

# Agenda

## Executive Committee

Date:	Tuesday, 19 September 2023 at 6:30 pm
Venue:	Town Hall, St Annes, FY8 1LW
Committee members:	<p>Councillor Karen Buckley (Chairman)          Councillor Richard Redcliffe (Vice-Chairman)</p> <p>Councillors Tim Armit, Peter Collins, Chris Dixon, Ellie Gaunt, Karen Henshaw JP, Matthew Lee, Michelle Morris, Ed Nash, Jayne Nixon, Tommy Threlfall.</p>

### Public Platform

To hear representations from members of the public in accordance with Article 15 of the Constitution. To register to speak under Public Platform: see [Public Speaking at Council Meetings](#).

	<b>PROCEDURAL ITEMS:</b>	<b>PAGE</b>
<b>1</b>	<b>Declarations of Interest:</b> Declarations of interest, and the responsibility for declaring the same, are matters for elected members. Members are able to obtain advice, in writing, in advance of meetings. This should only be sought via the Council’s Monitoring Officer. However, it should be noted that no advice on interests sought less than one working day prior to any meeting will be provided.	<b>1</b>
<b>2</b>	<b>Substitute Members:</b> Details of any substitute members notified in accordance with council procedure rule 23(c).	<b>1</b>
<b>3</b>	<b>Confirmation of Minutes:</b> To confirm the minutes, as previously circulated, of the meeting held on <a href="#">4 July 2023</a> as a correct record.	<b>1</b>
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## DECISION ITEM

REPORT OF	MEETING	DATE	ITEM NO
OFFICE OF THE DEPUTY CHIEF EXECUTIVE	EXECUTIVE COMMITTEE	19 SEPTEMBER 2023	4
<b>YMCA OPERATIONS REPORT – ADDITIONAL SUBSIDY REQUEST</b>			

### PUBLIC ITEM

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

### RELEVANT LEAD MEMBER

This item is within the remit of the Lead Member for Tourism, Leisure, and Culture (Councillor Jayne Nixon)

### PURPOSE OF THE REPORT

The report provides details of the latest position with the partnership arrangement between the YMCA and the council. The report provides details of the challenges experienced by the YMCA during the post-pandemic recovery, addressing the energy price increases, managing the cost-of-living crisis, the labour cost pressures and national inflation outlining the impact on the facilities in Fylde at Kirkham and St Annes which are operated under partnership arrangements with the council.

The types of cost pressures facing the YMCA are being experienced by other leisure providers across the UK. As a result the DCMS (Department for Culture, Media, and Sport) and Sport England announced a Swimming Pool Support Fund worth £63 million, with an application process to secure financial support for public swimming. The fund has two elements, relating to both revenue and capital. The revenue stream is limited and significant demand for the funding stream may impact the council's success in securing funding. The capital element of the fund is focused on making facilities energy efficient and sustainable, and an ambitious bid will be submitted to secure significant investment in the St Annes facility.

### RECOVERABILITY

This decision is recoverable under section 7 of part 3 of the constitution.

### RECOMMENDATION

That the Executive Committee approve a one-year-only additional subsidy payment of £59,189 to the YMCA to support the continued operation of the St Annes facility, fully funded from a virement of existing revenue budgets in 2023/24 as detailed in the financial implications paragraph of the report to maintain the existing provision at St Annes addressing the deficit created by energy, labour, cost of living and general price increases.

## REPORT

1. Fylde Coast YMCA has an agreement with Fylde Council to operate two premises in the Borough which provide public swimming pools. The arrangements have been in place since 2009 at Kirkham and St Annes after the council was unable to continue operating the facilities because of corporate cost pressures however, there are differences in the agreements to operate the facilities.
2. The St Annes premises are owned by the council with the YMCA delivering leisure provision from the facility with an annual subsidy from the council, which for 2023/24 is £141,000. This agreement is in place until 2025. The freehold of the Kirkham premises was transferred to the YMCA as part of the arrangement, the council provides an annual subsidy payment to YMCA to deliver leisure provision from the facility. On August 10<sup>th</sup>, 2023, the YMCA announced that the Closure Event in the agreement to operate the Kirkham facility had been triggered on the grounds that it was not economically viable to re-open after significant storm damage and further capital investment required to operate the facility.
3. During the COVID-19 pandemic, both facilities were required to close in March 2020, with St Annes fully re-opening in May 2021, experiencing a very difficult recovery period over the following 18 months to rebuild the membership base and income levels. The YMCA achieved full recovery with some increase but the increased cost, particularly of energy, has more than offset any additional income. The facility at St Annes is a late 70's early 80's design and build that is not energy efficient to operate and has developed several structural faults.
4. Leisure facilities and in particular swimming pools have had a challenging time with the pandemic closure, followed by the difficult recovery period then the energy price hike which hit the sector particularly hard, the increase in labour cost and the cost-of-living crisis, all having a negative impact on the operational performance of the facility in St Annes. The energy requirement to operate the pool along with the associated open space and support facilities i.e. changing rooms, is significant.
5. Whilst financial support was available during the pandemic closure the recovery was exceptionally difficult for the leisure sector and membership-based organisations, just as the recovery was complete the energy prices and other costs were hit hard with limited or no financial support. To maintain provision at the St Annes facility to the current level YMCA Fylde Coast requested an **additional** one-off subsidy from the council for the fiscal year 2023/24 of £59,189.
6. Appendix 1 is an operational report from the YMCA that details the impact on the business from the post-pandemic cost increases and national energy price hikes which are the basis for the ask of an additional one-year subsidy of £59,189 to maintain the St Annes operations. Important extracts from the report include:
  - a. Ukactive project 40% of council areas are at risk of closing leisure centres or a service reduction by March 2023, whilst 74% of facilities were classified as 'unsecured' and at risk of closure before March 2024.
  - b. Electricity increased from £54,563 in 2020 to £156,423 (estimate) in 2023\*
  - c. Gas increased from £42,195 in 2020 to £90,513 (estimate) in 2023\*
  - d. An estimated additional £109,337 is required between 22/23 and 23/24 for energy alone.
  - e. The 9.6% increase in the national minimum wage has added £19,350 to expenditure.

\*Estimates based on known costs and forecast prices as of March 2023, assumptions are included in Appendix 1 to this report.

## FINANCIAL IMPLICATIONS

7. The council has a subsidy budget to support swimming provision, there is sufficient provision on the budget for the current fiscal year (2023/24) to fund the one-off additional subsidy payment of £59,189. If the committee are minded supporting the recommendation the award would be made from the funds allocated for swimming provision support.
8. At the time of drafting this report, the bid for the swimming pool support fund had not been determined. The fund is split into two elements the first, more than £20m is available in revenue grants to support facilities with

swimming pools with increased cost pressures leading to closure or service reduction. Secondly, £40m is available for capital investment to improve the energy efficiency of these public facilities in the medium to long term.

9. There is no certainty that the bid to either scheme will be successful, and it would only be funding from the first scheme that could offset increased costs at St Anne's Pool. If every publicly owned facility applied and was made an award the financial value is likely to be minimal. However, if an award is made for the revenue funding stream this will be used to offset the council's costs in making the additional subsidy payment to the YMCA. Should a capital bid be awarded, officers will liaise with the lead member for Leisure and Tourism on the implications.
10. The team at the YMCA are committed to continuing to manage all controllable costs as efficiently as possible and are optimistic that main costs such as energy will start to reduce in accordance with national forecasts along with other consumables. However, labour costs will not be reduced, and are expected to increase further in 23/24 with an impact on direct wage cost and the procurement of repairs, maintenance, and third-party support services.

CORPORATE PRIORITIES	
Economy – To create a vibrant and healthy economy	✓
Environment – To deliver services customers expect	✓
Efficiency – By spending money in the most efficient way	✓
Tourism – To create a great place to live and visit	✓

IMPLICATIONS	
Finance	The report seeks approval for a one-year-only additional subsidy payment of £59,189 to the YMCA to support the continued operation of the St Annes facility, fully funded from a virement of existing revenue budgets in 2023/24 for swimming provision support.
Legal	There are no implications
Community Safety	There are no implications
Human Rights and Equalities	There are no implications
Sustainability and Environmental Impact	There are no implications
Health & Safety and Risk Management	There are no implications

SUMMARY OF PREVIOUS DECISIONS
<p><b>Cabinet 11/2/2009 – Asset Transfer – Kirkham Pool</b></p> <p>It was resolved:</p> <ol style="list-style-type: none"> <li>1. That officer be authorised to implement option 2 in the report and undertake immediate discussions with representatives from the YMCA to secure this.</li> <li>2. That if the YMCA is not able to agree to the terms contained in option 2 then officers be requested to make arrangements for the closure of the pool on 31 March 2009.</li> <li>3. That contract procedure rule 6 (open tendering) be not applied to the disposal of Kirkham Pool as envisaged under option 2.</li> <li>4. That, in its opinion, disposing of the Kirkham Baths land to YMCA on the terms set out in the report would be likely to contribute to the achievement of the promotion or improvement of social well-being of persons residents or present in the council's area.</li> <li>5. That the use of any proceeds remaining after the disposal of the asset, should the pool close, be considered at a future meeting.</li> </ol>

6. That representative from YMCA and Rural Splash be thanked for their input into the proposed transfer and the staff at Kirkham Pool be also thanked for their dedication and hard work during these uncertain times.

