



Meeting Agenda

**Policy & Service Review
Scrutiny Committee
Town Hall, Lytham St. Annes
Thursday 16 April 2009, 7:00pm**

**The maximum capacity for this meeting room is 60 persons –
once this limit is reached no other person can be admitted.**

POLICY & SERVICE REVIEW SCRUTINY COMMITTEE MEMBERSHIP

CHAIRMAN

Karen Buckley

VICE-CHAIRMAN

John Prestwich

Councillors

Thomas Threlfall

Cheryl Little

Tony Ford

William Thompson

Elizabeth Oades

Elaine Silverwood

Elizabeth Clarkson

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Our Vision

To establish Fylde Borough Council as a high performing local authority

Our Corporate Objectives

To improve the economic, social and environmental well-being of our communities through:

- The promotion and enhancement of the natural built environment
- Increasing the availability and access to good quality housing for all
- Maintaining healthy and safe communities to reduce the fear of crime
- Supporting and sustaining a strong and diverse Fylde coast economy to further enhance employment prospects

We will achieve this by:

Focusing on customer requirements
Clear community and organisational leadership
Delivering high quality, cost-effective services
Partnership working



A G E N D A

PUBLIC PLATFORM

*To hear representations from members of the public in accordance with
Committee procedure rules*

ITEM	PAGE
1. DECLARATIONS OF INTEREST: <i>If a member requires advice on Declarations of Interest he/she is advised to contact the Monitoring Officer in advance of the meeting. (For the assistance of Members an extract from the Councils Code of Conduct is attached).</i>	4
2. CONFIRMATION OF MINUTES: <i>To confirm as a correct record the Minutes of the Policy & Service Review Scrutiny Committee held on 17 March 2009 attached at the end of the agenda.</i>	4
3. SUBSTITUTE MEMBERS: <i>Details of any substitute members notified in accordance with council procedure rule 26.3</i>	4
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Personal interests

8.—(1) You have a personal interest in any business of your authority where either—

- (a) it relates to or is likely to affect—
 - (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—
 - (aa) exercising functions of a public nature;
 - (bb) directed to charitable purposes; or
 - (cc) 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;

- (i) any employment or business carried on by you;
 - (ii) any person or body who employs or has appointed you;
 - (iii) any person or body, other than a relevant authority, who has made a payment to you in respect of your election or any expenses incurred by you in carrying out your duties;
 - (iv) any person or body who has a place of business or land in your authority's area, and in whom you have a beneficial interest in a class of securities of that person or body that exceeds the nominal value of £25,000 or one hundredth of the total issued share capital (whichever is the lower);
 - (v) any contract for goods, services or works made between your authority and you or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specified in paragraph (vi);
 - (vi) the interests of any person from whom you have received a gift or hospitality with an estimated value of at least £25;
 - (vii) any land in your authority's area in which you have a beneficial interest;
 - (viii) any land where the landlord is your authority and you are, or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specified in paragraph (vi) is, the tenant;
 - (xi) any land in the authority's area for which you have a licence (alone or jointly with others) to occupy for 28 days or longer; or
- (b) 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 relevant 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;

(2) In sub-paragraph (1)(b), a relevant person is—

- (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 (1)(a)(i) or (ii).

Disclosure of personal interests

- 9.—(1)** Subject to sub-paragraphs (2) to (7), where you have a personal interest in any business of your authority and you attend a meeting of your authority at which the business is considered, you must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.
- (2) Where you have a personal interest in any business of your authority which relates to or is likely to affect a person described in paragraph 8(1)(a)(i) or 8(1)(a)(ii)(aa), you need only disclose to the meeting the existence and nature of that interest when you address the meeting on that business.
- (3) Where you have a personal interest in any business of the authority of the type mentioned in paragraph 8(1)(a)(viii), you need not disclose the nature or existence of that interest to the meeting if the interest was registered more than three years before the date of the meeting.
- (4) Sub-paragraph (1) only applies where you are aware or ought reasonably to be aware of the existence of the personal interest.

- (5) Where you have a personal interest but, by virtue of paragraph 14, sensitive information relating to it is not registered in your authority's register of members' interests, you must indicate to the meeting that you have a personal interest, but need not disclose the sensitive information to the meeting.
- (6) Subject to paragraph 12(1)(b), where you have a personal interest in any business of your authority and you have made an executive decision in relation to that business, you must ensure that any written statement of that decision records the existence and nature of that interest.
- (7) In this paragraph, "executive decision" is to be construed in accordance with any regulations made by the Secretary of State under section 22 of the Local Government Act 2000(d).

Prejudicial interest generally

- 10.—**(1) Subject to sub-paragraph (2), where you have a personal interest in any business of your authority you also have a prejudicial interest in that business where the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest.
- (2) You do not have a prejudicial interest in any business of the authority where that business—
- (a) does not affect your financial position or the financial position of a person or body described in paragraph 8;
 - (b) does not relate to the determining of any approval, consent, licence, permission or registration in relation to you or any person or body described in paragraph 8; or
 - (c) relates to the functions of your authority in respect of—
 - (i) housing, where you are a tenant of your authority provided that those functions do not relate particularly to your tenancy or lease;
 - (ii) school meals or school transport and travelling expenses, where you are a parent or guardian of a child in full time education, or are a parent governor of a school, unless it relates particularly to the school which the child attends;
 - (iii) statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of, such pay;
 - (iv) an allowance, payment or indemnity given to members;
 - (v) any ceremonial honour given to members; and
 - (vi) setting council tax or a precept under the Local Government Finance Act 1992.

Prejudicial interests arising in relation to overview and scrutiny committees

- 11.—** You also have a prejudicial interest in any business before an overview and scrutiny committee of your authority (or of a sub-committee of such a committee) where—
- (a) that business relates to a decision made (whether implemented or not) or action taken by your authority's executive or another of your authority's committees, sub-committees, joint committees or joint sub-committees; and
 - (b) at the time the decision was made or action was taken, you were a member of the executive, committee, sub-committee, joint committee or joint sub-committee mentioned in paragraph (a) and you were present when that decision was made or action was taken.

Effect of prejudicial interests on participation

- 12.—**(1) Subject to sub-paragraph (2), where you have a prejudicial interest in any business of your authority—
- (a) you must withdraw from the room or chamber where a meeting considering the business is being held—
 - (i) in a case where sub-paragraph (2) applies, immediately after making representations, answering questions or giving evidence;
 - (ii) in any other case, whenever it becomes apparent that the business is being considered at that meeting;
 unless you have obtained a dispensation from your authority's standards committee;
 - (b) you must not exercise executive functions in relation to that business; and
 - (c) you must not seek improperly to influence a decision about that business.
- (2) Where you have a prejudicial interest in any business of your authority, you may attend a meeting (including a meeting of the overview and scrutiny committee of your authority or of a sub-committee of such a committee) but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise.

REPORT



REPORT OF	MEETING	DATE	ITEM NO
COMMUNITY SERVICES	POLICY AND SERVICE REVIEW SCRUTINY COMMITTEE	16 APRIL 2009	4

DRAFT PRIVATE SECTOR HOUSING POLICY

Public Item

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

Summary

The report presents a draft revised private sector housing policy. The revised policy takes account of the latest stock condition information available to the council and proposes changes to the types of assistance to be made available to the community. It recognises that the main responsibility to maintain their homes lies with the owner but that there is a part of the community that will need assistance to maintain and improve their homes to a basic minimum standard.

The policy will require capital resources in order to be implemented. These resources are currently found only by way of external grant funding. The level of funding for 2009-10 has recently been announced and the allocation for Fylde has risen to £579k.

Following consideration by the committee a consultation exercise should be carried out before formal adoption.

Recommendations

1. That the draft policy be adopted for the purpose of carrying out a consultation exercise.
2. That following a consultation exercise a final version of the policy is presented to a future meeting of this committee for consideration prior to adoption.

Reasons for recommendation

To have in place an up to date policy that reflects the current need for improvement of housing conditions in the district.

Alternative options considered and rejected

1. Having no assistance policy. Rejected because a local housing authority would be failing in its statutory duty if it had a 'no assistance' policy.
2. Continue with the current policy. Rejected because the latest information now available in respect of local housing conditions suggests that new more focussed assistance is now appropriate. It is also a requirement of the current policy that it will be reviewed from time to time as circumstances and information change. Review is therefore appropriate.

Cabinet Portfolio

The item falls within the following Cabinet portfolio:

Social Wellbeing Councillor Patricia Fieldhouse.

Report

1. A report was presented to the October 2008 meeting of this committee advising members of the outcomes of the recently completed private sector stock condition survey. The survey contained up to date information about housing conditions in the area and provides a context for the council's private sector housing policies.
2. The meeting of October resolved to accept and adopt the survey as a material consideration for policy purposes. It also resolved to receive at this meeting a draft revised private sector housing policy for consideration by members.
3. The draft revised policy makes clear links between the sustainable community strategy, the council's corporate objectives and the service planning processes in place at Fylde. It has clear links with other strategies and policies of the council.
4. There are a number of key points to note from the draft policy. The first is that there is clear guidance issued by the government that recognises the role of local authorities in providing assistance to improve housing conditions. The government would consider that a council would be failing in its statutory duty as a housing enabler and in its statutory responsibility to consider the condition of housing in its area if it did not make some provision for assistance. A blanket 'no assistance' policy would therefore be unacceptable.
5. The policy details the types of assistance that are proposed to be available. These will include advice and enforcement as well as direct financial assistance. The types of assistance proposed have been developed having regard to the information available in the house condition survey, the council's corporate objectives as well as national priorities.
6. The assistance available will be mandatory or discretionary. The mandatory assistance will be the Disabled Facilities Grant (DFG). There is a prescribed process for this grant which includes the application of a statutory 'means test'. Resources for the DFG are normally allocated separately to those used for the discretionary assistance.
7. The discretionary forms of assistance proposed are designed to address the priorities for intervention and are designed to improve the housing stock to a basic minimum standard. It is evident that there will be insufficient resources available to assist all areas where intervention would be appropriate. If a prioritisation of resources is

necessary it is suggested that it should be as follows; the highest priority is given to the decent homes assistance followed by energy efficiency assistance, park homes assistance and lastly the discretionary DFG assistance.

