

Agenda



ENVIRONMENT, HEALTH AND HOUSING COMMITTEE

Date:	Tuesday, 9 June 2015 at 6:15 pm
Venue:	Town Hall, St Annes, FY8 1LW
Committee members:	<p>Councillor Ben Aiken (Chairman) Councillor Viv Willder (Vice-Chairman)</p> <p>Councillors Maxine Chew, Delma Collins, Gail Goodman JP, Shirley Green, Roger Lloyd, Graeme Neale, Louis Rigby, Heather Speak, Richard Taylor, Thomas Threlfall.</p>

Public Platform

To hear representations from members of the public in accordance with council procedure rule 11.

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1	Declarations of Interest: Declarations of interest, and the responsibility for declaring the same, are matters for elected members. Members are able to obtain advice, in writing, in advance of meetings. This should only be sought via the Council's Monitoring Officer. However, it should be noted that no advice on interests sought less than one working day prior to any meeting will be provided.	1
2	Substitute Members: Details of any substitute members notified in accordance with council procedure rule 24(c).	1
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Contact: Katharine McDonnell - Telephone: (01253) 658423 – Email: democracy@fylde.gov.uk

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<http://fylde.cmis.uk.com/fylde/DocumentsandInformation/PublicDocumentsandInformation.aspx>

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DECISION ITEM



REPORT OF	MEETING	DATE	ITEM NO
DEVELOPMENT SERVICES	ENVIRONMENT, HEALTH AND HOUSING COMMITTEE	9 JUNE 2015	3

CREMATORIUM CHAPEL CAPACITY - NOTICE OF MOTION

PUBLIC ITEM

This item is for consideration in the public part of the meeting.

SUMMARY

The report presents information on the notice of motion that was considered by full council in March in relation to the need to extend the Crematorium chapel and car park. The report seeks a decision whether members wish to see further work undertaken on the matter.

RECOMMENDATION

That members consider the report and decide whether or not they wish to commission further work on the notice of motion to extend the crematorium chapel and car park.

CORPORATE PRIORITIES

To Promote the Enhancement of The Natural & Built Environment (Place)	√	To Encourage Cohesive Communities (People)	√
To Promote a Thriving Economy (Prosperity)		To Meet Expectations of our Customers (Performance)	√

SUMMARY OF PREVIOUS DECISIONS

Council on 30th March 2015 considered the following notice of motion submitted by Cllr Keith Beckett:
“that the Council look in to Crematorium re-Extension to the Chapel and Car Parking as for it to be put in to the next capital program”.

Following a discussion the following amendment was moved and carried;

“That this issue is looked at and considered during the next municipal year in preparation for submission to the next capital programme.”

REPORT

1. At its meeting on 30th March 2015, Council considered a notice of motion under rule 11 of the Council Procedure Rules, which was proposed by Councillor Keith Beckett and seconded by Councillor Oades.

"The Notice of Motion is that the Council look in to Crematorium re-Extension to the Chapel and Car Parking as for it to be put in to the next capital program".

Councillor Beckett stated that he felt the current facilities at the crematorium were no longer fit for purpose and that he wanted the Council to look at increasing the size and capacity of the chapel and car parking facilities. Following a discussion an amendment was moved by Councillor Little and seconded by Councillor Fazackerley as following, which was carried;

"That this issue is looked at and considered during the next municipal year in preparation for submission to the next capital programme."

2. This report presents further information to enable members to initially consider the issue and decide whether further investigation and research by officers is necessary.
3. The Chapel was built in 1956/57 and opened in 1958. It has a floor area of some 92msq and was designed to accommodate 72 people seated (based on 12 pews with 6 persons per pew). This can increase to 80 people if 7 per pew are seated which has been the case on occasions. In addition there are standing areas at both sides of the pews and a bigger standing area by the exit doors. The outer doors can also be closed and people can stand in the entrance vestibule. Given this and with the agreement and good will of those attending another 80 – 120 people can directly witness the service bringing a maximum capacity of approximately 200.
4. The council does not keep records of how often people have to stand at services but it is estimated from direct experience that it is around 1 in 20 services. The number of times all visitors to a service cannot get into the chapel is less than one per month.
5. The opportunity to expand the chapel is limited on all sides: -
 - Front – The access road closing would prevent access to the rear of the cemetery and graves are within 10m of front.
 - Left side- Graves are within 5m of building.
 - Back – The road is needed for access to the cemetery, this would require moving the cremation equipment.
 - Right side – It would be feasible to extend the chapel over the existing garden of remembrance, this is the only practical option.
6. It is estimated, based on experience and current knowledge that an extension on the right side of the chapel could cost between £400,000 to £600,000 depending on the size of the extension, the quality of the finishes and external appearance and landscaping.
7. There is a scheme within the 2017/18 capital programme to the value of £300,000 to extend the burial ground to the rear of the site. The scheme includes for the creation of a modest 20 space car park at the rear of the building along with improvements to traffic management flows. If larger funerals are facilitated and promoted at the chapel this will inevitably increase demand on car parking further which may not be catered for within the above proposals to provide the additional 20 spaces and may indeed be a consideration of any planning permission sought.