#### **Cabinet 11/3/2009 – Policy and Service Review Scrutiny Committee**

Recommended to Cabinet that Option 2, regarding the operation of Kirkham Pool, be implemented that being that the Kirkham Pool operation be offered to the YMCA on a once and for-all basis, subject to the following principles:

- The site is to be leased to the YMCA for a nominal amount whilst the Council is in receipt of Department of Culture Media and Sport (DCMS) grant monies; and then transferred to the YMCA's ownership, subject to its use continuing for community and social objectives, as identified at paragraphs 5.8 and 5.9 of the report.
- That the Council's consultation with the unions and staff over TUPE transfer is satisfactorily concluded at the earliest opportunity.
- That the YMCA is willing to accept the TUPE transfer of all eligible operational staff currently employed at Kirkham Pool at the earliest opportunity.
- A grant of £74,183 for the financial year 2009/10 (Made up of £40,000 budgetary provision for redundancies during 2008/09; and £34,183 unbudgeted costs of repairs and maintenance).
- An ongoing grant of £29,507 for the subsequent four years (unbudgeted costs of repairs and maintenance)
- The DCMS grants are being passed on to the YMCA as follows:
  - £31,160 for two years from 1 April 2009 to support free swimming for people aged 60 or over.
  - £38,269 for two years from 1 April 2009 to support free swimming for people aged 16 or under.
  - £22,927 capital grant to support the modernisation of facilities or development of a capital project for the modernisation of facilities.
- That the Council will arrange, if necessary, for energy procurement via their own purchasing agreement.
- That operating stocks of consumable materials and spares will be transferred free of charge.
- That The Council will pass over copies of all documents, plans, policies, and procedures to the YMCA.
- That access and parking rights of the bowling club are recognised and protected.
- That formal Council representation on the YMCA's local management board be a requirement of transfer, so long as the Council subsidises the pool.
- That the best utilisation of the house be agreed upon with the Council's housing service, whilst it remains available for residential use.

#### **Cabinet 29/6/2009 – Kirkham Pool – Financial Implications**

It was resolved:

1. That members endorse the principles of disposal of Kirkham Pool to the YMCA which have been used as the basis of developing the transfer agreement.
2. That members approve the unfunded addition to the 2009/10 revenue budget of £10,149 to cover the shortfall in the budget as the result of the transfer of Kirkham Pool to the YMCA occurring after 31 March 2009.
3. That any proceeds of the sale of the asset, should the operation not prove viable, be used to fund possible schemes/projects which help deliver the YMCA's stated community and social objectives in rural Fylde.

#### **Cabinet 28/4/2010 – St Annes Pool**

It was resolved:

- 1) To note the outcome of the tender evaluation exercise and accept the YMCA as the preferred bidder to operate the pool.
- 2) To appoint the YMCA based on their bid for a 12-year management agreement with a lease subject to the heads of terms and costs as detailed in the report.
- 3) To agree on a revised revenue budget of £148,785 to operate the pool in 2010/11 (as set out in section 8 of the report) funded by the revenue estimate of £119,000 agreed by Budget Council along with a fully funded addition to the revenue budget of £30,000 of unallocated area-based grant.
- 4) To approve the Capital scheme for the refurbishment and reopening of St Annes pool at the level of £322,000 as detailed in section 8 and appendix 1 of the report.
- 5) To approve the retention and earmarking of the remaining £153,000 of capital to help contribute towards the cost of meeting future replacement/refurbishment needs and liabilities.

BACKGROUND PAPERS		
Name of document	Date	Where available for inspection
YMCA Operational Report	March 2023	Attached as an appendix

LEAD AUTHOR	CONTACT DETAILS	DATE
Gemma Broadley	<a href="mailto:Gemma.broadley@fylde.gov.uk">Gemma.broadley@fylde.gov.uk</a>	7 September 2023

Appendix 1 – YMCA Operational Report March 2023

**Appendix 1 – YMCA Operational Report March 2023**

**FYLDE – 23/24 OPERATIONS REPORT**

Prepared by	YMCA Fylde Coast
Date	March 23
Prepared for (board/sub-committee/AGM)	Fylde Borough Council

**Purpose:** The purpose of this paper is:

1. To provide narrative and context to the 23/24 budget
2. To outline a formal request for additional subsidy support from Fylde Borough Council so that provision can be maintained.

**Background**

Leisure operators and local authorities up and down the country face very real sustainability challenges. Ukactive have already projected that 40% of council areas are at risk of losing their leisure centres or seeing reduced services by March 2023, whilst 74% of facilities were classified as ‘unsecure’ and at risk of closure before March 2024.

It was announced in the budget on 15.03.23 that there will be a £63m fund to support the operation of publicly owned swimming pools. £40m of this will be for investment in de-carbonisation and long-term energy efficiency, whilst £23m is marked for addressing immediate operational costs. Details on how to apply are not yet available, although it is known that applications must be made by the local authority and that the fund will be managed by Sport England.

Whilst UK economic pressures are well known, it is worth outlining the main factors here:

- A further 9.6% increase in national minimum wage
- Inflation at 10%+
- Energy costs rising by 100's%
- A cost-of-living crisis squeezing personal budgets

**Operations (St Annes Pool only)**

Since re-opening in May 2021, business has returned at a faster rate than had been assumed, supported in part by aggressive pricing during May and June. In fact, total members at St Annes Pool in April 2021 were significantly higher than April 2019 and have continued to grow since. Total members as of February 2023 stand at 1,614 compared to 1,184 as at April 2019.

Year	St Annes Pool Membership	Kirkham Membership
April 2019	1,184	808
April 2021	1,531	704
April 2022	1,584	769
February 2023	1,614	-

Financially, income has also grown whilst staff costs have been reduced.



Whilst income dropped by 4.2% between March 2020 and March 2022, this can be accounted for by Covid. Income growth between March 2022 and March 2023 is expected to be 11.1%, or £55,194.

	2019/2020 (£)	2020/21 (£)	2021/22 (£)	2022/23* (£)
<b>Membership Income</b>	213,014	37,764	226,782	235,904
<b>Total Income</b>	519,113	59,286	497,145	552,339

\* Forecast

The table below shows the percentage of staff costs against income, highlighting that we are operating as efficiently as possible in this respect.

	March 2020	March 2022	March 2023
% staff costs	52.8%	46.4%	45.6%

Whilst the income and membership lines have remained strong there are now significant pressures on expenditure lines, not least energy and staffing costs.

	2019/2020 (£)	2021/22 (£)	2022/23 (£)	2023/24 (£)
<b>Salaries</b>	274,201	231,056	251,925	271,275
<b>Electricity</b>	54,563	44,813	101,149	156,423
<b>Gas</b>	42,195	30,239	36,450	90,513
<b>Total</b>	<b>370,959</b>	<b>306,108</b>	<b>389,524</b>	<b>518,211</b>

Despite the salary costs increasing by nearly £20,000 in 23/24, the percentage against income is still only 46.3%.

The main expenditure causing sustainability issues are the electricity and gas prices. Despite investing in energy saving projects such as LED lighting and works in the plant room (efficiencies can be seen through the reduced electricity and gas costs from 19/20 – 21/22), the energy crisis has dictated that costs have risen exponentially. The table below indicates the scale of the increases between 22/23 and 23/24 – noting that electricity costs this year have already increased by 125% when compared 21/22.

	22/23 (£)	23/24 (£)	Variance (£)
<b>Electricity</b>	101,149	156,423	55,274
<b>Gas</b>	36,450	90,513	54,063
<b>Total</b>	<b>137,599</b>	<b>246,936</b>	<b>109,337</b>

On a smaller scale, building maintenance costs have increased linked to the age and condition of the facility.

### 23/24 Overview (St Annes Pool and Kirkham)

The budget for 23/24 is showing a combined deficit of (£94,152). This figure includes a subsidy of £141,000 for St Annes Pool but no subsidy for Kirkham (ordinarily £44,388).

The budgets have been predicated on the following assumptions.

### Income Assumptions

Clearly, there is little to no income assumed for Kirkham and so all items below relate to St Annes Pool only.

From 1<sup>st</sup> April the Youth Membership will increase from £25 per month and £250 annually to £27 per month and £270 annually. Other memberships will also move from £25 and £250 to £27 and £270 during 23/24. The exact timing of this increase is yet to be set.

Pay as you go activities: Prices across the range of PAYG activities will also increase from 1<sup>st</sup> April. The exact increases vary according to the activity.

Swimming: outside of memberships, swimming lesson income, including private lessons have been budgeted to increase by 10% - £27,878

Shop: Shop income is budgeted to increase by 32% - £5,330

Overall, income is assumed to grow by 6.1%

**What is not included:**

No grant associated with the budget announcement

**Expenditure Assumptions**

Salaries: Increased by 7.7% - £19,350 because of minimum wage increase and knock-on effect across other salary scales

Electricity: Increased by 54.6% - £55,274 - based on 80p pkwh between April – September and 30.24p pkwh between October – March.

Gas: Increased by 148% - £54,063 - based on 1.9p pkwh between April – September and 7.2p pkwh between October – March.

Rates and Water: Increased by 44.9% - £8,677

Insurance: Increased by 12% based on renewal quote from Zurich

Other: other expenditure lines have been increased by between 3.75% - 5%

Overall, expenditure is increased by 17% - £110,944

**What is not included:**

Redundancy costs associated with any closures

Any funding that might be secured through the Government support for publicly owned pools

Reduction in energy costs because of energy saving measures

Reduction in energy costs based on achieving better tariffs than 30.24p and 7.2p from October onwards.

The high-level overview is that income is budgeted to grow from £552,339 in 22/23 to £586,062. Given the current cost of living crisis, this is an ambitious target to set and there is a risk in notifying all members of price increases that it initiates cancellations, especially of direct debit customers. However, total income has remained strong across 22/23 and we forecast to be ahead of budget by 4%.

The main budgetary pressure comes on the expenditure lines, and in particular utilities and salaries for St Annes Pool and the service contract and closure costs of Kirkham.