8. The revised draft policy discusses the option of the provision of loans. The previous policy contained the facility to provide loans but it has not yet been possible to successfully introduce them. There are a number of reasons why loans have not yet been successful including a lack of sufficient finance and unwillingness on behalf of the client to enter into an expensive arrangement. The revised draft policy invites debate from members about the future use of loans.
9. The current assistance policy is resourced only from external capital grant received from the 'single capital pot' which is allocated by the regional housing board. This resource was reduced significantly in 2008-09 to £276k. However the funding level for 2009-10 has now been announced and the allocation for Fylde has been increased to £579k. Any alternative sources of funding will be explored to try to support the objective of improving the conditions in the private sector housing stock. A recently established Blackpool Wyre and Fylde credit union should bring some extra resource in to energy efficiency work. Other additional funding from the LSP has also been utilised this year towards energy efficiency measures and it is hoped that other similar resources may be made available in the future.
10. The policy details the application process and the conditions that will be attached to any approval of assistance. Many of the conditions will require repayment of any assistance in the event of a future sale of the property. The grant condition period has been extended recently with the effect that more monies are being repaid to the council.
11. Following consideration by this committee it is suggested that a consultation exercise is carried out using the web site, the landlords forum, and the (yet to be formed) housing theme group of the LSP.
12. Careful consideration is required on the implementation of a revised policy. There is a waiting list of potential applicants who could expect to be considered under the terms of the current policy. The changes introduced in the revised policy will mean that some people on the waiting list may not qualify for assistance under the revised policy. The waiting time on the list currently stands at over 2 years. Options for consideration include allowing for a transitional period where people on the waiting list are dealt with under the current policy or simply applying the new policy to all applications received following adoption irrespective of time on the list. It is anticipated that applications for assistance will continue to be received as soon the funding allocation for 2009-10 is announced. Such applications will precede formal adoption of the revised policy. It is possible therefore that the resources for 2009 -10 may be fully committed under the terms of the old policy prior to adoption of the revised policy.

Conclusion

13. The adoption of a revised policy is now appropriate. It is also appropriate to carry out a consultation exercise with all interested parties to inform the final version before formal adoption by the council. It should be noted though that all the capital funding for the discretionary elements of the policy are provided by external funding through the regional housing board. However with the level of resource anticipated it will still be

necessary to prioritise activity; given that there is insufficient funding to address all the issues identified in the house condition survey and subsequently this policy.

The external funding has been increased for 2009 -10 to £579k. This increase is welcomed and could potentially lead to the number of grant assisted interventions rising to approximately 120 in the next year. However this needs to be considered in the context of an identified need to improve over 1000 additional private sector homes in order to meet the decent homes target.

It is also likely that this increase has come about for reasons including the desire to help stimulate the local construction industry. It is likely therefore that it may not be a long term increase in resources and members will need to consider methods of maintaining an adequate level of resources into the future.

Report Author	Tel	Date	Doc ID
John Cottam	(01253) 658690	16 April 2009	16.04.09 PS Hsg Policy Report

List of Background Papers		
Name of document	Date	Where available for inspection
Private sector stock condition survey	Sep 2008	Housing services offices Town Hall

Attached documents

Appendix 1 – Draft Private Sector Housing Policy

IMPLICATIONS	
Finance	The Council's capital programme currently contains £268k for private sector housing renewal assistance in 2009 -10. The recently announced increase to £579k will be reflected in the next update of the capital programme. A fully resourced policy with sufficient funding to deliver all the identified need would require further significant capital investment.
Legal	A local housing authority would be considered to be failing in its statutory responsibilities if it had a blanket 'no assistance' policy.
Community Safety	None arising from this report
Human Rights and Equalities	The policy will be applicable to all sections of the community. The council's responsibilities under the Disability discrimination Act have been considered. The council has consistently provided resources to deliver the mandatory disabled facilities grant and where resources permit will consider additional assistance through the discretionary disabled facilities grant.
Sustainability and Environmental Impact	A decent home and improved housing conditions will contribute to maintaining sustainable communities.
Health & Safety and Risk Management	None arising from this report

Private Sector Housing Policy

Contents

Introduction

The purpose of this policy is to set out the ways in which the council will provide financial and other forms of assistance to private sector housing owners and occupiers within the administrative area of Fylde Borough Council.

The Regulatory Reform Order on housing renewal was made in 2002. The order introduced sweeping changes to the powers available to local housing authorities to provide assistance to people to deal with unsatisfactory housing conditions.

Guidance has been given by the government to local authorities about the use of the new powers and flexibilities provided by the order. It remains the government's view that the prime responsibility for the maintenance of their property remains with the owners of the property. It does though recognise that there will be some owners, particularly the elderly and vulnerable, who will not have the necessary resources to do so. Local authorities therefore have an important role to play in providing assistance in these cases.

The government therefore recognises the role of local authorities in providing assistance. It would consider that a local authority would be failing in its duty as a housing enabler and its statutory responsibility to consider the condition of housing in its area if it did not make some provision for assistance. A blanket 'no assistance' policy would therefore be unacceptable. (ODPM circular 05/2003)

The purpose of this policy is to set out the principles by which Fylde Borough Council will provide assistance to private sector property owners. It will set out the type and extent of assistance that will be available.

Policy Implementation plan

The policy will become effective on.....

The delivery of the policy will be through councils housing services staff within the Directorate of Community Services.

The policy will be reviewed from time to time as circumstances dictate. The first policy was developed in 2003 following the regulatory reform order, the current policy was adopted in 2007 and this policy is being reviewed and revised in light of the information provided by the most recent private stock condition survey in 2008.

Factors that may prompt a review of the policy could include

- Changes to capital spending plans
- Acute changes to local circumstances
- Changes to national or regional policy
- Legislative changes
- Local Strategic Partnership influences.

Minor amendments to the policy can be made by the Director of Community Services with the approval of the relevant portfolio holder.

Performance issues relevant to the policy will be reported in accordance with the directorate and corporate performance management framework.

The Local Context

The Fylde Borough Council private sector house condition survey of 2007/08 is a useful source of information in respect of the local context for private sector housing.

The private sector housing stock comprises approximately 33,400 dwellings of which approximately 28,500 are owner occupied and 4,900 privately rented. By comparison the social rented stock is approximately 2,300 dwellings. The tenure profile in Fylde differs significantly from both the national and regional averages. Owner occupation is high as is private renting whilst social renting is very low.

Average house prices in Fylde are high by comparison to the regional averages and there are acute affordability issues in Fylde. The lack of supply of social rented accommodation means that many, often vulnerable, households are meeting their affordable housing needs within the private rented sector.

More than 31% of households in Fylde have an annual income of less than £15,000 and more than 42% of households have an annual income of less than £20,000. Additional data on income levels show that low income households (less than £10,000 pa) are most likely to be found in the 16-24 and over 60 age groups.

With respect to benefit receipt, overall 19% of households contain a person in receipt of a means tested benefit with the proportion of benefit receipt rising to 34% of households in the private rented sector.

The condition of housing is assessed using the Housing Health and Safety Rating system (HHSRS) and by the use of the Decent Homes Standard. The HHSRS assesses the hazards to health present in a dwelling and rates the

hazards as category 1 or 2 hazards. Category one hazards are those that are most serious and are such that the local authority is required to take action.

The decent homes standard takes account of the presence of category 1 hazards but also considers other items such as the state of repair of the dwelling, the age of the kitchen and bathroom facilities and the thermal efficiency of the dwelling. Although not a statutory standard the decent homes standard has become an accepted measure of the suitability for occupation of dwellings.

In Fylde just over 34% of dwellings fail the decent homes standard. Within the private rented sector the failure rate rises to just over 50%. The main cause of failure in both cases is the poor degree of thermal comfort which is strongly linked to HHSRS failures related to excess cold. Many of the non decent homes are occupied by vulnerable people.

The overall proportion of dwellings in the private sector with a category 1 hazard is just under 15%. This represents about 5000 dwellings. The proportion of the private rented sector with a category 1 hazard rises to just under 27%. This represents over 1300 dwellings.

The category 1 hazards are dominated by excess cold issues with falls in the home as the next most common occurrence.

The house condition survey also assessed the amount of empty property in the private sector. It is estimated that there are about 780 dwellings that are classed as long term vacant and have been vacant for more than 6 months.

The costs associated with the removal of category 1 hazards and the repair of dwellings is significant. It is estimated that to comprehensively improve dwellings with a category 1 hazard would cost £42 million. The estimated cost to comprehensively repair the dwelling stock would be in the order of £216 million. Clearly, as stated earlier, the responsibility for providing the resources to carry out the required improvements must lie mainly with the property owners. There will, though, always be a proportion of owners who cannot fund the required works and it is this group of people to whom the council owes a responsibility to ensure that their living conditions are improved.

Resourcing the policy.

The operation and delivery of the policy will be carried out by the housing team which is located within the directorate of community services. The revenue costs to the service are primarily salary costs. There is in addition a revenue support grant of £30k to support the Wyre and Fylde Home Improvement agency.

The capital funding required to deliver the aims of the policy is provided by a mixture of government grant and the councils own resources. Some funding

streams will only be available for specific purposes whereas others will be capable of being used at the discretion of the council.

The scale of the funding needs in the private sector as a whole and the limited availability of public sector resources mean that it will not be possible to rectify all known problems. In order to best use the limited resources targeting and prioritisation of interventions will be required. Such targeting will be based on a wide range of information sources including stock condition surveys, local knowledge, customer and partner feedback.

Allocation of resources into any particular area of work or intervention will be set at the beginning of each financial year. If circumstances warrant during the year a redistribution of funding may take place by the director for community services with the approval of the relevant portfolio holder.

Links to other strategies and policies.

This private sector housing policy cannot be a standalone policy. It must recognise and take account of national, regional and local policies and priorities in order to be effective.

The local strategic partnership has developed a Sustainable Community Strategy for Fylde which is representative of the community wishes. In 2008 the council has revised its corporate plan to take account of the sustainable community strategy. The corporate objectives of the council are

- The promotion and enhancement of the natural and built environment.
- Increasing the availability of and access to good quality housing for all.
- Maintaining healthy and safe communities to reduce the fear of crime
- Supporting and sustaining a strong and diverse Fylde coast economy to further enhance employment prospects.

This policy will sit below the sustainable community strategy and the corporate plan along the 'golden thread'. The policy's aims and objectives will be delivered through directorate service planning and as previously mentioned will be monitored through the corporate performance management processes.

There are clear link with other strategies and policies such as;

- The housing strategy
- The homelessness strategy
- The enforcement policy

Types of assistance available.

There are three broad types of assistance available from the council under the terms of this policy. These are advice, financial and enforcement.