8. It must be noted that the borough has a number of churches that are capable of holding large funerals. There are also venues like Lowther which can seat over 400 people should it be required.
9. The crematorium operates a 30 minute time slot for most funerals. If the facility is extended and promoted and there would be an increase in the number of people attending this may impact on the individual time funerals take and may require longer time slots which could reduce the number of services which could be held.
10. There are other implications which would need to be considered in depth should members be minded to pursue the proposal which include:
 - the loss of garden of remembrance may detract from the setting/ambiance of the existing chapel,
 - it may be considered that the garden of remembrance is not appropriate to be used for any extension as the site may have been used (unofficially) to scatter ashes by some previously,
 - noise may be an issue from an extension on the site of the garden of remembrance as sounds from the crematory could possibly be overheard if windows are open for ventilation in the summer,
 - disruption to service including loss of income whilst the facility is closed whilst works are taking place.
11. The report gives an initial assessment of the proposal to provide an extension to the crematorium chapel and car park. Members are asked to consider the report and decide whether or not they wish further work to be undertaken to more fully consider the notice of motion.
12. If members wish to proceed further with a scheme it would need the appointment of an architect and quantity surveyor to investigate and design a scheme which could be considered by members as part of the council's capital programme. The cost of these services to produce a scheme to RIBA stage D is estimated at between £20,000 - £30,000 for which there is currently no budget provision for.

IMPLICATIONS	
Finance	<p>Although detailed costings have not yet been undertaken, given the early stage of the proposal, based upon an initial assessment of the cost of extending the crematorium chapel it is apparent that this would be a scheme of significant cost. The currently approved capital programme does not include any provision for this scheme.</p> <p>Additionally there would be a consequential loss of income during any closure period which could be quantified if and when a more detailed description of the works becomes available. The approved revenue budget currently anticipates no such loss of income.</p>
Legal	There are no implications
Community Safety	There are no implications
Human Rights and Equalities	There are no implications
Sustainability and Environmental Impact	There are no implications
Health & Safety and Risk Management	There are no implications

LEAD AUTHOR	TEL	DATE	DOC ID
Paul Walker	01253 658431	26 th May 2015	

LIST OF BACKGROUND PAPERS		
Name of document	Date	Where available for inspection
Council agenda/minutes	30 th March 2015	http://www.fylde.gov.uk/meetings/details/1202

DECISION ITEM

REPORT OF	MEETING	DATE	ITEM NO
DEVELOPMENT SERVICES	ENVIRONMENT, HEALTH & HOUSING COMMITTEE	9 JUNE 2015	4

NEW MEMORIAL GARDEN – LYTHAM PARK CEMETERY

PUBLIC ITEM

This item is for consideration in the public part of the meeting.

SUMMARY

The report relates to the replacement of the existing timber fence on the Eastern perimeter of the Cemetery. This forms the boundary between the Cemetery and the Golf Course and the rear boundary to the new memorial Garden.

The report sets out the context, details the receipt of quotations, quotation assessment, and makes recommendations to proceed with the project through the letting of the contract to complete the work.

Details of the financial breakdown of the proposed spend and the benefits of the project are identified in the report

RECOMMENDATION

Approve the letting of the replacement timber fence to the sum of £ 7,695 to Gary Carr Decorating and Maintenance, with a contingency of £305 being held by Fylde Council, this being part of the approved capital scheme in 2015/16 for the provision of a new Memorial Garden at Lytham Park Cemetery in the total sum of £41,000.

CORPORATE PRIORITIES

To Promote the Enhancement of The Natural & Built Environment (Place)	√	To Encourage Cohesive Communities (People)	
To Promote a Thriving Economy (Prosperity)		To Meet Expectations of our Customers (Performance)	√

SUMMARY OF PREVIOUS DECISIONS

Full Council 30th March 2015

Resolved - 1. The Council approve and adopt, with the exception of matters relating to exceptional capital schemes in relation to the Freckleton Memorial Park and Lowther Gardens roof replacement:

(c) The updated Five Year Capital Programme including the changes proposed by Cabinet, as set out in Appendix G;

REPORT

Background

1. Lytham Park Cemetery opened as a burial ground in 1927 with the later addition of the Crematory and Chapel, which was built in 1956/57 and opened in 1958. Lytham Park Crematorium is one of only two Crematoria on the Fylde Coast, which offers a dedicated burial and cremation service.
2. Lytham Park Cemetery provides the major focus for interments in the Borough undertaking approximately 160 interments per year.
3. The Council has invested a significant amount of capital funding into Lytham Park Cemetery and Crematorium with replacement cremators, mercury abatement equipment, refurbishment of the Chapel, resurfacing of the main drive and the construction of an Infant Memorial Garden.
4. Council on the 3rd March 2015 approved an addition to the capital programme in the sum of £41,000 in 2015/16 for the provision of a new Memorial Garden at Lytham Park Cemetery, funded from additional crematorium income received in 2014/15 and transferred into the Capital investment Reserve for this purpose.
5. In addition, within the 2017/18 capital programme £300,000 funding is in place to extend the burial ground to the rear of the site.
6. The Council provides memorials in the form of wall plaques and wall niche's which are located to the rear of the chapel. Recently income has declined from the sale of wall niches and wall plaques due to the fact that the memorial walls are being constructed further away from the main buildings.
7. The outcome of the project will be –
 - The replacement of the existing 324 linear meters of timber post and rail fencing on the eastern boundary of the site.
 - The creation of a new Memorial Garden to enable the Council to continue to offer space for memorial wall plaques

Scheme Details

8. The scheme proposes to create a new memorial garden to the rear of the site, which uses the memorial walls to create the structure. The area will be landscaped and the rear of the site fenced.
9. The new memorial garden will provide a distinct, clearly defined area where bereaved families can purchase wall plaques in remembrance of their loved ones.