### Staffing Levels

Staffing levels are still substantially below pre-covid levels.

In 2019/20, staffing costs were 52.8% of revenue, this fell to 46.5% in 2021/22. Forecasts for 22/23 show 45.6% with the current budget for 23/24 showing that staffing costs are 46.3% of revenue.

The impact of the 9.6% increase in national minimum wage will add £19,350 to the expenditure line, accounting for the fact that salary scales above the minimum wage will need increasing to maintain differential. 38.52% of our St Annes Pool workforce are minimum wage staff and therefore increases linked to minimum wage salaries amount to approximately £7,453.

TOTAL				
FTE	Oct 19-Dec 19	Oct 20-Dec 20	Oct 21-Dec 21	Oct 22-Dec 22
	PRE COVID	COVID	POST COVID	CURRENT
St Annes Pool	13.05	7.96	12.1	11.32
BASED ON 37.5 WEEK				
MIN WAGE FTE	Oct 19-Dec 19	Oct 20-Dec 20	Oct 21-Dec 21	Oct 22-Dec 22
	PRE COVID	COVID	POST COVID	CURRENT
St Annes Pool	4.88	3.45	4.73	4.36
BASED ON 37.5 WEEK				
RATIO	37.39%	43.34%	39.09%	38.52%

### Summary

In summary, operating St Annes Pool without any alterations, coupled with the costs of Kirkham through until the cessation of service contracts will return a deficit of (£94,152). It is believed that it is prudent at this stage to predict a worst-case scenario on energy costs, and this shows additional expenditure of £109,337, though it might be expected that additional savings can be made through a combination of grant funding as announced by the Government on 15.03.23 and through the drop in price of the wholesale energy market. With membership sales holding, there can be cause for some optimism.

Nevertheless, the deficit remains significant and the fixed energy tariffs from April – September will likely present cashflow issues for YMCA Fylde Coast. To maintain provision at its current level YMCA Fylde Coast, request an additional one-off subsidy of £59,189. This figure is comprised of the 23/24 deficit for St Annes Pool, with the balance being the equivalent of three quarterly payments historically linked to Kirkham.



Without this it will be highly likely that we will be required to look at reducing operating times and service provision to reduce the deficit position.

Leisure has long been a mainstay of YMCA's offer and we remain committed to working in partnership with Fylde Borough council and providing our local communities with opportunities to participate in physical activity.

## DECISION ITEM

REPORT OF	MEETING	DATE	ITEM NO
OFFICE OF THE DEPUTY CHIEF EXECUTIVE	EXECUTIVE COMMITTEE	19 SEPTEMBER 2023	5
<b>HR, PAYROLL AND SUPPORT SERVICE PROVISION</b>			

### PUBLIC ITEM

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

#### RELEVANT LEAD MEMBER

This item is within the remit of Lead Member for Corporate and Economic Development (Councillor Karen Buckley).

#### PURPOSE OF THE REPORT

Fylde Borough Council's HR, payroll and health & safety services are administered by Blackpool Council under a public-to-public sector administrative arrangement. The current arrangement was entered into for a six-year period from April 1<sup>st</sup>, 2014, running to the end of March 31<sup>st</sup>, 2020. The option to extend by mutual agreement for a minimum four-year period which was implemented in 2020 with the agreement due to expire on March 31<sup>st</sup>, 2024. The report outlines the benefits of the administrative arrangements over a 20-year period and recommends that the arrangement is transferred to a five-year rolling agreement in line with the revenue and benefits service delivered through the same partner.

#### RECOVERABILITY

This decision is recoverable under section 7 of part 3 of the constitution.

#### RECOMMENDATION

That Blackpool Council continue to deliver the HR, Payroll and Health & Safety function on behalf of Fylde, under administrative arrangements pursuant to Regulation 6 of the Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2012 through a rolling five-year agreement.

### REPORT

#### The HR Services

1. Best practice in local government has advocated the potential benefit of shared or merged services between local authorities since the inception of Best Value legislation in 1999. Fylde has always sought to achieve the best value service provision regardless of the provider and since 2003 has made administrative arrangements with other public sector bodies to deliver services where they have proven to be the best option.
2. Back-office support services that are common to most organisations and often transactional have been tested against the market to determine whether better value can be secured by delivering the service in a different way. A best value assessment is not solely based on cost, it considers quality service delivery, efficient and effective technology and systems, high-calibre personnel, and good working relationships.

3. Since 2003 Fylde Council has engaged Blackpool Council through a public sector administrative arrangement to deliver payroll services and in 2007 the HR service. The administrative arrangement has proven to deliver best value for Fylde based on the various criteria considered in the best value assessment, resulting in 'more for less' from the service.
4. The payroll service arrangement has achieved a cashable minimum saving of £45,000 per annum saving against the in-house service cost since 2003 through economies of scale on common transactional activity. The arrangement has realised substantial savings since 2003.
5. The human resource service which covers employee relations, administration, workforce development, recruitment, and safeguarding, pay equality, policy, and personnel management systems, has been delivered through a service-level agreement with Blackpool since 2007. The establishment of public-to-public administrative arrangement for HR with Blackpool was a logical extension of the payroll service which is an integral element of personnel management.
6. In 2011 the payroll and HR services were put in a single service level agreement that is included in Appendix 1 to the report. The arrangement works on a partnership basis and because of the positive relationship across the two councils the service level agreement has not had cause to be referred to in terms of service delivery standards.
7. In 2013/14 the service was being delivered for 15% (or £30,000) less than in 2007 without inflation increase or additional cost applied because of the benefit both organisations receive from economies of scale through the arrangement. Across the Northwest it has not been possible to find another HR service that has reduced cost over this period, in fact every authority has seen an increase because of people and / or technology costs increasing regardless of whether it is delivered in house or through an alternative provider.
8. The council's former Cabinet made the decision to continue with the established, and successful service arrangements for HR Services with Blackpool Council in April 2014, which covered:
  - *Employee relations*
  - *Payroll and HR Administration*
  - *Pensions*
  - *Occupational Health*
  - *Workforce Development*
  - *Recruitment and Safeguarding*
  - *HR Systems and Management Information*
  - *Health and Safety*
  - *Pay Equality and Policy*
9. The effective working relationship developed between the two organisations has led to additional support outside of the service level agreement including free training for Fylde employees, access to the Employee Assistance Programme for both officers and elected members at a reduced rate, inclusion in new online systems at no additional cost and a policy development and refresh programme. Some examples include:
  - a. In 2011 the cost of online vacancy advertising was reduced by £7,000 per annum for Fylde as a direct result of the agreement Blackpool established with 'Your Council Jobs' (now Greater Jobs) website through association with AGMA (Association of Greater Manchester Authorities). This is a saving that Fylde could not have accessed alone and one that Blackpool did not need to pass on under the terms of the agreement however, the close working relationship, trust and common public sector challenges shared in the current economic climate it was the customer focused approach to take. These savings have continued since 2011 resulting in a cumulative saving of circa £85K.
  - b. Blackpool Council introduced a paperless applicant tracking system (iRecruit) which enables managers to manage the end-to-end recruitment process efficiently and with less resource. This system was design to meet the need for Fylde Council and offered as an additional benefit at no extra cost.

- c. The development of systems has continued a new HR and Payroll system (iTrent) at no additional running, maintenance, or implementation cost. This has provided additional functionality and efficiencies using Manager Self-Serve and Employee Self-Serve.
  - d. The bespoke eLearning solution (iPool) has been provided by Blackpool Council with a branded portal for Fylde together with development of Fylde specific courses which cover mandatory/essential training for all employees, provided at no additional cost.
10. The HR services fall under the remit of the Head of HR located within the Chief Executive Directorate at Blackpool. There is significant expertise and background in human resources, payroll and health and safety within the team. Every employee has undertaken mandatory GDPR training which provides further assurances regarding the security of Fylde employee/confidential data. As a geographical neighbour Blackpool recognises the importance of the Fylde Council Corporate Plan and shares similar overarching priorities in their own Council Plan.
11. In the last year of the service being operated in-house the budget for the HR was £229,930 with an annual cost of £199,000 in 2008 and the current cost of £158,000 because of efficiencies achieved in the service.
12. In addition to being a financial benefit to Fylde Council the quality added value from the contract includes:
- Strong and accessible leadership has instilled the value of Fylde as an important customer. This ensures effective and trusted working relationships between the teams at Blackpool and Fylde. Providing access to known named advisors has resulted in a proactive, supportive, and friendly approach which adds value and makes the resolution of issues easier. Alongside this the wider team can provide cover whenever needed either due to holidays or peaks in demand.
  - Access to a pool of qualified/accredited/experienced staff that includes unlimited access to specialists in several fields including policy development, employment and health and safety legislation, equalities, respecting others, training, support for Apprenticeships, systems development, taxation, payroll, pensions, management support, mediation, mentoring, investigation and more.
  - An in-house occupational health service consisting of NMC (Nursing Medical Council) nurses experienced in the field of occupational health, an occupational health physician, Hep B vaccines and health surveillance according to risk assessment, annual flu vaccinations, a 24/7 365 days a year employee assistance programme, with access to 6 counselling sessions if clinically appropriate.
  - The ability to access other interventions such as cognitive behavioural therapy and physiotherapy at competitive rates and without long waiting times. The team pride themselves on a proactive, friendly, supportive approach and as such are happy to advise managers seeking to support their employees, prior to a referral.
  - The ability to call on additional resources at no extra cost, and sometimes at short notice when demand requires i.e. during a restructure, disciplinary, employment changes, training need or systems upgrade.
  - Technological systems that deliver service efficiencies as part of the agreement with all the support, implementation, maintenance, licensing, and development included in the service – this would cost tens of thousands of pounds per annum if the service was in house with any change of systems requiring a full project managed implementation programme. Economies of scale continue to allow Fylde to be an 'add on' to what are the top systems in the market.
  - Over the years Blackpool Council have supported Fylde to develop a Trade Union relationship based upon constructive challenge and respect. This has led to the sharing of a UNISON Regional Officer and joint working relationships between UNISON Secretaries at Blackpool and Fylde.
  - Access to free and reduced cost training and development that have been regularly offered outside the service level arrangements, and which has led to far more being delivered for staff at Fylde than was ever achieved in house even during a period when training and development budgets have been dramatically reduced. The 'more from less' objective has been achieved.