Advice

The council recognises that appropriate and timely advice can minimise the need for financial and enforcement interventions. The council will carry out campaigns of awareness raising to encourage property owners to properly maintain their homes. Council officers will be available to offer specific advice to homeowners whether or not any financial assistance might be available. Information and advice will be made available through the council's web site and through various partner agencies such as CAB, Face to Face and at appropriate public places.

In addition the council will carry out targeted campaigns from time to time to raise awareness of energy efficiency and thermal comfort issues. It will also assist in the promotion and take up of other sources of direct assistance such as the 'warmfront' scheme and other energy efficiency schemes delivered by the utility companies and others.

The provision of advice and in some cases, direct assistance through the handyperson scheme, is available through the Wyre and Fylde Home Improvement Agency. The council has recently scrutinised the support it offers to this agency and has concluded that it remains a priority for continued financial support.

Financial Assistance.

Financial assistance can be mandatory or discretionary. It may be in the form of a grant, loan or a combination of both.

Types of grant that may be available include

- Mandatory disabled facilities grant
- Discretionary disabled facilities grant
- Discretionary decent homes grant
- Discretionary energy efficiency grant
- Discretionary park homes grant

A scheme offering discretionary loans to householders may be appropriate for a number of reasons

- It will recognise the equity available in many householders homes which could be unlocked to fund repairs and improvements
- It will enable limited public funds to be reused on repayment of a loan for the benefit of future clients
- It will reinforce the responsibility that home owners should have for looking after their own home.

The private sector house condition survey asked households whether or not they would be prepared to release their equity in order to fund repairs and

improvements. 98% of households indicated that they would not consider equity release as a means of funding such work. In the current economic climate, with falling house values, the attractiveness of equity release diminishes significantly. Government Office for the North West has recently announced that it is investigating the feasibility of establishing a regional loan scheme. It is likely that this will require support from local authorities in the region but it may prove to be a more attractive proposition to private sector lenders and potential loan recipients.

Enforcement

The council has a range of statutory powers available to it to improve the housing conditions in the private sector. The use of these powers will be in accordance with the Good Enforcement Concordat and the council's enforcement policies. Enforcement will generally not be the first response to a situation but there may be circumstances where it may be an appropriate first response. Factors to consider could include the severity of the problem, the past history of a landlord, the presence of an imminent risk etc. The enforcement policy can be accessed through the council's web site.

Priorities for Assistance.

The responsibility for maintaining housing standards and conditions lies predominantly with the owner of the property. There will though be occasions where it is appropriate for support from public resources to assist people who otherwise would not be able to carry out works using their own resources. There may also be occasions where the use of public funds is appropriate in order to deliver outcomes in relation to local, regional or national priorities.

The private sector house condition survey of 2007/08 provides up to date data to help inform to view of the priority areas for assistance. It indicates that there are significant issues around meeting the decent homes standard in respect of homes occupied by vulnerable households. It also indicates that around 5000 dwellings in Fylde have a category 1 hazard. There is a common link between decency and the existence of a category 1 hazard in that the majority of failures in both standards are due to a lack of adequate heating and insulation leading to excess cold issues. This suggests that thermal comfort and excess cold factors should be a priority area for assistance.

The survey also indicates that the private rented sector has an incidence of category 1 hazards that is twice the rate of the owner occupied sector. The private rented sector in Fylde is larger than average and is used as an affordable housing solution to many. Additionally many of the occupants in the private rented sector are vulnerable. It is likely that many of these vulnerable households will be living in non decent accommodation the cause of which is more likely to be due to thermal efficiency issues. These factors therefore suggest that

assistance into the private rented sector should be prioritised. A balance needs to be established that recognises both the landlords' responsibility to provide safe accommodation and the need to raise the thermal comfort standards in this sector. Enforcement will also, therefore, play a part in achieving the required improvements. The balance should therefore provide for some assistance to improve the thermal efficiency of the private rented sector whilst ensuring that other issues remain the responsibility of the landlord.

There are a number of other factors that can cause a property to be non decent or cause the existence of a category 1 hazard. In the private rented sector these other matters can usually be remedied by appropriate advice and enforcement where necessary. It would not generally be appropriate to offer financial assistance to the private rented sector in these circumstances.

In the owner occupied sector there will be circumstances where assistance is appropriate to remedy non decency and remove category 1 hazards. The circumstances should recognise the responsibility that home owners have to maintain their own property but also recognise that some owners will not be able to do so. Assistance to remedy non decency and to remove category 1 hazards will therefore be limited to vulnerable households. There may be occasions where a category 1 hazard exists in the owner occupied sector and financial assistance is either not available or not wanted. In these circumstances action could be taken under the council's enforcement policy.

In the Fylde there are approximately 660 licensed residential mobile homes (commonly known as Park homes). Many of these mobile homes have inadequate levels of thermal efficiency due to their age and construction. They are amongst the poorest types of accommodation when considering the effects of excess cold on their occupants. Many of them are also occupied by vulnerable or low income households. It must be recognised that the methods for improving the energy efficiency of mobile homes differ significantly from those used in traditional dwellings and the costs are therefore generally greater. It should also be noted that mobile homes are generally a depreciating asset with a limited life expectancy. Forms of assistance that may be considered will need to recognise these issues.

Grant details

Mandatory Disabled Facilities Grant (DFG)

DFG can be available to adapt the main home of a disabled person to meet their needs. They are given under the provisions of The Housing Grants (construction and regeneration) Act 1996, as amended from time to time. The legislation applies nationally and is prescriptive on eligibility, processes, types of work, cost limits, the means test etc.

In order to consider an application for a DFG there must be a defined need for the benefit of a disabled occupant. The need is usually assessed by the local social services and occupational therapy services and must be reasonable and practical to meet the need in the circumstances. It is for the council to consider what is reasonable and practical in the circumstances.

In Fylde the partner agencies of the social services, the occupational therapy services, New Fylde Housing when appropriate and council officers hold regular priority panel meetings. The purpose of the priority panel is to jointly assess the urgency and appropriateness of clients needs for adaptations in order to deal with the most urgent cases more speedily.

There is a prescribed maximum grant for any DFG that is currently (April 2009) £30,000. In certain cases an applicant will be required to make a contribution towards the costs of the necessary works. The applicant's contribution is assessed using a nationally prescribed Test of Resources, (Commonly referred to as the 'means test').

There is a formal application process and in the case of larger schemes costing more than £5000 there may also be a requirement to repay some or all of the grant in certain circumstances. If such a repayment is required it will be no more than £10,000.

More detailed advice and information about DFG can be obtained from the housing services staff.

Discretionary DFG

The mandatory DFG process is prescribed by national legislation. The works that are eligible for consideration for a mandatory DFG are limited and are also prescribed by the legislation. The maximum mandatory grant that can be awarded is also determined by a national cap which is currently £30,000.

There are a number of circumstances where it would be appropriate to consider the award of a discretionary DFG either to complement a mandatory DFG or where the mandatory grant is not appropriate.

- Increasing the grant paid for a mandatory DFG by up to £5000 where the reasonable costs of the structural building works only exceeds the limit and the applicant has been assessed as having no contribution to make towards the cost of the works.
- The provision of desirable works for the benefit of a disabled occupant that are not within the scope of the mandatory DFG. Such works could include the provision of a home work space, a home treatment space, the provision of space or facilities for a carer etc. Such applications will be subject to the means test and will be available subject to a maximum award of £10,000.

- Enabling a disabled occupant to relocate to a more suitable property where this is a more cost effective solution to meeting the needs of the disabled person. Such applications will be subject to a maximum award of £2,000 plus fees and will be subject to the means test. In this case agency fees will be fixed at 5% of the approved costs.

Discretionary DFG will be subject to a range of application and future occupation conditions as detailed later in this policy.

Discretionary Decent Homes Grant

The decent homes standard is a prescribed standard used nationally to assess the condition and suitability for occupation of dwellings. To meet the standard and therefore be decent a dwelling must;

- Be free from category 1 hazards as measured by the HHSRS
- Be in a reasonable state of repair
- Have reasonably modern kitchen and bathroom facilities
- Have reasonable thermal comfort standards through a combination of adequate heating and insulation.

Reasonable state of repair will be judged having regard to the age, character and location of the property.

Reasonable thermal comfort will be judged having regard to the level of insulation present, the type and adequacy of heating facilities and the 'SAP' rating of the property.

To be eligible for a decent homes grant the dwelling must be non decent and therefore be failing in one or more of the above criteria.

Eligibility for this grant will be limited to occupants who are vulnerable according to the most recent government definition of the term. Currently a vulnerable household is one that receives one or more of a number of income related or disability benefits. These benefits are income support, housing benefit, council tax benefit, disabled persons tax credit, income based job seekers allowance, working families tax credit, attendance allowance, disability living allowance, industrial injuries disablement benefit, war disablement pension.

The council will consider applications from qualifying owner occupiers and tenants who have been resident in the dwelling for at least three years prior to the date of application.

The outcomes required from this discretionary grant are that the property must be free from a category 1 hazard and must meet the decent homes standard in all respects. The grant will have a cash limit to any approval and notwithstanding

this cash limit the applicant must ensure that all necessary works to achieve decency are carried out before a grant can be paid.

The maximum grant that can be approved in any single application will be £5000 for eligible works. Appropriate fees will be additional to the eligible works costs. There will be a maximum limit of assistance of £10,000 in any 5 year period. Additional external funding may be available to assist with the installation of measures to improve the thermal comfort of a property. Where an applicant is eligible for other external funding such as from the 'warmfront' or utility company schemes, any grant will be net of the availability of any such funding.

The discretionary decent homes grant will be subject to a range of application and future occupation conditions as detailed later in this policy.

Discretionary Energy Efficiency Grant.

This grant will be made available to home owners not eligible for a decent homes grant. It will also be made available for private sector landlords where a vulnerable tenant occupies the dwelling in question. In all cases any assistance will be subject to the applicant having taken advantage of any other available funding through Warmfront or utility company schemes etc.

Eligible works will include

- Loft, tank and pipe insulation
- Draught proofing when carried out in conjunction with other measures.
- Wall insulation
- Appropriate energy efficient heating systems.

Whilst assistance may be offered to private sector landlords for energy efficiency measures it remains their responsibility to ensure that the rented accommodation complies with any requirements of the HHSRS.

The amount of grant available in respect of any single application will be 50% of the approved costs subject to a maximum of £500.

Application conditions apply to the grant but there will be no conditions imposed as to the future occupation of the dwelling. From time to time it may be appropriate to target assistance available under the energy efficiency grant towards selected area or particular groups of people. Such targeting may be carried out by the director of community services following consultation with the relevant portfolio holder.