10. It is proposed to implement the project in two phases. Phase 1, which is to replace the fencing to the rear of the site and phase 2, which will see the construction of the memorial walls and the landscaping of the site. Phase 2 will be the subject of a future report to the Environment, Health & Housing Committee.
11. The fencing is post and 4 rail and extends to 324 linear meters on the eastern boundary of the site adjacent to the golf course.
12. The existing fencing is rotten and has collapsed in many places and is in a very poor condition and needs replacing. The Council has a legal obligation to fence the boundary between the Cemetery and the Golf Course and have been approached by the golf club directly to replace the fencing.

Procurement Process

13. Under the Councils contract Rules and procedures and the Councils financial regulations for small contracts 3 quotations have been sought from companies as follows –

Company Name	Quotation received
William Pye Limited	£13,284
G E Singleton Landwork	£8,262
Gary Carr Decorating and Maintenance	£7,695

Finance

14. Full Council on the 3rd March 2015 approved a capital budget of £41,000 in 2015/16 for the New Memorial Garden at Lytham Park Cemetery.
15. The proposal is to commit £8,000 to the project. The estimated cost breakdown of the scheme is as follows –

Description	Cost
Fencing Works	£7,695
Contingency	£305
Total	£8,000

Future Management and Maintenance

16. The fencing will be managed and maintained by the Bereavement Services Team. As the team already manage and maintain the cemetery site, there will be no additional revenue cost implications.

IMPLICATIONS	
Finance	The proposed works in the sum of £8,000 form part of the approved scheme for the provision of a new Memorial Garden at Lytham Park Cemetery in the total sum of £41,000 which is part of the Capital Programme as approved by Council on the 3rd March 2015.
Legal	There are no implications
Community Safety	There are no implications
Human Rights and Equalities	There are no implications
Sustainability and Environmental Impact	There are no implications
Health & Safety and Risk Management	There are no implications

LEAD AUTHOR	TEL	DATE	DOC ID
Darren Bell	01253 658465	26 th May 2015	

LIST OF BACKGROUND PAPERS		
Name of document	Date	Where available for inspection
Council Minutes	30/3/2015	www.fylde.gov.uk

DECISION ITEM

REPORT OF	MEETING	DATE	ITEM
DEVELOPMENT SERVICES	ENVIRONMENT, HEALTH AND HOUSING COMMITTEE	9 JUNE 2015	5

HOME ENERGY CONSERVATION ACT SUPPLEMENTARY REPORT

PUBLIC ITEM

This item is for consideration in the public part of the meeting.

SUMMARY

A Home Energy Conservation Act (HECA) report was presented to the former Policy Development Scrutiny Committee on the 12th March 2015. At that meeting members resolved that a costing exercise be undertaken to inform Cabinet of the cost implications of focussing resources on those households suffering fuel poverty. Under the new administrative arrangements it is appropriate for the Environment, Health and Housing Committee to consider this report. The report concludes that significant additional resources would be required to tackle fuel poverty in the council area and members are invited to consider the costs involved and determine what further actions, if any, they wish to take.

RECOMMENDATIONS

Members are asked to consider the contents of this report and determine what, if any, further actions they wish to take to tackle fuel poverty in the council's area.

CORPORATE PRIORITIES

To Promote the Enhancement of The Natural & Built Environment (Place)	✓	To Encourage Cohesive Communities (People)	✓
To Promote a Thriving Economy (Prosperity)	✓	To Meet Expectations of our Customers (Performance)	

SUMMARY OF PREVIOUS DECISIONS

Policy Development Scrutiny Committee - 12th March 2015

Home Energy Conservation Act – Further Report March 2015. The Committee resolved:

1. That the Home Energy Conservation Act 1995 report of March 2015 be adopted, published, and notification of its publication be sent to the Secretary of State; and
2. That a costing exercise be undertaken to inform the Cabinet of the cost implications for focussing resources on those households suffering fuel poverty.

Cabinet – 25th March 2015

RESOLVED to approve the recommendations made by the Policy Development Scrutiny Committee at its meetings held on 19 February 2015 and 12 March 2015 subject to:

- Replace “Cabinet” on the Home Energy Conservation Act – Further Report March 2015, recommendation 2(2), to the “Environmental, Health and Housing Committee”.