- Provision of management information including support for completion of statutory and regulatory reporting in accordance with published deadlines.
- Provision of an online health and safety management system using SharePoint enables all Fylde employees to access their corporate health and safety documentation.
- A public-to-public arrangement that works effectively because each authority is subject to the same regulations, requirements and policies which creates an understanding of the outcomes that need to be delivered and which can be different in the private sector.
- Access to networks and shared learning that simply is not achievable in house or with a private sector provider, including AGMA (Association of Greater Manchester Authorities) which Blackpool is a member and secures further economies of scale through training and development, online recruitment and sharing best practice.
- Integrated technologies between Blackpool and Fylde established through other shared or joint working on ICT initiatives that facilitate the support services making business much easier with each other.
- A contribution to the market share of external support service activities delivered by Blackpool to a range of customers that supports employment in the local community, many of the team at Blackpool live in Fylde.
- Access to a range of employee resources from specialisms across HR and payroll (see below).

	Number of employees
Payroll	8
Pensions	2
Occupational Health	7
Employee Relations	13
HR Systems Recruitment and Safeguarding	11
Organisation Workforce Development	8
Equality & Diversity	1
<b>Total</b>	<b>50</b>

13. The financial savings and the added value from the support services delivered through Blackpool are exceptional and have made a significant contribution to the robust financial position of the Council. Equally important has been the access to and implementation of new systems e.g. iTrent, iPool, iRecruit, Greater Jobs. Fylde would have had to allocate significant funds to finance systems as well as the additional resources to implement, maintain, develop, and provide user training associated with cost of change. The Council benefits significantly from technological developments as part of the service arrangement.
14. The resilience of these arrangements was tested during the Covid pandemic, even when faced with challenges of an unprecedented nature the service to Fylde remained seamless and benefited from all of the work undertaken in Blackpool through public health, health and safety and occupational health. Despite the scale of the situation during the pandemic, the Blackpool team provided advice to Fylde's managers on the impact of the latest (and often fast-changing) guidance, whilst also ensuring staff were equally well supported.
15. Blackpool Council is committed to the relationship with Fylde and have indicated the desire to continue achieving mutual benefit. There are plans to further enhance the service with no additional costs accruing to this council. For example, the provision of a performance management/probation system and enhancements to self-serve management reporting arrangements.

#### **Procurement**

16. The value of the HR work provided by Blackpool Council to Fylde Council is greater than the threshold value for services set out in the Public Contracts Regulations 2015. This would normally require a contract for the



work to be tendered in accordance with the regulations. However, this does not apply where services are carried out by one local authority on behalf of another (public-to-public) pursuant to an administrative arrangement, as opposed to a contract, between the two authorities. An exemption within Regulation 12 (7-9) of the Public Contract Regulations allows for 'horizontal' public to public service delivery to support efficient and effective co-operation for delivering public services. The exemption applies where two or more contracting authorities (Blackpool and Fylde) meet certain conditions with respect to the contract in question:

- *it establishes co-operation between the authorities with the aim of ensuring public services are provided with a view to achieving common objectives.*
- *that co-operation is governed by considerations relating to public interest.*
- *the authorities perform less than 20% of the contract activity on the open market.*

17. The arrangement between Fylde and Blackpool meets the conditions. Fylde has arranged (and, if the recommendation of this report is accepted, will continue to arrange) for Blackpool to discharge the functions set out in this report. That arrangement, previously made by the Cabinet under Regulation 5 of the Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2012, would now fall under Regulation 6 and would fall within the definition of an administrative arrangement and therefore not a contract for the purpose of the procurement legislation.

18. For the reasons outlined within this report, a full market exercise is not recommended and to implement one the council would require significant resources to draft the specification, carry out the market testing, administer the tender exercise and if necessary, change service provider. The transfer of systems and data would attract significant additional capital and revenue implications if an alternative provider was selected and / or the current provider did not bid. The council has previously approached private sector organisations with respect to a range of services and as would be expected there is a higher emphasis placed service costs with definitive terms on what falls within the contract offer resulting in less flexibilities than the present arrangement.

19. The estimated cost of bringing the service back in house has also been worked up (on the assumption that a team could successfully be recruited) based on the cost for the employee resource in neighbouring district council and recent major computer systems implementation by the current provider and Fylde Council. The summary below is an **estimate** based on current costs, the posts would be subject to job evaluation and the systems to an open tender procurement.

HR Service:

Head of Human Resources / Manager	£60,513*
HR Case Workers / Advisors x 2	£82,374* (2 posts @ £41,187* each)
HR Administrative Support	£28,558*
Annual systems licence, support, maintenance	£23,618 (based on 260 employees)
Annual fee for advertising vacancies on job site	£7,000

Estimated annual revenue cost of in-house provision\*\* £202,063

Cost of service with Blackpool from March 2024 £163,725

\*Inclusive of current on costs – pension and national insurance

\*\*Does not include costs of 'housing' the team in dedicated office space

The capital cost of procuring and implementing a dedicated HR system would be in the region of £85,000, consistent with recent purchases at Fylde and Blackpool. The lead in time required to procure a system, migrate the data and establish an in-house team would be at least 18 months. This assumes that the system selected would incorporate a payroll element, a separate payroll system would be an estimated £30,000 to procure.

Payroll Service:

Payroll Officer / Manager	£42,781*
Annual cost of payroll transactions	£17,820 (based on 297 payments per month)
Estimated annual revenue cost of in-house provision	<u>£60,601</u>
Cost of the service with Blackpool from March 2024	£22,061

Health & Safety Service:

Health & Safety Advisor / Consultant	<u>£54,662*</u>
Cost of the service with Blackpool from March 2024	£33,969

The health and safety advisory service provides access to a team of specialists in different disciplines within the profession similar to the HR and payroll service. The services provide continuous cover through economies of scale.

20. The decision to enter a 'preferred partner' arrangement with a neighbouring local authority is in line with the policy on best value service provider adopted by the Council, drawing upon on all the other additional benefits listed in this report that Fylde has realised over the duration of the current arrangement. The preferred public sector partner option ensures that the service is delivered by a provider that fully understands the challenges of local government as well as the local area.
21. Only one district authority in Lancashire has the HR and payroll services provided by a private sector third party organisation and this was procured as part of a wider range of back-office services.
22. Whilst the majority of other Lancashire councils retain an in-house HR service, the current arrangements are in line with best practice on joint working, the performance is very good, outcomes are excellent, and continually improving which demonstrates good value for money. The Council has an exemplary approach with the current arrangements that led the way 20 years ago and which has been championed regionally as good practice.
23. The risk in continuing the existing arrangement is very low with clear evidence of long-term value for money, a strong and developed working relationship, a public-to-public arrangement, and shared customer values. There would be additional financial and legal risks as well as officer resource required to carry out a full market exercise and to exit the administrative arrangement. To return to an in-house option would present significant financial, personnel and technological risks.
24. Given the period of rapid change in the service combined with the good working relationship regarding the delivery of the services, it is not recommended to pursue alternative service options which could range from bringing the service back in house, tendering the service or entering discussions with other service providers who may wish to also consider a shared service model. This would be extremely disruptive and costly both in monetary and administrative terms having to separate a service that has been embedded for a significant period, with shared arrangements in place for services such as IT contracts, with the cost of tendering also being significant. There is a good working relationship with Blackpool Council and a high service standard in service delivery.
25. It is recommended that the Council enter a five-year rolling administrative arrangement through a Service Level Agreement with Blackpool Council with a break clause that can be invoked by either party giving a two-year notice period. This would bring the HR, payroll, and health & safety arrangements in line with the revenues and benefits service also delivered under public-to-public administrative arrangements with Blackpool.