Discretionary Park Home grant.

The availability of this grant recognises that the condition of many park homes can deteriorate more rapidly than traditional dwellings. It is also recognised that

many of the older park homes are particularly energy inefficient and suffer from poor standards of thermal comfort.

There is a basic eligibility criterion that requires any potential applicant to have occupied the park home under a mobile homes agreement for at least 3 years prior to the application date.

Eligible works will include

- The provision of an envelope of external wall insulation
- The provision of adequate and efficient heating facilities
- Basic repairs to the fabric and/or sub frame of the home

The grant will be subject to a means test and the maximum amount of grant available in any single application is £5,000 for eligible works. Appropriate fees will be additional to eligible works costs. The grant will be subject to application and future occupation conditions as detailed later in this policy.

Agency service

The council provides a full agency service to applicants to assist with the whole process of making an application through to monitoring and completion of the works. The service is provided by members of staff from the housing team and a fee is payable for the service. The fee is currently 10% of the approved costs of the relevant work. The fee payable is a cost included as an eligible expense and can therefore be included in the grant aided works. In the case of a DFG the fee will be capped at the appropriate percentage of the maximum grant level of, currently, £30,000. There are cases, particularly with larger more complex DFG applications where an external architect is used, when a lesser agency fee may be appropriate. The Director of Community services will be authorised to agree an appropriate level of agency fees in these cases.

The agency service may include;

- Help with completion of necessary forms
- Help with obtaining proof of financial information including copying of documents as required.
- Help with obtaining proof of title.
- Help with obtaining plans, planning and/or building regulation approval.
- Help with the selection of contractors and obtaining estimates.
- Help with organising contractual matters including start and completion dates.
- Liaising with other agencies during the process of carrying out the works.
- Monitoring the progress of the works
- Help with the resolution of difficulties or disputes that may arise during the course of the works.

Notwithstanding the services offered by the agency service the contractual obligation for the relevant works will remain between the applicant and the chosen contractor.

Loan Assistance

As detailed earlier, work is currently being carried out at a North West regional level to investigate the feasibility of establishing a regional loan scheme. It is expected that, subject to the result of the study, all local authorities in the regional will be able to contribute to and access funding from such a scheme.

The previous assistance policy contained a facility to offer an equity release loan scheme to complement the grant assistance available. The principle of the equity release scheme is that the amount of loan given is linked as a percentage to the value of the property. There is no interest payable but as the property value rises the amount owed also rises by the same proportion. The amount of rise and therefore the increase in loan repayable was to be capped at a reasonable level of 6.5% to reflect the market conditions. Insufficient capital has been available to successfully implement the scheme whilst the demand for other assistance has grown with a waiting list in operation.

A number of barriers now exist that will impact on the success of such a scheme;

- The housing market is currently in sharp decline with reducing property values. The equity stake and therefore amount of loan repayable would also therefore reduce.
- The reducing property values mean that there is less equity available to borrow against.
- The cap on notional interest payable of 6.5% is now unreasonable high compared to the market interest rates.
- The stock condition survey indicated that 98% of those asked would not consider using such a loan product to maintain or repair their home.
- There is a lack of capital available to the council and the availability of private sector market capital is diminished.

Notwithstanding the significant barriers to a scheme the council could implement a pilot to assess the potential demand. In order to do so a capital sum will need to be set aside and sufficient publicity will need to take place to encourage uptake. If such a pilot was carried out it would be under the same terms and conditions as detailed in the previous policy (detailed at appendix 1) and with the same service provider namely the Regenda Group.

Prioritisation of assistance

As mentioned previously there will not be sufficient resources available to address all the known problems in the private sector housing stock. The resources available to the council for delivering assistance have been reducing

over recent years. If no additional resources are made available the limited funds that are available will need to be used to address the most urgent issues. The order of priority for assistance will be firstly the discretionary decent homes assistance followed by the discretionary energy efficiency assistance, the discretionary park homes assistance and finally the discretionary disabled facilities grant.

The Application process

The application process is administered by staff from the housing team who are located in the Town Hall St Anne's, FY8 1LW. For telephone enquiries the number is 01253 658658 and for e-mail enquiries the address is housing@fylde.go.uk.

The policy recognises that the prime responsibility for maintaining their home will rest with the home owner. Assistance may be appropriate in some cases but it will not be possible for the council to have sufficient resources available to remedy all defects in the private sector housing stock. The availability of assistance will vary with the availability of resources and it will be necessary at times to hold a waiting list of potential applicants for assistance. Applications will not be accepted in relation to works which have already commenced or which have been completed.

The application process will begin when a potential applicant makes contact with the council. At this point details of the client will be taken and recorded on the grants computer system. Basic information to be recorded will include name, address, duration residency at address, date of enquiry, proposed works. Initial advice will be offered about potential eligibility and estimated waiting time before an application might be considered.

At this point an initial enquiry form will be sent to the potential applicant. The purpose of the enquiry form is to enable the council to get a reasonable indication of the enquirer's likely financial contribution (if any) and the type of work that may be required. It will also enable the council to estimate the urgency of any works and of the likely presence of a category 1 hazard or failure of the decency standard. Priority will be given to enquiries where there appears to the council to be a serious and imminent risk to the health and safety of the occupants of the dwelling.

As resources permit, having taken account of priority applications, enquirers will be contacted from the waiting list inviting an application for assistance to be made. A home visit will normally be made by a member of the housing team to advise on the relevant works and to produce a schedule of works. A completed application will contain a number of documents including;

- Completed application forms

- Estimates for the work from contractors. It should be noted that estimates and invoices will not be accepted from the applicant or a member of their family.
- Proof of a relevant interest in the property
- Proof of income and capital of the applicant(if required)
- Proof of national insurance number
- Appropriate permissions (if required) for carrying out the works
- Proof of any required planning or building regulation approval

Applicants should note that the approval of any housing assistance application does not give or imply any other approval that may be required such as planning permission or building regulation approval. It remains the responsibility of the applicant to obtain any such consents that may be required.

Detailed advice on the processes involved can be obtained from the housing team.

Applications outside policy

This policy details those types of applications that are, in the opinion of the council, the priorities for intervention and assistance. All initial enquiries for assistance will be considered but inevitably there will be those that fall outside the policy.

If, on occasion, there appears to be special circumstances surrounding a particular client the Director of Community Services may consider whether it may warrant special consideration outside of normal policy. Any decision made by the Director for Community Services in such a matter will be considered final.

It should be noted that the means test is a nationally prescribed system and as such there is no appeal against the outcome.

Complaints or comments

In the event of dissatisfaction with the service being provided the enquirer/applicant should first raise the matter with the member of staff dealing with the case. Given the opportunity to do so most issues should be resolved by the member of staff concerned.

In the event of the matter not being resolved it should then be referred, in writing, to the Housing Options Manager at the Town Hall, St Anne's, FY8 1LW.

The council has adopted a formal complaints procedure for any customer who may be dissatisfied by any of its services.

The housing service routinely asks for comments through its customer satisfaction surveys and applicants are encouraged to return questionnaires. The council also welcomes comments at any time about its services.

Housing Assistance Conditions

Housing assistance means any form of financial assistance provided by the council for the purposes of repairing maintaining or adapting private sector property. Housing assistance condition means any condition attached to any such assistance.

If any of the housing assistance conditions are breached within the relevant time period the council may recover from the owner of the property some or all of the assistance given.

A qualifying owner is a person with an owner's interest in the property and who has lived in the property for at least 3 years ending with the date of the application. A qualifying tenant is a tenant who is required under the terms of the tenancy to repair and maintain the property and who has lived in the property for at least 3 years ending with the date of the application and has an unexpired term of the tenancy remaining at the date of approval of at least equal to the relevant housing condition period.

The eligible works must be carried out within the time limit set by the council at the time of approval. This will be not less than 12 months in the case of mandatory DFG but may be less in respect of other forms of assistance. If the works are not completed within the specified time the grant may not be paid and any interim payments made may be recovered.

Certified date means the date on which the relevant works are confirmed as having been completed to the satisfaction of the council.

Housing assistance condition period means the time period beginning on the certified date and lasting for;

- In respect of a mandatory DFG with a value of not more than £5000, 5 years
- In respect of a mandatory DFG with a value of greater than £5000, 10 years
- In respect of a discretionary DFG 10 years.
- In respect of a discretionary decent homes grant 10 years.
- In respect of a discretionary park homes grant 10 years.

In respect of applications in which a future occupation certificate is completed it is a condition of the assistance that for the appropriate time period detailed above

the relevant dwelling will be the main residence of and will be occupied by the applicant or a member of the applicant's family.

A person is a member of another's family if that person is-

- The others wife or husband or that person lives with another as wife or husband
- The son or daughter or son in law or daughter in law of the other or of the others wife or husband (son or daughter includes any step son or step daughter and any illegitimate son or daughter and son in law and daughter in law are to be similarly construed)
- A parent, grandparent, grandchild, brother, sister aunt, uncle, nephew or niece of the other or of the others wife or husband, whether the relationship is by blood or marriage.

It is a condition of assistance that if an owner of the property to which the assistance relates makes a disposal of the property within the time period as above he shall repay to the council the amount of the grant.

The council may exercise its discretion to require a repayment of a lesser amount than the amount of grant given. Each case will be considered on its merits. The council will consider all the information and facts of the case which will include;

- The nature of the breach and the reasons for it
- The nature of the disposal and to whom the disposal is made
- The financial circumstances of the owner at the time of the breach/disposal and whether any financial hardship would ensue if repayment was required.
- The length of time from the certified date to the occurrence of the breach

Where any condition is in force the council may require the owner of the property to provide to the council such information as the council may reasonably require to satisfy itself that the condition is being met. Failure to meet his requirement will of itself be considered a breach of conditions.

The financial assistance and related conditions attached to the assistance will be registered as a charge against the property and will be recorded in the land charges register. The charge will remain until the expiry of the assistance condition period or until such time as the grant is repaid.

Appendix

Funding available	Outcomes	Waiting list time
2007-08 £394k	60 approvals 2 community adapted bathrooms	18 months
2008-09 £276k	42 approvals 1 community adapted bathroom	2yrs + (Mar 09)
2009-10 £579k	120 approvals (est) 2 community adapted bathrooms.	reduced waiting time

The decent homes target is a measure of the proportion of homes in the private sector occupied by vulnerable people that are decent. The target for 2010-11 of 70% of such households living in decent homes will require a further 1060 homes being made decent before the end of March 2011. Significant work will need to be done by the council to meet the target. Other interventions to meet decency are available and include enforcement where appropriate, energy efficiency initiatives such as 'warmfront' and the recently launched Blackpool Wyre and Fylde credit union. The assistance available under the private sector housing policy should also play a significant role in meeting the decency target. Clearly, even with the level of funding available as shown above this is not proving to be the case and it is most likely therefore that the target will not be achieved.