REPORT

1. Guidance issued by DECC in July 2012, under the Home Energy Conservation Act 1995 (HECA), required all English authorities with housing responsibilities to prepare a report by 31 March 2013 setting out the energy conservation measures that the authority considers practicable, cost-effective and likely to result in significant improvement in the energy efficiency of residential accommodation in its area. The Council agreed a report in 2013 which was published.
2. [GOV.UK published data in 2013](#) which contains links for further information on HECA reports for those local authorities which reported under the HECA requirements above. This allowed for a comparison to see how individual authorities are performing.
3. A ‘Home Energy Conservation Act (HECA) – Further Report’ was presented to the former Policy Development Scrutiny Committee on the 12th March 2015. The purpose of that report was to advise and update members of actions being taken and progress towards improving the energy efficiency of domestic accommodation in the area.
4. Paragraph 4 of that report confirmed that; *‘It is most likely that the current actions will not be sufficient to achieve a significant improvement in energy efficiency and therefore will not achieve significant reductions in emissions of carbon dioxide as required by legislation.’*
5. Paragraph 6 of that report highlighted that; *‘Members may wish to note two issues from the preamble to the HECA report below;*
 - *Fuel poverty is reported in 10% or more of households in 11 (of 50) lower super output areas in Fylde. In one area it is reported in over 18% of households.*
 - *The per capita domestic emissions of carbon dioxide is significantly above average and is within the top 20% nationally for such emissions.**Members may wish to consider future actions in these areas.’*
6. The Committee resolved to adopt and publish the report. It also resolved that a costing exercise be undertaken to inform Cabinet of the cost implications for focussing resources on those households suffering fuel poverty. The minutes of PDSC were considered by Cabinet at its meeting on 25th March. Cabinet approved the recommendations of scrutiny although resolved that the costing exercise should be considered by the Environment, Health and Housing Committee under the new administrative arrangements for the Council after May 2015.
7. Definition of fuel poverty

Fuel poverty in England is measured by the Low Income High Costs definition, which considers a household to be in fuel poverty if:

- they have required fuel costs that are above average (the national median level)
- were they to spend that amount they would be left with a residual income below the official poverty line

8. Based on this definition it is estimated that 8.1% of households in Fylde are in fuel poverty. This equates to nearly 3,000 households. As mentioned above there are concentrations of fuel poverty in a number of lower super output areas in Fylde.
9. In assessing fuel poverty there is an interaction between the cost of fuel, the amount of fuel needed and the ability to pay for the fuel needed. Tackling one or more of these interactions should result in an improvement in the level of fuel poverty.
10. The amount of fuel needed is directly related to the size and energy efficiency of a dwelling. The most common ways of improving the energy efficiency of a dwelling are;
 - Improving the levels of loft insulation, cavity wall insulation or solid wall insulation
 - Improved draught proofing
 - Improved heating systems
 - Use of energy efficient lighting
 - Installation of double glazing
11. Of the measures listed above the most cost effective are generally a combination of loft and cavity wall insulation together with improved heating systems. Typical costs for these measures are estimated to be in the order of;
 - Loft insulation £300 - £400
 - Cavity wall insulation £400 - £600
 - New gas boiler £1,500
 - New gas central heating system including boiler £3,000These prices give a guide and will vary depending on, in particular, the type and size of property. They also represent an unsubsidised cost.
12. From the above it could cost in the order of £4,000 to properly improve a dwelling that has not had any previous energy efficiency works carried out. Applying this cost to the 3,000 households estimated to be in fuel poverty equates to £12 million. However it is likely that many properties would not require all of the above measures to sufficiently improve energy efficiency to take a household out of fuel poverty and so the total estimate would be somewhat lower.
13. The current level of [Energy Company Obligation¹ \(ECO\)](#) funding is uncertain but it is likely that some funding will remain available into the future. It is likely, therefore, that net costs could be kept to an average a few hundred pounds per dwelling but even at this level a spend of around £1million is estimated.
14. As mentioned earlier, the other determinants of fuel poverty include the cost of fuel and the ability of the household to pay for the fuel needed. Actions in these areas would be appropriate alongside any actions aimed at improving the energy efficiency of dwellings Such actions could include;
 - Changing to a cheaper fuel e.g. from solid fuel to gas
 - Switching energy supplier to obtain a better tariff
 - Maximising household income.
15. There is currently no provision within the approved Revenue Budget nor the approved Capital Programme to carry out any of the actions referred to in this report.

¹ The Energy Companies Obligation (ECO) is a domestic energy efficiency programme which works alongside the Green Deal to provide added support for packages of energy efficiency measures.

16. Members are asked to consider the information in this report to determine what, if any, actions they wish to be carried out. If Members wish to carry out additional actions the funding for such activities would need to be addressed.

IMPLICATIONS	
Finance	Neither the Revenue Budget nor the Capital Programme for 2015/16 as approved by Council on 3 rd March 2015 include provision for any of the activities as described within the body of this report. If the Committee were to determine that any additional activities should take place, the funding for such would need to be addressed.
Legal	Enabling and facilitating the improvement of the energy efficiency of dwellings in the council area is a requirement of The Home Energy Conservation Act
Community Safety	There are no implications
Human Rights and Equalities	There are no implications
Sustainability and Environmental Impact	Improving the energy efficiency of dwellings will contribute to sustainable communities and improve the environment
Health & Safety and Risk Management	There are no implications

LEAD AUTHOR	TEL	DATE	DOC ID
John Cottam	01253 658690	May 2015	

LIST OF BACKGROUND PAPERS		
Name of document	Date	Where available for inspection
Housing Strategy (HECA reports)	2013 & 2015	http://www.fylde.gov.uk/resident/housing/housingstrategy/
The Home Energy Conservation Act (HECA) reports	27 th Nov 2013	https://www.gov.uk/government/publications/2013-home-energy-conservation-act-heca-reports
HECA report to Policy Development Scrutiny Cttee.	12 th March 2015	http://www.fylde.gov.uk/meetings/details/1219
Cabinet agenda/minutes	25 th March 2015	http://www.fylde.gov.uk/meetings/details/1192

