75,000 per annum for five years from Lancashire County Council to assist with the delivery of Healthy Weight Programmes and interventions in West Lancashire.
- 4.4 The Community and Wellbeing Team will continue to deliver the Adult Weight Management programme and will look to procure services to deliver the Healthy Weight Programmes and interventions with a third sector provider or providers or other appropriate organisations.
- 4.5 The Healthy Weight Service will include components of a Tier 2 Weight Management Service for adults, a family programme that promotes and supports healthy weight behaviours, and a wider integrated support option for individuals who wish to access independent community services that support healthy weight behaviours.
- 4.6 The Healthy Weight Services will deliver its family-based programme as a group intervention. This will be a programme that does not place a focus on weight and instead encourages and models healthy lifestyle behaviours; and a varied balanced diet, support, and encouragement to get involved with community activities. For example, learning practical skills such a cooking and play in a fun environment as piloted in the programme known as PASTA (Play and skills at Teatime Activities).
- 4.7 Two full time staff posts associated with the delivery of the project are funded by the existing Healthy Weight Management Grant Agreement. Entering into the new collaboration agreement will allow those posts to continue for the duration of the collaboration agreement.

## **5.0 ISSUES**

- 5.1 The Adult Weight Management programme requires authorisation to receive and spend the allocation of funding from April 2024 and secure existing staff in post to deliver the service.

## **6.0 SUSTAINABILITY IMPLICATIONS**

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

## **7.0 FINANCIAL AND RESOURCE IMPLICATIONS**

- 7.1 There are some financial/ resource implications arising from this report in respect of the salary costs for staffing, however these will be met using existing resources and external funding.

7.2 Redundancy costs would present as a financial implication if the funding does not continue after the period.

## **8.0 RISK ASSESSMENT**

8.1 The impact and risk of this Collaboration Agreement is considered low, all risks will be managed effectively by Officers delivering the services and through any procurement of services to a third sector provider.

8.2 There is a risk that in the event funding is not secured from Lancashire County Council, existing staff posts will no longer be funded.

## **9.0 HEALTH AND WELLBEING IMPLICATIONS**

9.1 The proposal will positively impact on health wellbeing and behaviours of adults and families who engage with the healthy weight services in West Lancashire.

9.2 The service to be delivered will be an accessible multi component Healthy Weight Service for individuals which, at a minimum will include:

- A single point of assessment for all eligible individuals, whether self-referral or via health professionals.
  - Adult weight management/healthy weight interventions that are evidence based and support healthy nutritionally balanced diets and healthier lifestyles.
  - A family intervention based on the piloted programme known as PASTA (Play and skills at Teatime Activities) which will support healthy behaviours focusing on being active as a family, cooking healthy meals, playing out and reducing sedentary behaviour.
  - Provide programmes embedded in the principles of and delivery methods that support behaviour change.
  - Advice and support to access appropriate physical activity opportunities and reduce sedentary behaviours.
  - An integrated approach that offers support outside of the Provider(s) own delivery, utilising a place-based approach that links with community assets.
  - Maternal nutrition, healthy eating, and physical activity advice during pregnancy.
  - Development of a network of place-based opportunities and encourage ongoing peer connection and support network.
- 
- *Promote good health and wellbeing and enable people to flourish*
  - *Prevent and tackle the causes of ill health;*
  - *Empower people in vulnerable, deprived and disadvantaged communities to realise their full health potential;*
  - *Develop and support effective and high quality health and wellbeing services;*
  - *Encourage and enable all people to take a role in identifying and addressing barriers to improve health and wellbeing;*
  - *Increase people's independence throughout their life course and ability to lead full active lives.)*

## **Background Documents**

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

## **Appendices**

None



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

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