REPORT



REPORT OF	MEETING	DATE	ITEM NO
CHIEF EXECUTIVE	POLICY & SERVICE REVIEW SCRUTINY COMMITTEE	16 TH APRIL 2009	5

MOVING TO EXCELLENCE – UPDATE REPORT

Public Item

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

Summary

This report presents an update on the implementation of recommendations from the Moving to Excellence Report.

Recommendations

1. That the current progress in implementing the recommendations of the Moving to Excellence Report be noted.
2. That the Scrutiny Committee considers forwarding to the Cabinet any comments regarding the implementation of the Report's recommendations.

Reasons for recommendations

To monitor and challenge the direction of travel of the Council's ambition for continuous improvement.

Alternative options considered and rejected

The Scrutiny Committee has requested a periodic update report on this matter. Therefore, no other alternative has been considered.

Cabinet Portfolio

The item falls within the following Cabinet portfolio: Leader - Cllr J Coombes

Report

1. The Moving to Excellence Report was considered by the Cabinet in September and November 2007 (following internal consultation) as a framework document for guiding the Council's focus for continuous improvement.
2. The Report contained a number of recommendations relating to the future "organisational development" of the Council which were approved by the Cabinet.
3. The forward workplan of this Committee includes provision for the review of progress on the implementation of these recommendations and an updated position, as at April 2009, is presented for consideration and comment at Appendix A of this report.

Report Author	Tel	Date	Doc ID
P Woodward	(01253) 658500	April 2009	H/O&SForums/Pol&ServRev/MoveToExcelUpdateApr09

List of Background Papers		
Name of document	Date	Where available for inspection
Cabinet Report - Moving to Excellence	Sept / Nov 2007	Town Hall or www.fylde.gov.uk

Attached documents

1. Appendix A - Update schedule on the implementation of recommendations of the Moving to Excellence Report.

IMPLICATIONS	
Finance	No direct implications arising from this report.
Legal	No direct implications arising from this report.
Community Safety	No direct implications arising from this report.
Human Rights and Equalities	No direct implications arising from this report.
Environmental Sustainability	No direct implications arising from this report.
Health & Safety and Risk Management	No direct implications arising from this report.

Ref.	Recommendation	Current Position
1a	To endorse the Audit Commission "Seeing the Light" document and the DCLG "Business Improvement Package" as guidelines for further improvement actions at the Council.	Staff workshops, which endorsed the approach outlined in these documents, were held in September 2008 in advance of the CPA on-site inspection. Further workshops are scheduled for late April to develop this culture and link this with individual development and appraisal interviews and job descriptions.
2a	To integrate the Audit Commission 'Eight Breakthroughs' in the culture of the Council through the application of recommendation 1a and through : <ul style="list-style-type: none"> ➤ reinforcing the culture of a customer-centred organisation (e.g. through 'listening & learning', 'here to help' and 'can do'), ➤ emphasising the public sector ethos of ethical behaviour, respect and professionalism 	
2b	To publish a consistent set of customer charters and service standards for all operational services.	This work is yet to be completed as a consequence of changes in management structures and responsibilities. However, The "Place Survey" has now provided a benchmark for opinion on local public services.
2c	To introduce a co-ordinated approach to customer surveys and review the most convenient ways for them to access our services.	
3a	Business planning days to be scheduled for all staff groups with the purpose of undertaking SWOT analyses, identifying productivity outputs and developing service improvement / efficiency plans.	Service planning workshop days are part of the performance management framework and have been held by Directors between November 2008 and February 2009.
3b	All key performance indicators, corporate and service plan actions to be allocated to an accountable staff group / individual and key manager through Escendency.	Individual responsibilities were previously allocated for all BVPI's. The Council has improved performance at a better rate than the national average. However, this system has been totally revised during 2008/09 with the introduction of the National Performance Framework. New responsibilities have been allocated and are being monitored jointly with the LSP. Some definitions have changed during the year
3c	To carry out an audit by 31 st October of the level of completion of staff PDA interviews with a target of 80% completion. The target to be raised to 100% by 30 th June 2008.	The level of staff PDA's undertaken for 2008/09 is at 87%. (see also 1a and 2a above)
3d	To produce monthly revenue and capital cost profiles for all cost centres from 31 st October.	This has now been implemented and is providing much more robust financial management data for managers.

Ref.	Recommendation	Current Position
4a	To produce a summary report from each the scheduled business planning days, which provides an analysis of the following questions: <ul style="list-style-type: none"> ➤ How do others provide your service? ➤ How does their performance compare with yours? ➤ Do they provide better outputs or better value for money? ➤ If so, why and how can we emulate this? 	This point has not yet been picked up in 2009 but will be collated through management team after formal adoption of the corporate plan. However, it may be influenced during 2009 by the further review of management arrangements required as a result of recent budget decisions.
4b	To develop and undertake an efficiency review programme linked with Table 2 in Appendix B.	Evaluation of shared service partnerships is now part of the terms of reference and forward plan of the Performance Improvement Scrutiny Committee.
5a	To develop and implement a programme of staff training & development workshops on the Eight Breakthroughs, Seeing the Light and the Business Improvement Package from January 2008.	See 1a and 2a above
5b	To continue our drive to ensure that 100% of staff are trained in customer care.	Little customer care training has taken place during 2008/09 as a result of changes in management responsibilities. There have been XX new starters during this period and every endeavour will be made to reconvene the training in 2009/10.
5c	To ensure that all managers and team leaders are trained in project management and have the skills to encourage and implement innovation.	Training has now been provided in PRINCE 2 methodologies for all current managers and team leaders.
5d	To seek mentoring opportunities for all levels of staff with one or more excellent organisations from January 2008.	Commenced for middle managers May 2008. A Chief Executive's and Director's coaching arrangement has been established by NWE0 in 2009.
5e	Consider implementing a 360° appraisal system for management team and middle managers and assess whether a similar system could be developed for cabinet members and committee chairs.	No current progress.
5f	To encourage opportunities for staff secondment into roles which allow them to develop personally for the benefit of organisational improvement.	Limited secondment opportunities have arisen during 2008/09 as a result of the general down-sizing of the organisation. However, work associated with swimming provision has led to additional project based work for a number of staff.

Ref.	Recommendation	Current Position
5g	To consider the benefits of a performance related pay / incentive scheme where this may be feasible.	No current progress, although the Employer's Organisation is reviewing its approach to the negotiation of national terms and conditions.
5h	To identify resources for the promotion of business process improvement across the organisation.	This activity is recognised in the new management structure and forms part of the "Team Lancashire" development programme. Xx staff have now been trained in this process.
5i	To develop further the training and development programme for middle managers and team leaders with a view towards identifying tomorrow's management team members.	The Middle Managers Group is now established and has received some mentoring support from an 'excellent' council (South Ribble BC). The focus of the Group needs to be reviewed during 2009.
5j	To implement arrangements which will ensure regular 'open channel communication' between middle managers and management team.	Management Team minutes, Grapevine and the Members' Newsletter are now circulated direct to all middle managers.
5k	To keep under review the management and organisational structure to ensure that these remains flexible and responsive to new opportunities and challenges.	A review of management arrangements has been completed during 2008. However, the 2009/10 budget assumes further management changes.
5l	To consider the development of a workforce succession plan specifically for Management Team and Cabinet.	Formal specific progress on this matter has been slow as a result of management restructuring in 2008 (& 2009).
5m	To work with partners to identify common solutions to strategic planning, service delivery and support systems which deliver efficiencies for customers of the Council.	This is largely being carried forward in 2009/10 through the Fylde Coast Multi Area Agreement.
5n	To maintain our engagement with the Audit Commission, SOLACE and / or IDeA to provide reality checks during our progress towards excellence.	Organisational support during 2008/09 has been secured from the IDeA, NWE0, Audit Commission, Team Lancashire, GONW and the RIEP. These relationships are likely to continue to develop during 2009/10.

REPORT



REPORT OF	MEETING	DATE	ITEM NO
DIRECTOR STRATEGIC DEVELOPMENT SERVICES DIRECTOR COMMUNITY SERVICES	POLICY AND SERVICE SCRUTINY	16 TH APRIL 2009	6

RECREATIONAL USE OF THE BEACH

Public Item

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

Summary

This report considers two issues relating to recreational use of the beach in the control of Fylde Borough Council as landowner:

- Wind powered wheeled sport
- Shooting

Recommendations

1. That officers continue to investigate the feasibility of introducing wind powered wheeled sport on the beach at a future date. Further, more detailed, proposals must be agreed by Members before such activity can be allowed. These proposals must include further identification of resources required and health and safety implications.

2. That any organisation or individual wishing to introduce sports such as wind powered wheeled sport to the beach should be required to commission and fund all assessments as required by legislation. These will be considered by officers as part of any application process.

3. That Members consider whether the principle of allowing shooting on the beach, on land owned by the Council, is appropriate.

4. That Members indicate whether development of byelaws to regulate beach activity should be considered further, recognising the capacity and resources required for their development and enforcement.

Reasons for recommendations

To endorse the work officers have started, but recognise that there is still a range of issues to be addressed before wind powered wheeled sports can be reintroduced to the beach. Similarly officers require a steer as to the principle of allowing shooting on the beach and the development of byelaws to regulate beach activity.

Alternative options considered and rejected

Considered in the body of the report.

Cabinet Portfolio

The item falls within the following portfolios:
Community Services – Cllr Simon Renwick

Report

Wind Powered Wheeled Sport

1. Safersands Report

1.1 In May 2006 Atkins Consultants Ltd were commissioned to look at the issue of beach management in Fylde. The aims of the study were to assist Fylde Borough Council, in identifying beach related hazards and risks, and produce a framework for management of the beach.