DECISION ITEM



REPORT OF	MEETING	DATE	ITEM
DEVELOPMENT SERVICES	ENVIRONMENT, HEALTH AND HOUSING COMMITTEE	9 JUNE 2015	6

THE REDRESS SCHEME FOR LETTINGS AGENCIES AND PROPERTY MANAGERS

PUBLIC ITEM

This item is for consideration in the public part of the meeting

SUMMARY

The Redress Schemes for Lettings Agency Work and Property Management Work (Requirement to Belong to a Scheme etc.) (England) Order 2014 came into force on the 1st October 2014. The Order requires persons undertaking residential property lettings or management work to belong to a redress scheme for dealing with complaints in connection with that work. The Order places the responsibility for enforcing the provisions of The Order with the council. The Order introduces a penalty fine of up to £5,000 for non-compliance with the requirement to be a member of an approved redress scheme.

RECOMMENDATIONS

1. That the enforcement of The Redress Schemes for Lettings Agency Work and Property Management Work (Requirement to Belong to a Scheme etc.) (England) Order 2014 (The Order) be delegated to the Director for Development Services. The enforcement will be in accordance with The Order and as detailed in appendix 1 below.
2. That the penalty fine for non-compliance with the requirements of The Order be £5,000 unless extenuating circumstances exist to justify a lower amount. Consideration of extenuating circumstances to be delegated to the officers in recommendation 1 above.

CORPORATE PRIORITIES (delete V which are not relevant)

To Promote the Enhancement of The Natural & Built Environment (Place)		To Encourage Cohesive Communities (People)	✓
To Promote a Thriving Economy (Prosperity)		To Meet Expectations of our Customers (Performance)	

SUMMARY OF PREVIOUS DECISIONS

No previous decisions.

REPORT

1. The Redress Schemes for Lettings Agency Work and Property Management Work (Requirement to Belong to a Scheme etc.) (England) Order 2014 (The Order) came in to force on the 1st of October 2014. The Order makes it a legal requirement for people engaged in the private residential sector in the business of property letting and management to join one of three government approved redress schemes. The three recognised schemes are;
 - Ombudsman Services Property,
 - Property Redress Scheme, and
 - The Property Ombudsman.
2. The introduction of the requirement to belong to a redress scheme gives tenants and landlords in the private rented sector the ability to make a complaint to an independent person about the service they receive from their letting agent or property manager. If a complaint is upheld against a letting agent or property manager the redress scheme has a range of penalties available including apologies, changes in practice or in some cases compensation. It is important that agents and managers join a redress scheme to enable these remedies to become available.
3. The requirement to join a redress scheme will be enforced by local housing authorities. Fylde Council is the local housing authority for its area. As the designated enforcement authority the council will be responsible for checking that all lettings agents and property managers are properly registered with an approved scheme. The council's role will not extend to investigation and determination of complaints made to the schemes about any of their members.
4. There are some exceptions to the requirement to join a scheme including; employers finding homes for their employees, educational establishments, legal professionals, managers of refuge homes, receivers and insolvency practitioners, managers instructed by local authorities and social landlords etc.
5. The penalty for not being a member of an approved redress scheme is a monetary penalty of up to £5,000. There is a procedure to be followed in the imposition of a monetary penalty as prescribed by The Order and as detailed in the enforcement procedure in the appendix below.
6. Initial government guidance has been issued. The guidance sets out an expectation that a £5,000 fine should be the norm for non-compliance with the requirement to join a scheme and that a lower fine should only be charged if the enforcement authority is satisfied that there are extenuating circumstances. The fine is payable to the council and the proceeds may be used by the council for any of its functions.
7. It will be for the council to decide what, if any, circumstances should be considered as extenuating, having taken into account any representations made by the agent or manager within the 28 days following a notice of intention to impose a fine. Such matters could include; a genuine lack of awareness in the early days of the requirements; whether a £5,000 fine would be disproportionate to the turnover or scale of the business; the timeliness of corrective action; the co-operation with the council in investigating the alleged breach.
8. Members are asked to approve that the penalty for non-compliance with The Order is £5,000 unless extenuating circumstances apply and that enforcement of The Order and consideration of extenuating circumstances be delegated to the Director of Development Services or an appropriate officer delegated by the Director of Development Services.

IMPLICATIONS	
Finance	It is possible that there will be additional income to the council in the form of non-compliance penalties the value of which would be dependent on the level of non-compliance with the scheme. No such income has been assumed within the current approved revenue budget. There are no additional staffing requirements or any other staffing implications arising from implementation of the scheme.
Legal	A duty to enforce The Order is placed on the council.
Community Safety	There are no implications
Human Rights and Equalities	There are no implications
Sustainability and Environmental Impact	There are no implications
Health & Safety and Risk Management	There are no implications

LEAD AUTHOR	TEL	DATE	DOC ID
John Cottam	01253 658690	May 2015	

LIST OF BACKGROUND PAPERS		
Name of document	Date	Where available for inspection
Explanatory memorandum to The redress schemes for lettings agency work and property Management work (requirement to belong to a scheme etc) (England) Order 2014	2014	http://www.legislation.gov.uk/uksi/2014/2359/pdfs/uksiem_20142359_en.pdf
Lettings Agents and Property Managers Which Government approved redress scheme do you belong to?	Oct 2014	https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/361556/Lettings_Agents_and_Property_Managers_redress_scheme_leaflet.pdf

Attached documents

1. Property Redress scheme – Enforcement procedure

Appendix 1: Property Redress - Enforcement Procedure

Where the council intends to impose a penalty for non-compliance with the Order it must follow the process set out below.