CORPORATE PRIORITIES	
Economy – To create a vibrant and healthy economy	√
Environment – To deliver services customers expect	√
Efficiency – By spending money in the most efficient way	√
Tourism – To create a great place to live and visit	√

IMPLICATIONS	
Finance	The financial implications are contained in the body of the report. These demonstrate the savings achievable when comparing the estimated cost of in-house provision with the costs of the services from Blackpool Council. The Council's base revenue budget contains provision on an ongoing basis for the cost of the services being delivered under an administrative arrangement with Blackpool Council as set out in the report.
Legal	The legal implications regarding procurement are addressed in the body of the report.
Community Safety	None arising from this report
Human Rights and Equalities	None arising from this report
Sustainability and Environmental Impact	None arising from this report
Health & Safety and Risk Management	None arising from this report

SUMMARY OF PREVIOUS DECISIONS
<p><u>Executive – 12 December 2007:</u> Decision to establish public-to-public administrative arrangement with Blackpool Council through a Service Level Agreement.</p> <p><u>Cabinet – 26 March 2014:</u> 1. To approve the continuation of the Service Level Agreement (administrative arrangement) with Blackpool Council for the support services from November 1st, 2014, under the existing arrangements that had delivered value for money and efficiency savings to date.</p>

BACKGROUND PAPERS REVELANT TO THIS ITEM		
Name of document	Date	Where available for inspection
HR Systems Licence & Support Cost Data	August 2022	<a href="#">How Much Does a HR System Cost in 2023?   People HR</a>
Capital Cost of new HR Systems	October 2022	<a href="#">The Cost Of Implementing A New HR System   PeopleHR</a>
Average Salary Data	N/A	<a href="#">Head of human resources salary in England (indeed.com)</a>
Payroll Systems Licence & Support Data	N/A	<a href="#">Payroll Service Costs and Prices   Startups.co.uk</a>

LEAD AUTHOR	CONTACT DETAILS	DATE
Tracy Manning, Deputy CEO Alex Scrivens, Corporate Performance and Engagement Manager	<a href="mailto:Tracy.maning@fylde.gov.uk">Tracy.maning@fylde.gov.uk</a> <a href="mailto:Alex.scrivens@fylde.gov.uk">Alex.scrivens@fylde.gov.uk</a>	August 20 <sup>th</sup> 2023

**Attached Documents**

**Appendix 1:** The Service Level Agreement (Administrative Arrangement)

**Appendix 2:** HR SLA Pricing Schedule

# Fylde Service Level Agreement

## (Administrative Arrangements)

### Incorporating

- Employee relations
- Payroll
- Pensions
- Occupational Health
- Workforce Development
- Recruitment, Safeguarding and HR Administration
- HR Systems and Management Information
- Health and Safety
- Pay Equality and Policy

## Fylde Service Level Agreement – Schedule 1

The purpose of this document is to outline the Service Level agreement between Fylde and Blackpool Council.

For Period: Five year rolling agreement.

## Contact details

<b>Office Address</b>	Bickerstaffe House 1 Bickerstaffe Square Blackpool Lancashire FY1 3AH
<b>Payroll Services contact Details:</b>	
Carol Cunniffe – Exchequer Services Manager	07766858287
Yvonne Moulton - Senior Pensions Officer	01253 478578
<b>HR contact details</b>	
<b>Linda Dutton</b> , Head of Organisation and Workforce Development	07584 606831
<b>Janet Roberts/Lynn Barugh</b> , Employee Relations Manager	07909001353/07584606837
<b>Matt King</b> , HR Systems, Recruitment & Safeguarding Manager	01253 477234
<b>Andy Divall</b> , Equality and Diversity Manager	07789 617085
<b>Tracey Lovick</b> , Senior Health & Safety Advisor	01253 477264
<b>Karen White</b> , Corporate Health Manager	01253 478241
<b>Diane Howard</b> , Workforce Development Manager	07584 606809

## Employee Relations

The Employee Relations team provide professional human resources day to day advice and support to ensure that managers can carry out people management responsibilities effectively, promoting good employment practice, developing employee relations, enhancing the work environment, and reducing the risk of potential Employment Tribunal claims. The service provides support and advice to all Fylde Council employees.

The team provide professional support, guidance, and advice to give confidence to managers in often very complicated and difficult situations. Support is provided on site (face to face) and by telephone and email dealing with issues including restructuring, redundancy, disciplinary, dismissal, grievance, complaints, capability issues, employee relations, employment law and regulations and attendance management. In complex cases an Employee Relations Advisor will work with the manager and there is no limit on the number of days where HR advice is given on any one issue.

Continuing changes in employment law, following UK and EC legislation have a significant impact on the contractual rights and conditions of service for staff and the team ensure that policies and practices at Fylde comply with this legal framework.

**Services provided:**

- Support the development and updating of a People Strategy
- Agreement of an action plan of proactive HR strategy development
- Advice on best employment practice, policies, and procedures
- Advice on current legal framework, including UK legislation and EC directives and Equal Pay
- Telephone helpline support during office hours (guaranteed responses within 1 working day)
- Employee relations mailbox that all staff can access, and a response will be given within 24–48-hour timeframe
- Advice on conditions of service
- The review and update of HR related strategies at Fylde
- Regular updates during the year on changes to policies and processes as well as general HR related issues
- Provision of support and advice on resourcing issues such as vacancies, honoraria conditions and staff changes
- Advice, assistance, and support on matters relating to maternity, paternity, parental leave and adoption
- Attendance at staff briefings and provision of updates for employee intranet
- Attendance and input at working group project meetings
- Advice on local and national issues e.g. pay negotiations and regional agreements
- Restructuring support, including advice and guidance on reviewing organisational structures, design of jobs and job descriptions
- Regular training days and sessions for managers on attendance, disciplinary and grievance together with managers guides. We also tailor training for the needs of the service

<ul style="list-style-type: none"> <li>Advice on Disciplinary, Grievance, Flexible working requests.</li> </ul>
<ul style="list-style-type: none"> <li>Support with Harassment/bullying cases (Zero tolerance)</li> </ul>
<ul style="list-style-type: none"> <li>Support with Attendance Management cases– including proactive support and benchmarking on receipt of Monthly Attendance figures as well as supporting with referrals to the Occupational Health Service.</li> </ul>
<ul style="list-style-type: none"> <li>Advice on the Supported introduction to employment policy and Capability procedures</li> </ul>
<ul style="list-style-type: none"> <li>Statutory transfers (TUPE) support</li> </ul>
<ul style="list-style-type: none"> <li>Trade union networks. Links with trade unions at national, regional, county, and local levels including consultation through JCCs</li> </ul>
<ul style="list-style-type: none"> <li>Advising on letters and documentation for casework and other HR issues as required</li> </ul>
<ul style="list-style-type: none"> <li>Face to face support for all areas of investigatory meetings in accordance with appropriate procedures</li> </ul>
<ul style="list-style-type: none"> <li>Drafting of letters and documentation on casework and other HR issues as required</li> </ul>
<ul style="list-style-type: none"> <li>The advantage of face-to-face support/attendance at Hearings, Appeals and Employment Tribunals (separate HR support provided for each panel)</li> </ul>
<ul style="list-style-type: none"> <li>Developing management skills through coaching, advice, and guidance</li> </ul>
<ul style="list-style-type: none"> <li>Providing the opportunity for a regular discussion on all current and future HR issues within the council. Resulting in an action plan highlighting the support required.</li> </ul>

## Payroll and HR Administration

The team provide an integrated, full human resource administration and payroll service, which is cost effective, efficient, and responsive whilst maintaining robust separation of duties. The iTrent system is used to manage the data is included as part of the service.

### HR administration of New Employees and Internal Transfers/Appointments:

- Provision of conditional offer letter
- Statement of written particulars to comply with day one rights.
- Pre-employment checks to comply with legislation as well as role requirements.
- Employee set up within the HR System

### HR administration of Changes to Existing Employees:

- Provision of changes to contracts of employment
- Annual establishment and national fraud initiative monitoring reports

### HR administration of Cessation of Employees:

- Notification of termination including links to exit interview questionnaire and pension information where applicable.
- Notification to other interested parties for management/removal of privileges to in-house systems. e.g. ICT, building services, etc.
- Information on contract end dates
- Processing of any applicable termination payments

### Payroll processing:

- The ability to set up different payrolls for different groups of staff.



**National Insurance Contributions (NICs)**

- Deductions of NICs by reference to current tables
- Updating NICs in line with budget changes
- Period end and year end reporting

**Pensions**

- Calculation and deduction of employee and employer pension contributions, additional contributions, AVCs in line with the provision of the Local Government Pension Scheme
- The submission of monthly data files and year-end reports were required.

**Attachment of Earnings Orders**

- The comprehensive administration of Orders as issued by Courts of Law Child Benefit Agency and other Local Authorities
- Retention of records for the Statutory period

**Costing**

The payroll system offers a comprehensive interface, ensuring that gross pay plus on-costs (i.e. employer's NICs and pensions costs) are accurately recorded. Features include:

- The ability to cost each employment to a home cost centre.
- The ability to cost each employment over a range of percentages (maximum of six)
- The ability to cost different elements of pay to a different cost centre.

**Voluntary Deductions from Pay**

The payroll system offers comprehensive facilities in respect of voluntary deductions from pay. Bodies for whom deductions can be made include:

- Trade Unions
- Health plans such as Medicash and BHSF
- Give As You Earn
- Childcare vouchers (existing employee contracts only)
- Blackpool, Fylde, and Wyre Credit Union
- Other charities as required.

**Outputs**

The Payroll and Administration service offers comprehensive outputs:

**Outputs for each payroll**

- Confidential pay slips for staff via iTrent ESS.
- Costing transactions
- Bank transfer details, for payroll control purposes

**Monthly outputs**

- Payment after reconciliation of monthly deductions to respective agencies
- Submission of contribution data for Local Government Pension Scheme to the pension fund to enable monthly direct debit collection.

**Annual outputs**

- P60 (year-end statements of pay, tax and NIC's)
- Copies of pay slips/P60s or P11d will be subject to a charge of £15.00.

### Overpayments

Overpayments resulting from errors within the Payroll and HR Administration Section will be the responsibility of Payroll who will process the correction of pay and pursue recovery if a current employee and pass details to the relevant person within Fylde Council if the employee has left employment.

Additional costs will apply when additional work is required to process an overpayment that occurs due to late or incorrect information being passed to Payroll from the Fylde Council. In such cases the recovery of the debt will be the responsibility of Fylde Council.

### Special Payments

Where an underpayment has arisen because of erroneous/late information being passed from Fylde Council to Human Resources or Payroll, or the failure to inform of relevant changes, special payments will be made on request, but the Council reserves the right to charge an administration fee of £30 per payment. This charge will be subject to review should third party costs associated with processing increase during the term of this SLA.