1.2 The report recommended the following priority issues:

- Initiating improvements to capacity and resources. This includes. establishment of an implementation group; providing increased number of beach patrol recovery vehicles and a new beach patrol office; voluntary beach wardens instated; possible selective use of St John's Ambulance services and promotion of private/public initiatives.
- Improvements in communication techniques. This includes publicity leaflets/guidance documents to be developed; improvements in signage; visitor education and improved incident reporting

- Stewardship and enforcement. This includes continuing with the Seaside Award (south of St Annes Pier); enforcing dog restriction areas (covering the same area as the Seaside Award zone); continue the 50m kite exclusion zone at Starr Gate; development of new byelaws for inappropriate activities and educational compliance groups to be set up as a priority

1.3 At the Cabinet meeting of 17th January 2007 (Appendix 1) Members resolved to endorse the proposed Safersands action plan and consider the financial implications during future budget allocations. The report identified a four year action plan with associated financial costs. However due to budgetary pressures, to date the only issue that has been addressed is signage. Signs have been ordered and are awaiting installation.

1.4 When the report was commissioned, Atkins were briefed to exclude wind powered wheeled sport from the scope of their considerations. However the report did identify that should other beach activities continue or be considered in future, they should be better controlled.

Such activities included:

- Kite powered craft
- Beach BBQ's
- Motorised vehicles i.e. Quad bikes, motorbikes
- Horse riding
- Uncontrolled activities such as boomerang/javelin/discus throwing/golf

1.5 In managing and enforcing activities on the beach the Safersands report did not recommend large scale zoning due to the geographic scale of the beach and the civil liability issues that may arise if the zones are not correctly enforced. It was recommended that for certain activities, including those mentioned above, during certain periods (e.g. May to September) model byelaws be adopted. In adopting a byelaw, to regulate an activity, it implies that a risk has been identified and needs to be managed. So to reduce any civil liability claims these byelaws therefore need to be enforced. This means that further resources will be required to ensure that any byelaws are complied with.

2.0 Utilisation of the Beach for Wind Powered Wheeled Sport

2.1 The Council has recently received an approach from Trax, a not for profit company, to operate a wind sport centre out of what was the sand yachting club house. Given this enquiry officers requested Atkins to review the proposal to introduce wind powered wheeled sports, further to the Safersands report.

2.2 This most recent response from Atkins recommends that any zoned areas need to be clearly defined on the beach using flags, signs or temporary buoys and managed to ensure compliance with byelaws by the proposed beach

wardens and the beach patrol officer. Exact demarcation of this area would need to be determined through additional consultation with users. It also identified that wheeled activities should be zoned professionally for race events.

2.3 If the Council intends to control beach activities, including wind powered wheeled sport, the development and adoption of relevant byelaws should be considered beforehand. Byelaws will need adoption by a decision of the Council, further to wide consultation. However it is likely that such a process would take a minimum of six months to complete.

2.4 In adopting a byelaw, to regulate an activity, it implies that a risk has been identified and needs to be managed. So to reduce any civil liability claims these byelaws would need to be enforced. This means that further resources will be required to ensure that any byelaws are complied with.

2.5 In addition there will be appropriate assessments required under legislation to assess the impact of such proposed activities on the special environmental status of the beach and adjacent dunes. It is recommended that the applicant commissions and funds such assessments for further consideration by officers as part of his application.

2.6 A ground lease has been in place since 1976 with the Fylde International Sand Yachting club (FISYC) for the site of the sand yacht club house. Since 2002 ground rent has been unpaid by the tenant, amounting to arrears of approximately £1800. Although this debt was initially pursued it remains unpaid. Officers have been in contact with a representative of FISYC who has been interested in returning sand yachting to the beach. As part of the approach by Trax mentioned earlier, officers received an initial request to assign the ground lease from FISYC to Trax. However upon further investigation the lease is not assignable and would need to be surrendered by FISYC, any outstanding sums paid and a new lease negotiated with Trax.

2.7 Trax has also requested a lease of part of the beach to operate wheeled sports. The former FISYC held an annual rolling licence to permit sand yachting which ran from 1965 to 2002 when it was revoked by officers. It is recommended that a new licence would be the preferred form of agreement to ensure a reasonable shared use of the beach rather than a lease which gives exclusive rights. Such a licence would need to carefully encompass all the responsibilities including health and safety of the proposed operation.

Shooting

3.0 There is presently a sign in the car park at St Paul's Avenue suggesting that shooting is prohibited on the beach. The Council did agree to a shooting ban on certain land at Lytham Estuary in 2004 (Appendix 2). However the ban did not extend to the remainder of the beach under the Council's control as landowner.

3.1 The sign's status is therefore advisory at the present time. Anyone using a gun without the permission of the landowner may be committing the offence of armed trespass. It is therefore desirable to regularise matters, either by formalising the prohibition on shooting, or by removing the sign.

3.2 The Ribble Estuary (Appendix 3) is designated as a Site of Special Scientific Interest (SSSI) and as such any areas of that SSSI under the control of the Council (as landowner) should be managed in accordance with the requirements of that designation. The SSSI notification package includes a list of operations requiring Natural England's consent. The operations identified include 'the killing or removal of any wild animal' and 'introduction of game or waterfowl management and changes in game and waterfowl management and hunting practice'. None of the listed operations can be carried out without Natural England's consent.

3.3 In addition, allowing shooting obviously raises issues of public safety.

3.4 In 2007 a task and finish group undertook a review of a number of assets which included land known as Pier Hole. This large area (165 acres) of tidal mud flats lies below the mean high water level. Members resolved that Officers meet with Natural England, the RSPB and the Environment Agency to discuss implications for the site and the views on disposal for wildfowling. These discussions are on-going and the outcome will be reported to members in due course.

3.5 To date (apart from the sign at St Paul's Avenue) the Council has neither explicitly allowed nor restricted shooting activities on this area of land. If shooting were considered an appropriate activity on this area, the Council should apply for consent from Natural England. However further to conversation with officers of Natural England it is unlikely that consent would be agreed. However if it was agreed, any consent would require the Council to manage any shooting activity, and would therefore be likely to require a proportionate increase in Council resources to manage this issue. There has been a suggestion that a shooting association might be interested in managing shooting on the council's behalf. However, this has not been established with the organisation concerned.

3.6 A member of the public has suggested that shooting rights over the beach and foreshore do not belong to the council, but were retained by the former owner when he transferred title to the predecessor of the council. However, legal advice is that this is not the case, and that the right to allow and disallow shooting rests with the council as landowner, as does the responsibility to manage the land in compliance with the requirements for an SSSI.

3.7 Members are requested to consider whether allowing shooting on the beach, on land owned by the Council, is appropriate.

Report Author	Tel	Date	Doc ID
Paul Walker Clare Platt	(01253) 658431 (01253) 658602	16 April 2009	16.04.09 Rec Use Beach.doc

List of Background Papers		
Name of document	Date	Where available for inspection
Cabinet Agenda & Minutes	17 January 2007	www.fylde.gov.uk
Leisure & Recreation Committee Agenda	10 March 2004	Town Hall, Lytham St Anne's

Attached documents

Appendix 1 – Cabinet Agenda 17 January 2007

Appendix 2 – Leisure & Recreation Committee Agenda 10 March 2004

Appendix 3 – Extent of Ribble Estuary Site of Special Scientific Interest

IMPLICATIONS	
Finance	At this stage there are no financial implications arising from this report. There is no provision for further resources identified in the current medium term financial strategy.
Legal	The capacity of the legal services team will dictate the timescales for development of any byelaws.
Community Safety	If shooting was allowed on the beach, the use of any firearms would require appropriate management.
Human Rights and Equalities	None arising from this report
Environmental Impact and Sustainability	The Council must deliver it's obligations as landowner in a Site of Special Scientific Interest.
Health & Safety and Risk Management	The Council commissioned the Safersands report and needs to consider the recommendations arising from that report, thereby addressing the risks appropriately.

REPORT



REPORT OF	MEETING	DATE	ITEM NO
COMMUNITY AND CULTURAL SERVICES	CABINET	17 JANUARY 2007	9

“SAFERSANDS” - RESPONSE TO CONSULTANTS REPORT

Summary

Following the development of the SaferSands project undertaken on behalf of the council by Atkins Consultants Ltd in association with the Royal Society for the Prevention of Accidents (RoSPA) and the RNLI, the Executive manager for Community and Culture has developed a proposed response for consideration. The response proposes a number of actions, which presents a management framework for beach and foreshore activities.

Recommendation

1. That Members endorse the proposed Action Plan and consider the associated financial implications in future budget allocations.

Cabinet Portfolio

The item has been regarded as falling within the remit of Councillor Fazackerley on the basis of the health & safety / risk management aspects of the SaferSands project. However, the issue also cuts across the Tourism, Streetscene and Regeneration portfolios of Councillors Renwick, Ashton and Small.

Report

Background

- 1 In May 2006 Atkins Consultants Ltd in association with the Royal Society for the Prevention of Accidents (RoSPA) and the RNLI were commissioned by the Council to carry out a risk assessment of beach activities (excluding sandyachting) and recommend a management framework for beach activities.
- 2 This action followed a temporary ban on power-kite activity on the beach in response to safety concerns. It was clear that a robust solution was needed to the ongoing and numerous conflicting beach activities.

- 3 The Consultant's report considers the range of current activities known to take place on the beach and develops proposals for a framework to manage these uses in a manner which provides a reasonable degree of reassurance for users of the beach. The findings are based on new and existing risk assessments, observations and participatory involvement from key beach users along the Fylde coast.
- 4 An Executive Summary of the Report has been produced which summarises:
- ◆ An assessment of the national perspective of beach risk and safety including a review of existing national legislation,
 - ◆ A review of existing control measures and resources including beach patrol and signage,
 - ◆ An assessment of the current byelaws,
 - ◆ The physical characteristics of the beach and foreshore,
 - ◆ The environmental characteristics and constraints.
- 5 The methodology for "SaferSands" is detailed in the full report and includes:
- ◆ A comprehensive overview of the key issues,
 - ◆ A legal overview including ownership of the beach,
 - ◆ Evaluation of past risk assessments,
 - ◆ A full, new beach risk assessment based on best practice,
 - ◆ Local, focused discussion events with a range of stakeholders,
 - ◆ Presentation of a framework for the delivery of a "SaferSands" Management scheme for Lytham St Annes.

Findings

- 6 The report has a number of key findings which inform the proposed management framework. These are:
- ◆ Confirmation that Fylde Borough Council (FBC) owns the freehold or leasehold to much of the beach area,
 - ◆ Confirmation that the dunes to the north of the Blackburn Home are owned by Blackpool Borough Council,
 - ◆ FBC may impose restrictions on the use of its land, however these would be difficult to enforce,
 - ◆ Byelaws are effective regardless of ownership but are of limited value unless the resources are allocated to provide the essential signage and enforcement presence,
 - ◆ A beach zoning scheme is NOT recommended,
 - ◆ A mix of voluntary and controlled regulation IS recommended with user groups demonstrating 'ownership' of their activity underpinned by a regulatory framework,
 - ◆ F B C is expected to do what is reasonable having regard to the risks and available resources.