Step 1: Notice of intent

The council must give written notice of their intention to impose a penalty setting out

- The reasons for the penalty
- The amount of the penalty
- That there is a 28 day period to make written representations or objections starting from the day after the date on which the notice of intent was sent.

The written notice must be served within 6 months of the date on which the council is in a position to issue the fine, having gathered sufficient evidence and that a fine is appropriate. The council may withdraw the notice of intent or reduce the amount specified at any time by giving notice in writing.

Step 2: Representations and objections

The person on whom the notice of intent was served has 28 days starting from the day after the date the notice was served to make written representations and/or objections to the council in relation to the fine.

Step 3: Final notice

At the end of the 28 day period the council must decide, having taken into account any representations received, whether to impose the fine and if so, must give at least 28 days for payment to be made. When imposing a fine the council must issue a final notice in writing which explains:

- Why the fine is being imposed
- The amount to be paid
- How payment may be made
- The consequences of failing to pay
- That there is a right of appeal against the penalty to the First Tier Tribunal and that any such appeal must be made within 28 days following the imposition of the fine

The council may withdraw the final notice or reduce the amount of the fine at any time by giving notice in writing.

Step 4: Appeals

If an appeal is lodged the fine cannot be enforced until the appeal has been determined. Appeals can be made on the grounds that:

- The decision to impose a fine was based on a factual error or was wrong in law
- The amount of the fine is unreasonable
- The decision was unreasonable for any other reason

The First Tier Tribunal may agree with the council's notice or may decide to quash or vary the notice and fine.

Step 5: Recovery of the penalty

If the person on who the fine is levied does not pay within the period specified, the council can recover the fine with the permission of the court as if payable under a court order. Where proceedings are necessary for the recovery of the fine, a certificate signed by the chief financial officer stating that the amount due has not been received by a date specified on the certificate will be taken as conclusive evidence that the fine has not been paid.

DECISION ITEM



REPORT OF	MEETING	DATE	ITEM NO
DEVELOPMENT SERVICES	ENVIRONMENT, HEALTH AND HOUSING COMMITTEE	9 JUNE 2015	7

APPOINTMENT TO OUTSIDE BODIES/WORKING GROUPS

PUBLIC ITEM

This item is for consideration in the public part of the meeting.

SUMMARY

Council has asked that the programme committees make recommendations to appointments from within their respective memberships for those outside bodies relating to the brief for the committee. This report covers those appointments that relate to the Environment, Health and Housing Committee.

RECOMMENDATION

The committee is invited to

1. recommend nominations to the outside bodies listed for consideration by council
2. confirm the establishment of the working groups(s) listed which will meet as and when required

CORPORATE PRIORITIES

To Promote the Enhancement of The Natural & Built Environment (Place)	√	To Encourage Cohesive Communities (People)	√
To Promote a Thriving Economy (Prosperity)	√	To Meet Expectations of our Customers (Performance)	√

SUMMARY OF PREVIOUS DECISIONS

A report has been considered by Council on 20th May 2015 which seeks recommendations from individual programme committees as to nominations for representation.

REPORT

1. The Council makes a number of appointments to outside bodies in each municipal year. A report was considered at the recent AGM which is in line with the process undertaken each year. Council resolved *'That this matter stands referred to the next council meeting to allow the various programme committees the opportunity to recommend appointments from within their respective memberships for those outside bodies relating to the brief of their committee'*.
2. This report deals with the outside bodies that relate to the terms of reference for the Environment, Health and Housing Committee. The first table below includes the name of the body/group, the role/purpose and which elected member previously represented the Council. The committee is invited to recommend nominations for consideration by Full Council.
3. Under the previous governance arrangements there existed the facility through scrutiny for members to establish specific task and finish working groups to look in some depth at particular issues and make recommendations to Cabinet. With the adoption of the new governance arrangements that is no longer possible. However programme committees may wish to establish their own subject specific working groups to be set up when required in order to advise the parent programme committee on a particular topic/issue.
4. The second table below lists those working groups that relate to the terms of reference of the Environment, Health and Housing Committee that were previously created by scrutiny and that are considered to have a future purpose. The committee is invited to consider nominations for those working groups when the need arises. The establishment of working groups is within the responsibility of the individual programme committees and does not need the approval of Council.
5. It is important that the members nominated to represent the Council on outside bodies/working groups have an appropriate interest in the body/partnership/subject, can commit to positively represent the Council and be available to commit the time to attend the majority of the meetings involved.
6. The members nominated should ideally be a member of the programme committee to which the matter relates to.
7. The current protocol is that members are required to produce regular reports about the outside bodies on which they serve, currently every six months. It is the intention that this information will be made available to the programme committee members to which the external partnership relates.
8. The conclusion of any working group would be brought to committee in a formal report as previously occurred in scrutiny.