### Mortgage and Loan Information

All information required from banks or building societies for mortgage applications, loans or finance agreements will be provided by Payroll on production of the employee's written consent.

### Car Mileage and Expenses

Car Mileage and Expense payments will be input into iTrent to enable all car mileage and expenses to be paid with the employee's salary.

Year-end information regarding all taxable mileage and expenses is produced and provided to both the Inland Revenue and the employee via a P11D return in accordance with statutory requirements.

### Accident Insurance Claims

Payroll will provide salary details as requested by Legal Services at Fylde Council in connection with an employee's accident claim.

The employee's contract of employment and their sickness record are checked to establish their sickness entitlement and any absences the employee has already had in the preceding twelve months.

### General Responses for Information

General responses will be provided for requests for information from:

- The Department of Work and Pensions
- Child Maintenance Service (CMS) monthly confirmation Form
- Jury Service Forms
- Mortgage Enquiry Forms

- Financial Enquiry Forms
- HM Revenue & Customs

## Pensions

Guidance on issues relating to the Local Government Pension Scheme is included as part of the package offered.

- The application of all relevant occupational pension schemes, including payment of contributions, annual reconciliation, and year-end reporting as required.
- Signpost to advice on policy and procedures
- Guidance and information to employees on aspects of the Pension Scheme
- Respond to enquiries from the pension scheme administrators.
- Provision of relevant starters and leaver information to the pension scheme administrators
- Work with HR and managers to provide relevant information in the event of redundancies or restructures.
- Assistance with the administration of the Shared Cost AVC scheme
- Assistance with verifying annual FRS17 data.
- Work with Fylde Council to ensure that their LGPS Employer Discretions policy statement is regularly updated and published.

## Occupational Health

The Occupational Health team is available to provide advice and recommendations regarding rehabilitation back to work for employees following ill health and recommended adjustments to assist employees return or remain at work.

The team also assists you to maintain your statutory responsibility with regards to health surveillance.

Access to Physiotherapy, psychological support, wellbeing information and a 24hr telephone helpline and counselling via a 3rd party provider are part of the service to provide a healthier, happier workforce

### Services provided:

- Advice regarding adjustments, recommendations, and onward referrals to therapists to assist employees remain in work and avoid absence
- Advice regarding rehabilitation back to work following absence and fitness to work as part of Attendance Management
- As part of any referral to the department an appointment will be arranged with either the Occupational Health Nurse Adviser or Physician as appropriate. Following the consultation, a management report will be provided (with employee consent) with recommendations. GP/Specialist reports are only requested if further information is essential.
- Upon receipt of a Health Needs Assessment upon Employment Form, advice regarding adjustments/adaptations recommended for an individual prior to commencement of employment or change of job role will be given. This is to accommodate any reasonable adjustments under the disability provision of the Equality Act 2010

<ul style="list-style-type: none"> <li>• Communication of all learning and development opportunities to Fylde via nominated managers and we welcome Fylde Council employees to participate in the development opportunities</li> </ul>
<ul style="list-style-type: none"> <li>• Information on Learning and Development opportunities via iTrent</li> </ul>
<ul style="list-style-type: none"> <li>• Free access to iPool (on-line training system) which includes:             <ul style="list-style-type: none"> <li>• An introduction to self-development</li> <li>• Basic autism awareness (Aug 2017)</li> <li>• COVID 19 Psychological first aid</li> <li>• Customer service (Oct 2021)</li> <li>• Data protection &amp; GDPR (Aug 23)</li> <li>• Disability awareness (July 23)</li> <li>• Effective minute taking (March 21)</li> <li>• Emotional intelligence</li> <li>• E&amp;D awareness (Feb 22)</li> <li>• E&amp;D for managers (Not working)</li> <li>• Fire Safety (Apr 23)</li> <li>• Health and safety for elected members (Nov 22)</li> <li>• ICT (2017)</li> <li>• IPA employee guide</li> <li>• IPA manager guide</li> <li>• Infection control (Feb 21)</li> <li>• Intermediate skills for working with autism (Aug 2017)</li> <li>• Introduction to local government</li> <li>• Leadership styles and theories</li> <li>• Life transitions (July 2020)</li> <li>• Manual handling (March 21)</li> <li>• Mental health awareness</li> <li>• Personal safety (Jan 23)</li> <li>• Prevent act awareness (pre-launch)</li> <li>• Prevent (September 2022)</li> <li>• Remote working (Aug 20)</li> <li>• Remote working for managers (Aug 20)</li> <li>• Risk management and fraud prevention</li> <li>• Safeguarding adults</li> <li>• Safeguarding children</li> <li>• Safer working practices (July 23)</li> <li>• Suicide prevention x2 (Externally hosted)</li> <li>• Support for employees at risk</li> <li>• Climate change (July 23)</li> <li>• MCA DOLS</li> <li>• Time management</li> <li>• Work related pressure (Stress tool)</li> <li>• Working in a political environment (2018)</li> <li>• DSE (May 2022)</li> </ul> </li> </ul>

We continue to add new learning and development to the iPool system regularly and can provide bespoke iPool training courses to Fylde, but development would be at an additional cost.

- The team will record all training booked through organisational workforce development for Fylde employees

## Recruitment and Safeguarding

The recruitment and selection of staff is fundamental to the success of the organisation. We understand the pressures facing our clients to ensure they employ the right person the first time and so will act responsively when advising on the recruitment and selection of employees.

Recruiters will be made aware of the range, strength and limitations of recruitment methods and selection techniques enabling informed choices to be made.

### Services provided:

- Provision of advice, guidance, and support regarding recruitment and selection methods, including the advertising of posts
- Provision of Greater.jobs online recruitment portal to advertise unlimited vacancies, including associated greater.jobs social media accounts
- Advice in relation to fair recruitment and selection, job specific filter questions, shortlisting matrices, interview tips and guidance
- Advice and guidance on meeting pre-employment checks in line with current legislation and the associated risks/consequences of not doing so
- Provision of a safeguarding panel to advise on positive DBS cases as and when required
- Support when negotiating and commissioning recruitment and selection services with agreed external agencies

## HR Systems and Management Information

The HR Systems & Information team is responsible for managing, maintaining, and developing the iTrent HR System. Developments and upgrades that are implemented to the system as part of technological improvements are included. Bespoke development work would be charged at the system operators' rates.

### Services provided:

- Responds to various statutory surveys, FOI, and SAR requests
- Access to system dashboards containing a suite of real-time or date parameter reports on people, absence, and structure
- Creation and maintenance of HR reports to enable effective people management and ensure compliance with legislation

## Provision of HR and Payroll Systems

The SLA provides Fylde employees and Managers with access to the following systems:

- iTrent – the end-to-end HR and Payroll system incorporating:
  - Manager Self-Serve (MSS): Allowing managers to view, manage and report on staff information, absence, and establishment changes.

- Employee Self-Serve and expenses (ESS): Employee access to view payslip and P60 information, as well as manage their own expense submission and employee profile and associated data.
- Finance Control roles: Ability to manage cost codes and a financial approval role for establishment changes
- iRecruit – the end-to-end recruitment process applicant tracking system which enables Managers to advertise, shortlist, appoint and monitor the process of pre-employment checks. It also provides the full suite of associated candidate correspondence and manager guidance at each stage of the process.
- Greater Jobs - an online advertising portal jointly owned by Blackpool and AGMA which has in a typical 12-month period 2.6 million users. Fylde have a dedicated landing page and can place an unlimited number of adverts at no additional cost.
- iPool – an eLearning platform with a Fylde landing page and bespoke Fylde courses for essential/mandatory training. Courses are created by Blackpool Council in consultation with Fylde employees.

**Services provided:**

- Procurement/implementation and maintenance of systems
- Provision of system licenses
- System administration including access, security, support and training for users.
- Management and resolution of software/system issues.
- Continuous improvement and system development

## Health and Safety

To support Fylde Council by providing access to comprehensive and professional Health and Safety related advice, support and guidance including information and monitoring to help ensure that the Council remains compliant with current health and safety legislation and best practice.

The service is provided by a fully qualified team of health and safety professionals with a wide range of experience. All members of the Health and Safety team are members of professional bodies, including the Institute of Occupational Safety and Health (IOSH) and therefore meet the requirements of 'Competent Person' as defined in the Management of Health and Safety at Work Regulations 1992.