Proposed Action Plan

- 7 This report sets out below the main recommendations made by Atkins Consultants and shows the potential costs associated with these recommendations. Where possible we have investigated ways in which the council can meet its obligations whilst remaining as cost effective as possible or through partnership working. The action proposed in this report show both the initial recommendations but also describes a more pragmatic approach, utilising existing resources and partners.

- 8 The SaferSands report proposes a range of actions which are considered to be reasonable measures to address the findings. These actions are presented under three key headings – Capacity and Resources, Communication and Stewardship and Enforcement as detailed below.

9 Capacity and Resources

This section looks at actions to improve the current level of patrol activity, and the need for a group to co-ordinate beach use and regulatory issues.

Establishing a SaferSands Implementation Group is recommended as the first action. This is one of the criteria used in the designation of the new Quality Coastal Awards. Its membership should comprise stakeholders, the police, coastguard and RNLI as well as appropriate FBC representation. This group is key to delivering many of the other actions including the sourcing of external funding. This can be funded from existing resources.

Beach Patrols - Currently the Council employs one full time beach patrol officer. Although his time is managed to cover recognised peaks, there are significant periods of time when beach activities are not being patrolled to the level recommended in the report (every day throughout the summer, including weekends). The report recommends that our beach patrol capacity is increased to cover the majority of high level usage.

In order to support this and due to expanse of the beach, it is recommended that an additional patrol vehicle should be made available. It is possible that this could be found from within the council's existing fleet and may only require additional support costs such as fuel, servicing and insurance.

Central office is recommended to create a more visible presence near to the beach to provide a point of communication with beach users and to carry information material such as tide timetables etc.

Voluntary beach wardens are recommended at peak times as support for the BPOs as well as providing a more visible profile for the service. It is suggested that this measure is implemented in year 2.

10 Communication

Although the "SaferSands" initiative has received a good level of publicity regarding its purpose and aims, it is essential that this process should continue. In particular public awareness, especially for visitors, is vital. This can be achieved through the actions detailed below:

Publicity and leaflets are viewed as urgent actions. This includes press releases, presentations to local groups and a webpage.

Signage. The current levels of signage, whilst part of a pro-active programme, was always intended to be temporary and does not follow nationally recognised guidelines with regard to style and content. Signs are recognised as the most effective way of conveying safety information as well as communicating the limits of the council's responsibility. Results from the consultation carried out as part of "SaferSands" indicates that signage is the most common way for beach users to gain information. The report strongly recommends the installation and maintenance of appropriate signage following the national RNLI guidelines.

11 Stewardship and Enforcement

Large scale zoning of the beach is NOT recommended by the consultants. This is largely due to the geographic expanse of the beach and the liability that may be created if the zoned areas are not routinely patrolled. A more pragmatic approach is recommended by the introduction of agreed seasons / times for certain activities backed up by appropriate enforcement through permit systems, personal insurance and the introduction of seasonal 'model' byelaws.

The report suggests that certain activities need to be more closely controlled through this mechanism. These include: kite powered craft; barbecues; motorised vehicles; horse-riding and dangerous activities such as the use of javelins & golfing etc.

Economic Rationale

The beach and foreshore is one of Fylde's greatest assets, particularly as a key attraction to visitors as part of our tourism product. St Annes promotes itself as a family holiday resort achieving around £171 million in income from holiday makers each year. The bid to pilot the 'Classic Resort' concept in partnership with the NWDA is underpinned by the traditional seaside attractions such as the pier, promenade and beach and a safer coastal environment is seen as a major asset with particular economic value.

In addition, the direct financial benefit to the council will be apparent in reduced insurance claims, lower risk of incurring significant legal costs and the potential of increased income from concessions and franchises

SaferSands
Four Year Plan

Recommended actions	Time scale	Description	Revised cost for 2007/08 budget	Budget 2008/09	Budget 2009/10	Budget 2010/11	Responsible persons
Increase Beach patrol services at peak times.	May 2007	Increase seasonal beach patrol presence from 2007 season (Priority action)	£12,000	£12,000	£12,000	£12,000	Exec Manager
Additional beach patrol vehicle	May 2007	Use of existing vehicle - 2 days per week in 2007/08	£3,000	£3,000	£3,000	£3,000	Exec Manager
Beach office	May 2008	Identify premises & make available for 2008 season	Nil	£15,000 capital	£5,000 capital	£3,000 Maintenance	Exec Manager
Voluntary beach wardens	May 2008	Costs for expenses	Nil	£3,000	£3,000	£3,000	Exec Manager
Leaflets/guidance notes	May 2007	Cost of publications (Priority action)	£6,000	£3,000 (updates)	£3,000 (updates)	£3,000 (updates)	Exec Manager
Beach Safety Signage	Sept 07	Cost of signage. (Priority action)	£20,000 Capital	£ 2,000 maintenance	£ 2,000 maintenance	£ 2,000 maintenance	Exec Manager
Beach Safety Signage Training seminar	April 2008	Educating stakeholders	Nil	£6,000	Nil	Nil	Exec Manager
Total			£21,000 Revenue £20,000 Capital	£29,000 Rev £15,000 Cap	£23,000 Rev £5,000 Cap	£26,000 Rev	

Costings indicate the proposed budgetary requirement over and above 2006/07 budgets.

We have also approached Blackpool Borough Council to explore the possibility of joint working. A summary of their proposals is outlined below.

3 Full time Beach Patrol	£66,000
3 Seasonal Beach Patrol (May to Sept)	£25,000
OR	
3 Seasonal Beach Patrol (July & August)	£15,000
PLUS	
Uniforms, Training, Awards A.T.V. Visits etc.	£ 7,500

12 Summary

Now that the “SaferSands” Report has been received the level of information on the risks associated with the known beach activities are much better understood by the Council.

The Report recommends a range of actions that will require the allocation of additional resources. The proposed management framework anticipates a progressive implementation of the recommended actions over a period of time so as to arrive at a position whereby the risks associated with potentially hazardous activities on the beach are reasonably managed.

The Report expresses a clear view that the current level of beach patrol needs to be enhanced, as does the signage at the main access points to the beach.

Appropriate bylaws are also recommended as a mechanism for controlling specific activities and partnerships with user groups need to be formalized to achieve a high degree of self-policing.

From the point of view of managing future liabilities the Council will need to demonstrate a responsible response to the findings of the “SaferSands” Report and a reasonable approach to implementing an appropriate management action plan.

IMPLICATIONS	
Finance	Budget implications for the 2007/08 budget and beyond.
Legal	There is a mechanism for the creation of model byelaws.
Community Safety	The development of a pro-active policy is supportive of Community Safety.
Human Rights and Equalities	No further issues.
Sustainability	No further issues.

Health & Safety and Risk Management	The council has commissioned a report from expert sources to advise it on a management approach to beach and foreshore usage. The Council needs to agree an implementation programme in response to the report in order to discharge its obligation.
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Report Author	Tel	Date	Doc ID
Paul Norris	(01253) 658440	Nov 2007	

List of Background Papers		
Name of document	Date	Where available for inspection
As attached	-	-

REPORT OF	MEETING	DATE	ITEM NO
CULTURAL SERVICES	LEISURE AND RECREATION	10TH MARCH 2004	

WILDFOWL SHOOTING REGULATION – LYTHAM ESTUARY

Public/Exempt item

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

Wards affected

St John's

Purpose of Report

The Cultural Services Manager to report the legal requirement under English Nature's Habitat Regulations for the Council to manage wildfowl shooting on its land at Lytham Estuary either by regulating or banning the activity.

Recommendation/s

The Committee is asked to agree to a ban on wildfowl shooting on its land at Lytham Estuary, to be enforced via the Beach and Foreshore patrol service.

Report

The Council owns an area of tidal mudflat located between the high and low watermarks adjacent to saltmarsh owned by the Lytham & District Wildfowling Club. This area is marked in green on the appended plan.

To date the Council has neither allowed nor restricted shooting activities on this land although, since the area's designation as a Site of Special Scientific Interest (SSSI) in 1984 under Regulation 2 of the Habitat Regulations imposed by English Nature we are now required to consider shooting as a consented activity.

On the Ribble Estuary there are four, well regulated wildfowling clubs whose activities are consented by English Nature under Section 28 of the Wildlife and Countryside Act 1981 (as amended). Wildfowling, which occurs on Fylde Borough Council land, is not regulated in this way. If wildfowling is to occur on this area the owner/occupier must be able to adequately control and regulate these activities, if they are unable to regulate then consent will not be given and so any wildfowling that occurs will be operating outside of the law.

The implications of regulating shooting include the Council regulating the activity by issuing passes and monitoring bag returns. English Nature is required to monitor the population of wildfowl and, in order to obtain a true picture, expects any shooting to be controlled.

The Lytham & District Wildfowlers Club owns the adjacent areas of the estuary marked blue, yellow and red on the plan. At the moment the council's land can only be reached by trespassing on the Club's land. Shooting on Council land would be unworkable and illegal unless the Council a) applies for consent to shoot b) manages this activity as required and c) enters into an access agreement with the Club For the Council to manage shooting through licensing and monitoring bag returns, it would require considerable financial resources and expertise that we currently do not have.

For these reasons the Cultural Services Business Manager believes that the simplest and most cost effective way forward is to impose a ban on shooting on the land in the Council's control. Consent is therefore not required. This measure would still require the Council to warden the land to stop unauthorised shooting but this could be achieved through the existing beach and foreshore patrol service.