Environment, Health and Housing Committee- Outside bodies/partnerships			
Outside body / partnerships	Role/Purpose	Frequency of meetings	Previous representation
Children's Partnership Board (formally the Children's Trust)	Sub regional partnership that ensures all child related initiatives are delivered efficiently and properly in particular services for vulnerable children	Quarterly	Councillor Richard Redcliffe
Council for Voluntary Services, BWF	Observation role to a registered charity that works with groups and organisations in the Voluntary, Community and Faith sectors in the Blackpool, Wyre and Fylde.	Periodically	Councillor Len Davies
East Lytham Working Group	Set up by the Environment Agency, to address flood risk and land drainage concerns relating to land east of Lytham.	Periodically	Portfolio Holder for Environment and Partnerships
Face to Face	YMCA Housing works in collaboration with young people and families that are in crisis by enabling them to secure and maintain a safe place to stay. Positive emotional and mental health and wellbeing is fundamental to the growth and development of an individual, as such YMCA Housing offers an holistic approach, supporting young people and families with dependent children to better manage and improve their situation and develop the confidence and skills to maintain independent living.	Quarterly	Councillor John Singleton
Fylde & Wyre Health & Wellbeing Partnership	Partnership that links the activities of the CCG, local authorities and health providers to ensure they are all working to address the priority health needs of the community preventing waste and duplication e.g. Better Care Fund delivery	Monthly (12x p/a)	Portfolio Holder for Social Wellbeing
Fylde Citizens Advice Bureau	Fylde CAB offer free independent impartial advice to residents on their rights, responsibilities and services available to them.	Quarterly	Cllrs Peter Hardy, Linda Nulty and Vacancy
Fylde Coast Women's Aid	FCWA are one of three Domestic Abuse service providers. Domestic Abuse is a priority for both the CSP and PCC	Periodically	Portfolio Holder for Social Wellbeing
Fylde Peninsular Water Management Group	Partnership between the Environment Agency, United Utilities, Blackpool, Fylde and Wyre Councils, LCC and Keep Britain Tidy and looks all aspects of water management including bathing water quality. Cabinet resolution 18/09/2013	Monthly (12x p/a)	Portfolio Holder for Environment and Partnerships
Lancashire Health and Wellbeing Board	Oversee delivery and performance of the public health responsibility passed to County and Districts	Bi-monthly (6x p/a)	Portfolio Holder for Social Wellbeing

Outside body / partnerships	Role/Purpose	Frequency of meetings	Previous representation
LCC Health & Scrutiny Committee	Non-voting Co-opted district member. To review and scrutinise issues around public health and health inequalities. The Committee will review and scrutinise the work and performance of any relevant part of the County Council and its partners and the functions of the relevant Cabinet Members. To discharge the statutory health overview and scrutiny functions under the provisions of the Health and Social Care Act 2012.	6 weekly	Vacant
Local Liaison Committee Springfield Works	To act as a channel of communication between local community, Westinghouse, Springfield Fuels Ltd, the Nuclear Decommissioning Authority (NDA) and Regulatory Authorities. To scrutinize Springfields emergency and environmental plans.	Minimum 2 meetings per year	Councillor Peter Collins and Thomas Threlfall
MATAC (Multi Agency Tasking and Coordinating)	Councillor representation on the monthly CSP 'delivery' meeting, chaired by Police & addressing local priorities	Monthly	Councillor Cheryl Little
Ormerod Trust	Trustee of the organization. The trust works with and supports people with learning disabilities.	At least Bi-monthly (6x p/a)	Councillor Angela Jacques
Police Crime Commissioners Forum	Pan Lancashire meeting to discuss synergy between local CSP priorities and PCC's priorities	Quarterly	Portfolio Holder for Social Wellbeing
Police and Crime Commissioner Panel	The Panel is a joint committee made up of representatives from the 15 local authorities in the Lancashire Police Force area, together with two independent co-opted members.	When required	Portfolio Holder for Social Wellbeing and Councillor Liz Oades
Progress Housing	To act as non-executive director to New Fylde Housing, Progress Housing Group (registered social landlord)	Quarterly (4x p/a) plus away days	Councillor Viv Willder
Registered Social Landlord (RSL) Partnership	Forum to ensure engagement with the borough's RSL's over development strategies	Bi-monthly (6x p/a)	Councillor Ben Aitken

Environment, Health and Housing Committee– Working groups			
Working group	Role/purpose	Notes	Previous representation
None currently live	-----	-----	-----

IMPLICATIONS	
Finance	There are no implications
Legal	There are no implications
Community Safety	There are no implications
Human Rights and Equalities	There are no implications
Sustainability and Environmental Impact	There are no implications
Health & Safety and Risk Management	There are no implications

LEAD AUTHOR	TEL	DATE	DOC ID
Paul Walker	01253 658431	18 May 2015	

LIST OF BACKGROUND PAPERS		
Name of document	Date	Where available for inspection
Report to Council	20 th May 2015	Council web site

INFORMATION ITEM



REPORT OF	MEETING	DATE	ITEM NO
MONITORING OFFICER	ENVIRONMENT, HEALTH AND HOUSING COMMITTEE	9 JUNE 2015	8

LOCAL GOVERNMENT OMBUDSMAN REPORT – GUTTERING COMPLAINT

PUBLIC ITEM

This item is for consideration in the public part of the meeting.