**Services provided:**

- Provide advice on the implementation and operational management of Health and Safety management systems
- Provide significant contribution to the planning and delivery of the annual health and safety work plan
- Support the implementation of existing policies and procedures
- Develop future corporate arrangements and provide guidance and support during the production of local section arrangements
- Carry out regular reviews of all documentation
- Liaise with the Authority's Staff on the coordination of Health and Safety training
- Provide free of charge access to Health and Safety training delivered internally at Blackpool, by the Health and Safety Team covering topics such as:

<ul style="list-style-type: none"> <li>- Risk Assessment</li> <li>- Manual Handling</li> <li>- Fire Risk Assessment</li> <li>- Fire Awareness</li> <li>- Fire Warden</li> <li>- Work at Height</li> <li>- COSHH</li> <li>- Accident investigation</li> <li>- EVAC</li> </ul>
<ul style="list-style-type: none"> <li>• Access to online e-learning modules as they are developed, presently available:             <ul style="list-style-type: none"> <li>- You and Your Workstation</li> <li>- Fire Awareness</li> <li>- Personal Safety</li> </ul> </li> </ul>
<ul style="list-style-type: none"> <li>• Carry out accident / incident reporting to external bodies in accordance with the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995 (RIDDOR) regarding reportable occurrences</li> </ul>
<ul style="list-style-type: none"> <li>• Carry out accident / incident investigation on reasonable request</li> </ul>
<ul style="list-style-type: none"> <li>• Support and guidance on fire procedures and the execution of fire drills</li> </ul>
<ul style="list-style-type: none"> <li>• Provide advice and support with regards to public events</li> </ul>
<ul style="list-style-type: none"> <li>• Participate in the Authority's risk management groups on request</li> </ul>
<ul style="list-style-type: none"> <li>• Deliver on agreed plan of health and safety audits and/or monitoring exercises</li> </ul>
<ul style="list-style-type: none"> <li>• Compile an annual health and safety report</li> </ul>
<ul style="list-style-type: none"> <li>• Provide cover in an 'emergency' where health and safety expertise is required outside of the Response Times and whenever reasonably possible</li> </ul>
<ul style="list-style-type: none"> <li>• Contribute advice to Fylde Council risk management and where applicable agree a joint risk management protocol</li> </ul>
<ul style="list-style-type: none"> <li>• Monitor and maintain:             <ul style="list-style-type: none"> <li>- Health and safety management framework</li> <li>- Health and safety corporate arrangements</li> <li>- Corporate health and safety training provision</li> </ul> </li> </ul>
<ul style="list-style-type: none"> <li>• Liaise with:             <ul style="list-style-type: none"> <li>- Health and Safety Executive</li> <li>- Fire Service</li> <li>- Trade Unions</li> <li>- Elected members</li> </ul> </li> </ul>

## Equalities advice and guidance

To support Fylde Council by providing access to comprehensive and professional workforce equality related advice, support and guidance.

### Services provided:

- Professional advice and support on the full range of statutory workforce equality and diversity issues. This includes Equality Impact Assessments and guidance on protected characteristics.
- Provision of access to staff equality monitoring data via iTrent. This information will facilitate

up to date statistic reporting for workforce planning purposes
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- |  |
|--|
| <ul style="list-style-type: none"><li>• Support for Gender Pay Gap reporting</li></ul> |
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FYLDE SLA -Commercial Offer

The price quoted is 'all inclusive' as we pride ourselves on being transparent in our pricing and not having 'hidden extras' or quoting limits on time or stating thresholds on services e.g. a certain number free and above that additional charges apply.

	Price per Annum	Comments/further information (incl. policy on price changes in future years)
HR service	£163,725	Previous annual cost plus 3.88% increase which is the assumed NJC Pay Award
Payroll and Pension service	£6.19 per payslip	Previous cost plus 3.88% increase which is the assumed NJC Pay Award
Health and Safety service	£33,969	Previous annual cost plus 3.88% increase which is the assumed NJC Pay Award
Value Added Benefits		<ul style="list-style-type: none"> <li>• Access to iTrent, Managers Self-Serve, Employee Self-Serve and iRecruit with no additional system or licence costs</li> <li>• Unlimited job advertising is available using the North West jobs portal Greater.Jobs. This has 1.8 million users and an average of 1.5 million page views per month. Saving approximately £250 per advert based upon commercial prices.</li> <li>• Access to our eLearning platform iPool which includes mandatory training on topics such as GDPR and Safeguarding. Typically, in the market access to eLearning would cost a minimum of £20 per person per course.</li> <li>• Development of and access to new Health and Safety Management System SharePoint site.</li> <li>• Potential future development of using the accident reporting functionality in iTrent.</li> </ul>
Details of the policy on price changes in future years		Customer loyalty would be rewarded and as such future increases would be in line with the annual NJC Pay Award as opposed to any links to RPI or CPI.

# DECISION ITEM

REPORT OF	MEETING	DATE	ITEM NO
OFFICE OF THE CHIEF EXECUTIVE	EXECUTIVE COMMITTEE	19 SEPTEMBER 2023	6
<b>SQUIRES GATE STATION LAND DEDICATION</b>			

## PUBLIC ITEM

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

### RELEVANT LEAD MEMBER

This item is within the remit of Lead Member for Corporate and Economic Development (Councillor Buckley).

### PURPOSE OF THE REPORT

To update members on the purchasing of land adjacent to Squires Gate Station, obtained to facilitate the creation of an accessible route onto the station platform, and, once the registration process is complete, to request permission to dedicate the land to Lancashire County Council so that they continue the development of the project and ensure the access is managed and maintained in future.

### RECOVERABILITY

This decision is recoverable under section 7 of part 3 of the constitution.

### RECOMMENDATION

1. Subject to the 35.6m<sup>2</sup> land near New Road and adjacent to Squires Gate Station platform being registered with the Land Registry, the land is offered to be dedicated to Lancashire County Council with the aim of creating an accessible route from New Road to Squires Gate Station platform

## REPORT

### BACKGROUND

1. Access to Squires Gate Station platform is currently from Squires Gate via a steep set of steps and as such is inaccessible to those with mobility issues. It has long been a desire of Ward Councillors and the South Fylde Community Rail Partnership, on which Fylde Council is represented by Cllr Vince Settle and the Council's Technical Support Manager, that some form of accessible access be created.
2. During 2018, with the progression of the Coastal Dunes development on the former Pontins site by Persimmon Homes, it became apparent that an accessible route onto the station platform may be possible from New Road. Officers established that although most of the land required to create the access is owned by Persimmon Homes, who included a path as part of their planning application, a small patch of land of 35.6m<sup>2</sup> that was required to complete the access was unregistered. The ownership of this patch of land was claimed by an individual with whom officers negotiated a purchase price on the understanding that they would produce a statutory declaration to claim ownership of the land.

3. On 24th June 2019 the committee reviewed a report and agreed to fund the purchase of the land required to complete the access route and legal costs of up to £5,400.
4. Despite apparent progress during 2019 and into 2020, officers were advised in August 2020, by the solicitor of the person who claimed ownership of the land, that they had received no further instructions to proceed. Despite further efforts by Fylde Officers to pursue the purchase of the land, in February 2021 Fylde Council advised that if the situation wasn't progressed imminently then authority would be sought to start the process to obtain a Compulsory Purchase Order (CPO).
5. On 28th June 2021 the committee reviewed a report and agreed to recommend to Full Council that the CPO should be made along with agreeing to fund an additional £1,000 of legal costs. On 5th July 2021 Full Council agreed to the making of the CPO.
6. On 7th February 2022 a further report was reviewed by Full Council stating that the preparatory steps required to make the CPO had been concluded and a detailed Statement of Reasons along with the draft CPO was provided. Council approved the making of the CPO. The CPO was subsequently sealed with notices to allow for objection being displayed. With no objections received the CPO was submitted to the Secretary of State for confirmation. This confirmation was received at the end of November 2022.

### CURRENT SITUATION

7. In January 2023 a public notice was placed to confirm the placing of the order. This was followed in May 2023 with the making and serving of a General Vesting Declaration. This part of the process, to complete the CPO, ended in August 2023.
8. To complete the process of formally taking ownership of the land it will be registered with the Land Registry. This is currently underway.

### REQUEST TO DEDICATE LAND

9. While the CPO process was ongoing to obtain the land, Lancashire County Council's Rail Development Officer has been developing proposals for the creation of the access and negotiating with various parties associated with the scheme.
10. Currently Lancashire County Council, as Highways Authority, have responsibility for New Road. The main part of the access route towards the station platform is owned by Persimmon Homes. The final part of the route is the section of land Fylde Council has obtained, with Network Rail owning the station platform and associated fence that would need to be taken down to allow access.
11. To ensure the future access route is maintained for public use, the whole length needs to come under a single ownership up to the station platform. LCC's Rail Development Officer is negotiating with LCC colleagues to enable the access to be installed under Section 25 of the Highway Act 1980. To enable this LCC would require freehold owners of the route (ie Persimmon Homes and Fylde Council) to dedicate the relevant sections of land to them. This would then allow LCC to implement the access route as well as manage and maintain it in future.
12. It is therefore recommended that, once registered with Land Registry, the 35.6m<sup>2</sup> section of land near New Road and adjacent to Squires Gate Station platform is dedicated to Lancashire County Council to facilitate the creation of an accessible route from New Road to Squires Gate Station platform.

CORPORATE PRIORITIES	
Economy – To create a vibrant and healthy economy	✓
Environment – To deliver services customers expect	✓
Efficiency – By spending money in the most efficient way	✓
Tourism – To create a great place to live and visit	✓

IMPLICATIONS	
Finance	No financial implications at this time. However, should someone claim ownership of the land and provide proof, then there may be a requirement to provide compensation in future.
Legal	The CPO process has been completed and the Council owns the land the report mentions. The Council's ownership of the land is currently being registered with Land Registry. Should Lancashire County Council agree to have the land dedicated to them to facilitate the creation of an accessible route onto Squires Gate Station platform then the appropriate legal process will be followed.
Community Safety	None
Human Rights and Equalities	By dedicating the land to Lancashire County Council, Fylde Council will be helping to progress the development of an accessible route onto Squires Gate Station platform and enable use of the station by those with physical disabilities who are currently excluded from using the station due to the only access available being by a steep set of steps.
Sustainability and Environmental Impact	With a new accessible route onto the station platform, a greater opportunity for all local residents to use the train network will be provided.
Health & Safety and Risk Management	None