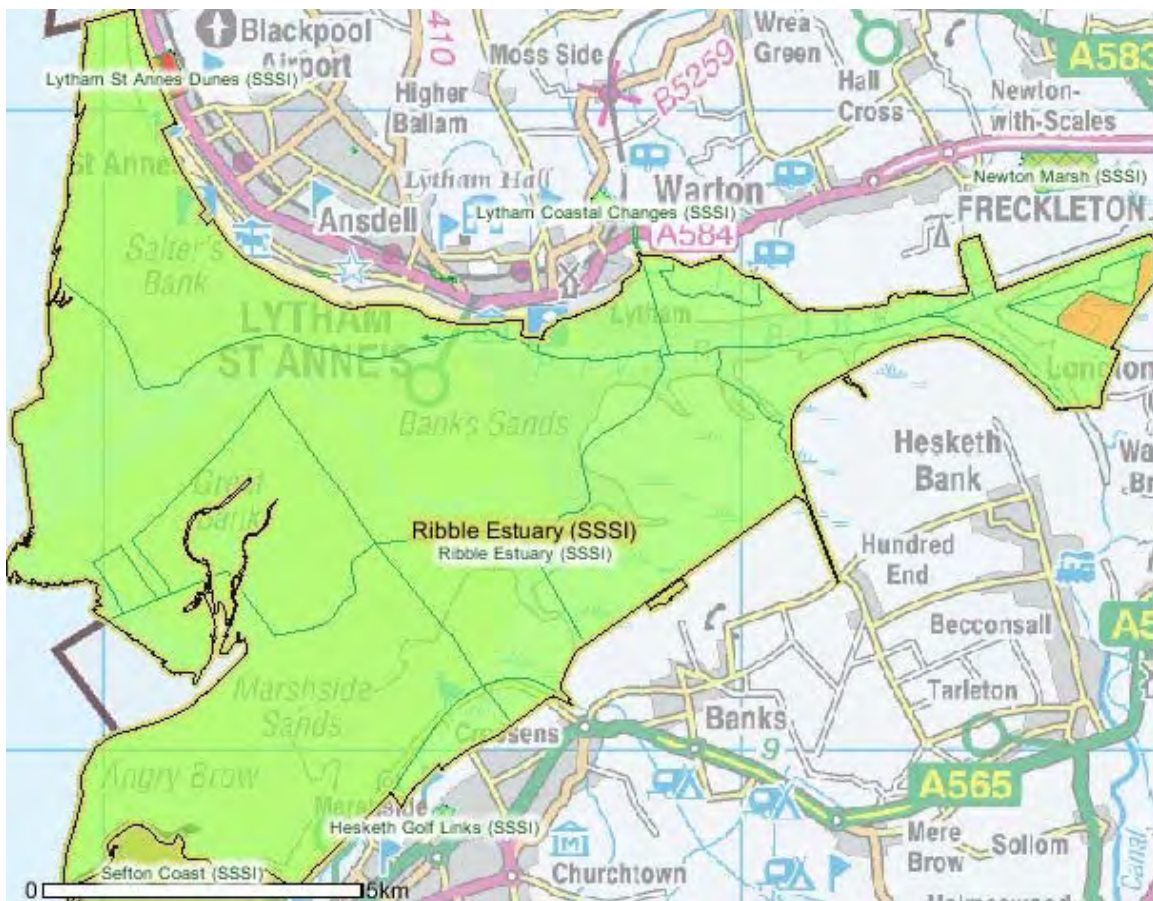
Any future shooting would, therefore, only take place on Club land as part of their membership arrangements. As outlined earlier in the report, the Club is ideally qualified to manage shooting on the estuary and currently complies with all Habitat Regulations as required by English Nature.

IMPLICATIONS	
Finance	No reported implications
Legal	No reported implications
Community Safety	No reported implications
Human Rights and Equalities	No reported implications
Sustainability	No reported implications
Risk Management	No reported implications

REPORT AUTHOR	TEL	DATE	DOC ID
Paul Norris	(01253) 658440	15 th February 2004	

LIST OF BACKGROUND PAPERS		
NAME OF DOCUMENT	DATE	WHERE AVAILABLE FOR INSPECTION
Correspondence with English Nature & Lytham & District Wildfowlers Club	various	Cultural Services Business Unit, Town Hall, St Annes

The Ribble Estuary Site of Special Scientific Interest



Source: Natural England (<http://www.natureonthemap.org.uk/map.aspx>)

**Policy and Service
Review Scrutiny
Committee**



Date	Thursday 17 March 2009
Venue	Town Hall, Lytham St Annes
Committee members	Karen Buckley (Chairman) Councillor John Prestwich (Vice-Chairman) Elizabeth Clarkson, Maxine Chew, Howard Henshaw, Cheryl Little, Elizabeth Oades, Dawn Prestwich,
Other Councillors	Tim Ashton, David Chedd, Ken Hopwood
Officers	Ian Curtis, Jamie Dixon, Lyndsey Lacey
Others	Press representative

1. Declarations of interest

Members were reminded that any personal/prejudicial interests should be declared as required by the Council's Code of Conduct adopted in accordance with the Local Government Act 2000.

Councillor Tim Ashton declared a personal and prejudicial interest in item 3 on the agenda in so far as he was the Cabinet member responsible for making the decision under consideration for call- in. He attended the meeting as a witness at the invitation of the committee and withdrew from the meeting prior to the debate and decision.

2. Substitute members

Councillor Maxine Chew for Councillor Elaine Silverwood

Councillor Howard Henshaw for Councillor Tony Ford

Councillor Dawn Prestwich for Councillor Thomas Threlfall

3. Call-in Request - Policy for the Provision of Waste Receptacles

Ten members of the Council had invoked the recovery and call-in procedure to question an individual cabinet member decision made on 18 February 2009 relating to the policy for the provision of waste receptacles.

The Chairman invited the lead signatory, Councillor David Chedd to explain why he felt that the decision was not in the interests of the inhabitants of the borough and ought to be reconsidered.

Councillor Chedd began by stating that he wished to make it clear that he understood the aims of the policy and supported the reasons for the decision. His objection related to the proposed implementation. He added that he also wanted to thank the officers for their help in providing all the background information and figures requested.

He explained that to charge for lost, stolen or damaged bins would result in most cases, in householders being penalised for events beyond their control. He added that between April 2007 and March 2008 there were 2,839 wheeled bins issued or repaired.

In relation to the above figure, 866 were to replace missing bins, presumably lost or stolen. 893 were to replace damaged bins, 483 second bins were provided, 269 new lids were provided and 328 new bins were provided for new builds.

Councillor Chedd stated that although all bins issued contained a chip and had a serial number on the side, no record was kept of which bin belonged at which address. Thefts could not be detected and the victim would need to pay for a replacement.

In terms of damaged bins, he appreciated that there were cases where the damage was clearly the fault of the householder and in those cases a charge for replacement could be justified. The policy for the provision of waste receptacle stated that in cases where the bin had been reported as damaged by the collection team it would be replaced free of charge but there was no incentive for the bin operatives to report this. He added that there was evidence from many councilors that the bin operatives did not always report their own damage.

Councillor Chedd went on to explain that the manufacturer guaranteed the bins for 7 years. This suggested that the manufacturer expected an increase in the number of bin failures due to normal wear and tear.

Councillor Chedd asked for clarification in the difference in cost of what Fylde pays for the receptacles and the charge made. He added that as Fylde also provided bins for Wyre as part of the Wyre waste contract, a similar charge should be made to Wyre residents.

Overall he felt the effects of the decision would be:

- A large increase in the number of bins stolen.
- Householders painting house numbers on their bins
- Householders who have paid for their bins being more likely to take them with them if they moved home.
- Fly tipping of rubbish
- Bins from the Wyre area being found in the Fylde area.
- Post code lottery for bin charges.

Councillor Chedd asked the Committee to consider calling-in the decision by asking full Council to look at it. He added that if the committee were not minded to do that to considering be given to the following which would attempt to mitigate the issues raised:

- That the issue of charging for replacement receptacles be raised with Wyre Borough (via a joint committee) with a view to agreeing a common approach
- That in future a record be kept of all new bins issued by serial number and address
- That householders be given the opportunity to register their existing bins in the same inventory
- That in the case of stolen bins, the householder be expected to report the theft to the police and provide the crime reference number. In such cases, the bins should be replaced free of charge
- That the default assumption regarding damaged bins be that it is not the householders fault unless the bin crews report the damage as being due to householder negligence.

The Chairman then invited the Portfolio Holder for Environmental Well Being, Councillor Tim Ashton to respond.

Councillor Ashton stated that the decision to introduce the policy for the provision of waste receptacles would encourage the residents to take responsibility for the wheeled bins provided and would reduce the demand for replacements so that resources could be directed toward priority.

Councillor Ashton addressed each point raised by Councillor Chedd and in doing so stated that the proposed policy had been accepted by Council as part of the budget process. He added that the charging for bins was becoming commonplace across the region and that Wyre Council was now considering making a charge for the bins.

The Chairman asked Councillor Ashton if the Council was likely to lose money on the Wyre contract. Councillor Ashton responded by stating that the budget outturn for the Wyre waste was likely to make a profit.

Councillor Oades argued that the Council was putting £500,000 in to the Wyre contract. She also commented that the introduction of the policy would be unpopular with residents and would be a retrograde step. Councillor Oades enquired about the government policy on charging for waste and the likely impact of that. She also enquired how many damaged bins had been reported and whether or not the officers carry out an investigation in to the problem. Mr Dixon provided a detailed explanation.

Councillor Oades asked for details of the difference between what Fylde pays for the bins and the actual charge. Councillor Ashton confirmed that the Council paid £16.95 and charge of £25 plus VAT.

Councillor Chew asked if the speed of working was likely to be the cause of the problem. Mr Dixon responded by stating that a review of the rounds had recently taken place and the Council had introduced improved working practices. The operatives are required to note missed bins and bins not put out on time. The satisfaction levels for the service had improved as indicated in the recent place survey.

Councillor Ken Hopwood was invited to speak as a representative of the group of councillors requesting call-in. Councillor Hopwood expressed his concern about a matter which was considered at the Performance Improvement Scrutiny Committee in November relating to the corporate performance quarterly report (areas of concern) which indicated that the costs for the replacement of waste containers for the Wyre contract was expected to increase to £80,000. As this was not part of the Wyre contract the costs could not be recovered by the client authority (Fylde)

There followed a series of questions which covered several relevant issues in depth.

When the committee was ready to move on to debate the matter prior to reaching a decision, Councillor Ashton was required to withdraw from the meeting.

The committee debated the matter at length and then RESOLVED:

- 1 That the decision of the Cabinet Portfolio Holder be not called in and be upheld as it was considered important to have a clear defined policy in place;
- 2 To request that Cabinet give consideration to the following:
 - That the issue of charging for replacement receptacles be raised with Wyre Borough with a view to agreeing a common approach
 - That in future a record be kept of all new bins issued by serial number and address
 - That consideration be given to registering existing bins in the same inventory as above.
 - That any dispute regarding the responsibility for damaged bins be investigated by the officers.

(Councillors Maxine Chew, Howard Henshaw and Elizabeth Oades requested that their names be recoded as having voted against the decision in 1 above)

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