SUMMARY OF INFORMATION

The report introduces the Local Government Ombudsman report into the complaint made by a resident that anti-social behaviour by his neighbour had not been dealt with by the Council. The resident also complained that the Council had failed to use its discretionary power to force his neighbour to stop water cascading down the wall of his property.

The Ombudsman found only minor fault in the way the Council handled the guttering complaint but in finding fault, a formal report is required to members.

The Ombudsman was satisfied that the Council has redressed any injustice to the resident from the actions undertaken and found no fault in the manner in which the anti-social behaviour complaint was dealt with.

Representations have been made to the Ombudsman regarding this issue. The guttering dispute was considered at all three stages of the Council's complaints procedure. At the third stage of the complaints procedure, the decision was made to use discretionary powers available under the Building Act 1984 to force the defective guttering to be repaired. The Council's own complaints procedure allows for a review of complaints at differing stages, by differing individuals, with the hope of achieving a mutually acceptable solution with the complainant. In this instance, this is exactly what occurred and the Council has made representations to the Ombudsman to outline, that in light of this, it finds its decision that injustice has occurred, difficult to accept.

SOURCE OF INFORMATION

Ombudsman Report (reference number: 14 012 559)

LINK TO INFORMATION

Local Government Ombudsman Report -

<http://fylde.cmis.uk.com/fylde/MeetingsCalendar/tabid/70/ctl/ViewMeetingPublic/mid/397/Meeting/104/Committee/19/Default.aspx>

WHY IS THIS INFORMATION BEING GIVEN TO THE COMMITTEE?

Although the Ombudsman found only minor fault in the way the Council handled the guttering complaint, in finding fault a formal report is required to members.

Members are to note the report that concludes the Ombudsman is satisfied that the Council has redressed any injustice caused to the resident regarding their guttering complaint and found no injustice in relation to the related anti-social behaviour complaint.

FURTHER INFORMATION

Contact Tracy Morrison, Monitoring Officer. Tel 01253 658658.

INFORMATION ITEM



REPORT OF	MEETING	DATE	ITEM NO
RESOURCES DIRECTORATE	ENVIRONMENT, HEALTH AND HOUSING COMMITTEE	9 JUNE 2015	9

ANNUAL OVERVIEW – FYLDE COMMUNITY SAFETY PARTNERSHIP

PUBLIC ITEM

This item is for consideration in the public part of the meeting.

SUMMARY OF INFORMATION

The report provides information on the performance of the Fylde Community Safety Partnership. This is a statutory requirement under the Crime and Disorder (Overview & Scrutiny) Regulations, 2009 and Sections 19 and 20 of the Police and Justice Act 2006 as amended by section 126 of the Local Government and Public Involvement in Health Act 2007, the Police & Crime Act 2009 and the Police Reform & Social Responsibility Act 2011.

The Fylde Geographic Inspector from Lancashire Constabulary will be in attendance to provide an overview of the work of the Police in Fylde and how this relates to the CSP.

SOURCE OF INFORMATION

Bryan Ward, Community Safety Manager; Lancashire County Council Multi Agency Data Exchange; Responsible Authorities of the Community Safety Partnership.

LINK TO INFORMATION

Fylde Community Safety Partnership -

<http://fylde.cmis.uk.com/fylde/MeetingsCalendar/tabid/70/ctl/ViewMeetingPublic/mid/397/Meeting/104/Committee/19/Default.aspx>

WHY IS THIS INFORMATION BEING GIVEN TO THE COMMITTEE?

This is a statutory requirement under the requirements of the Crime and Disorder (Overview & Scrutiny) Regulations, 2009 and Sections 19 and 20 of the Police and Justice Act 2006 as amended by section 126 of the Local Government and Public Involvement in Health Act 2007, the Police & Crime Act 2009 and the Police Reform & Social Responsibility Act 2011.

FURTHER INFORMATION

Contact Bryan Ward, 01253 658467 or bryan.ward@fylde.gov.uk

INFORMATION ITEM



REPORT OF	MEETING	DATE	ITEM NO
RESOURCES DIRECTORATE	ENVIRONMENT, HEALTH AND HOUSING COMMITTEE	9 JUNE 2015	10

YEAR END PERFORMANCE 2014/15

PUBLIC ITEM

This item is for consideration in the public part of the meeting.

SUMMARY OF INFORMATION

The report provides details of the key performance outcomes for the whole of the financial year 2014/15. Performance is reported against the targets set for the year and commentary is provided by exception.

SOURCE OF INFORMATION

Environmental, Health and Housing teams input data into the InPhase corporate online system from service based performance data.

LINK TO INFORMATION

www.fylde.gov.uk/performance - Full Corporate Performance for Fylde Council.

<http://fylde.cmis.uk.com/fylde/MeetingsCalendar/tabid/70/ctl/ViewMeetingPublic/mid/397/Meeting/104/Committee/19/Default.aspx> - Year End Performance for the Environment, Health and Housing Committee remit.

WHY IS THIS INFORMATION BEING GIVEN TO THE COMMITTEE

The performance information is relevant to the committee terms of reference and the responsibility of the committee to monitor performance of the services within its remit.

FURTHER INFORMATION

Contact Alex Scrivens, Performance Improvement Officer.