SUMMARY OF PREVIOUS DECISIONS
<p>Finance and Democracy Committee of 30<sup>th</sup> January 2023 – information item to update of progress.</p> <p>Full Council of 7<sup>th</sup> February 2022 it was RESOLVED to:</p> <ol style="list-style-type: none"> <li>1. Approve the making of a compulsory purchase order for land adjacent to Squires Gate Station to enable an accessible route to the station platform to be created and to authorise expenditure of up to £6,000 in 2021/22 fully funded from the 2021/22 approved Capital Budget.</li> </ol> <p>Finance and Democracy Committee of 28<sup>th</sup> June 2021 it was RESOLVED to:</p> <ol style="list-style-type: none"> <li>1. Approve, in principle, to the making of a Compulsory Purchase Order for land adjacent to Squires Gate Station to enable an accessible route to the station platform to be created; and</li> <li>2. Note that a report was presented to Finance and Democracy Committee (28 June 2021) to request delegation of authority to the Director of Development Services to acquire the land by purchase outside any compulsory purchase process provided that the purchase price and other terms are, in his opinion, broadly consistent with the aspirations and expectations of the Council; and</li> <li>3. Note that a report was presented to Finance and Democracy Committee (28 June 2021) to request a funded capital budget increase of £1,000 in 2021/22 from the Capital Investment Reserve for additional legal and surveying fees associated with the CPO process subject to Council approval of the Compulsory Purchase Order.</li> </ol> <p>Finance and Democracy Committee of 24<sup>th</sup> June 2019 it was RESOLVED:</p> <ol style="list-style-type: none"> <li>1. That officers approach Network Rail with a request that the Network Rail Fund, or contribute to funding of, the purchase of the land and the associated legal fees in the first instance;</li> <li>2. If 1. Above is unsuccessful, to approve the purchase of approximately 35.6 square metres of land adjacent to Squires Gate Station for the sum of £3,000 plus payment of the vendors legal costs up to £2,400 i.e. to a total cost of no more than £5,400 in the absence of recouping any of those costs;</li> <li>3. To approve an addition to the Council's Capital Programme for 2019/20 in the sum of £5,400 to be met from the Capital Investment Reserve for the purchase of the land adjacent to Squires Gate Station as described above;</li> <li>4. To approve expenditure in the maximum sum of £5,400 for the purchase of the land adjacent to Squires Gate Station as described above; and</li> <li>5. To approve the granting of a long ground lease of this land, once purchased, to Network Rail to include the transference of responsibility for management and maintenance of the land.</li> </ol>

**BACKGROUND PAPERS REVELANT TO THIS ITEM**

Name of document	Date	Where available for inspection
None		

LEAD AUTHOR	CONTACT DETAILS	DATE
Andrew Loynd	Email & Tel 01253 658527	4 <sup>th</sup> September 2023

# DECISION ITEM

REPORT OF	MEETING	DATE	ITEM NO
OFFICE OF THE CHIEF EXECUTIVE	EXECUTIVE COMMITTEE	19 SEPTEMBER 2023	7
<b>FULLY FUNDED REVENUE BUDGET INCREASE - EDUCATION CONTRIBUTION RELATING TO SECTION 106 AGREEMENT FOR DEVELOPMENT LAND MOSS FARM, CROPPER ROAD, WESTBY</b>			

**PUBLIC ITEM**

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

**RELEVANT LEAD MEMBER**

This item is within the remit of Lead Member for Corporate and Economic Development (Councillor Karen Buckley).

**PURPOSE OF THE REPORT**

On 6 February 2023 the Council approved the transfer of all Section 106 funds held by Fylde Council for the provision or improvement of education facilities to Lancashire County Council (LCC), subject to an agreement to indemnify Fylde Council in the event that the funds are not used for the purposes intended or within the agreed timeframes. In the event, it was not possible to reach agreement with LCC to mitigate against any requests from developers for repayment.

However, LCC’s education team have now identified a suitable scheme that is appropriate to utilise the contribution. If the contribution remains unspent it will become repayable to the developer in June 2024.

This report therefore requests the transfer of Section 106 funds originally paid to Fylde Borough Council as a contribution towards the provision of additional primary school places in relation to application 12/0717 (Land at Moss Farm, Cropper Road) approved 16<sup>th</sup> May 2013. LCC have requested the money be paid to fund the provision of additional primary school places at Heyhouses Endowed Church of England Primary School. Although this is some distance from the development LCC have once again confirmed Staining is outside their school planning area and has not increased their admission number or net capacity, so it is not serving this development.

**RECOVERABILITY**

This decision is recoverable under section 7 of part 3 of the constitution.

## RECOMMENDATIONS

1. That the Executive Committee approve a fully funded revenue budget increase of £218,206.74 in 2023/24 to be met by Sn106 monies held by the council towards the improvement of local primary school places (application 12/0717).
2. To authorise the sum of £218,206.74 be paid to Lancashire County for the provision of additional school places at Heyhouses Endowed Church of England Primary school in accordance with the terms of the agreement, subject to the approval of the fully funded budget increase.

## REPORT

### Background

1. On 6 February 2023 the Council approved the transfer of all Section 106 funds held by Fylde Council for the provision or improvement of education facilities to Lancashire County Council (LCC), subject to an agreement to indemnify Fylde Council in the event that the funds are not used for the purposes intended or within the agreed timeframes. In the event, it was not possible to reach agreement with LCC to mitigate against any requests from developers for repayment.
2. However, LCC's education team have now identified a suitable scheme that is appropriate to utilise the contribution and so this report is presented for consideration as an alternative proposal to that agreed by Council in February.
3. Planning permission was granted for a development of up to 146 dwellings at land rear of Moss Farm, Cropper Road, Westby in October 2013. The planning permission was subject to a Section 106 agreement that secured a range of contributions including a contribution towards the provision of additional primary school places to serve the needs of the residents of the development. This report follows the allocation of the first instalment to the same project as this relates to the second payment of £218,206.74.
4. The agreement defines the education contribution as a contribution "*... towards the funding of additional primary school place provision to serve the needs of the residents of the development...*". The agreement also makes provision for a review of the contribution amount due, which was done before the payment.
5. The developer has paid Fylde Council the agreed second contributions of £218,206.74 in line with the second trigger and subsequent recalculation as set out in the agreement. Following the original assessment of the impacts of the development, Lancashire County Council initially advised that there had been changes in demand for primary school places resulting in a general surplus of primary school places in the area. They have subsequently advised that there have been further changes in school rolls and this contribution is requested towards the provision of further additional primary school places as there is now an increase in demand for places at Heyhouses Endowed Church of England Primary School. Lancashire County Council have confirmed that Staining is outside their school planning area and that this school has not increased their admission number or net capacity. Accordingly, children living at the development at Moss Farm are more likely to attend Heyhouses Endowed Church of England Primary School than Staining CE Primary School and so the proposed use of the Sn 106 funds would be appropriate.
6. LCC have advised that Heyhouses Endowed Church of England Primary School located on Clarendon Road North is the closest school to this development at Cropper Road and so is a local primary school and LCC have advised that the children living at the development are likely to attend this school. This transfer of funds to the local education authority follows an increase the number of places at this school would be in line with the provisions of the legal agreement.
7. This money cannot be used other than to ensure education provision in accordance with the terms of the Sn106 Agreement. Consequently, Fylde Council will continue to ensure that the terms of any Sn106 reflect the requirements for appropriate education provision in the borough. Should this contribution not be spent by the 25th June 2024 the Council will be required to repay the money to the developer.
8. This report follows a decision of the council to transfer all Sn 106 monies currently held for education contributions to LCC, subject to LCC providing appropriate indemnities against Fylde being required to repay to

the developer monies that had already been paid to LCC. LCC was unwilling to provide an indemnity, so the transfer of the monies to LCC was not actioned. Instead, due the expiry date on this permission LCC have identified the scheme as detailed in this report.

9. Further monies currently held with Fylde for education contributions are as per the table below.

Application Number	Application Site	Amount	Date to be spent	Restrictions/ Area to be spent
19/0140	Moss Farm, Cropper Road	£32,101.06	05/07/2029	Intended to be used to provide additional primary school places at Weeton St Michaels CE primary school (Or subsequent name or designation by which it is known).
14/0161	Land Ballam Road (Ballam Oaks)	£60,148.00	08/01/2031	To provide additional pupil places at Lytham CE Primary School
	<b>TOTAL</b>	<b>£92,249.06</b>		

As it was not possible to obtain an indemnity agreement from LCC, separate reports seeking approval to utilise these funds will now be brought to committee for consideration as suitable projects are identified.

CORPORATE PRIORITIES	
Economy – To create a vibrant and healthy economy	
Environment – To deliver services customers expect	✓
Efficiency – By spending money in the most efficient way	✓
Tourism – To create a great place to live and visit	

IMPLICATIONS	
Finance	The report recommends the Executive Committee approve a fully funded revenue budget increase of £218,206.74 to be met in full by Section 106 monies held by the Council for this purpose and subject to this approval authorise the sum of £218,206.74 be paid to Lancashire County Council for the provision of additional school places at Heyhouses Endowed County Primary School in accordance with the terms of the agreement.
Legal	Council had previously accepted the recommendation of the Planning Committee that all section 106 education contributions held by the borough council should be transferred to the county council. This was to be subject to the county council agreeing to indemnify the borough council against the possibility that the borough council could be required by the developer to repay the contribution after the monies had been transferred to the county council. This could have happened if the county council had failed to spend the money by the deadline in the section 106 agreement, or had spent it for purposes outside the section 106 agreement. The county council were unwilling to provide an indemnity, so the transfer of the education contributions did not go forward. The use of the funds for the purposes set out in the report are considered to be in line with the purposes set out in the Section 106 agreement.



Community Safety	None
Human Rights and Equalities	None
Sustainability and Environmental Impact	The monies would be used to increase the number of places available at a local school, thereby reducing the need to travel further afield.
Health & Safety and Risk Management	None

### SUMMARY OF PREVIOUS DECISIONS

On 18 January 2023 **Planning Committee** RESOLVED:

1. That, in future, all Section 106 contributions related to the delivery of community infrastructure that is solely the responsibility of Lancashire County Council will be secured through a covenant in the Section 106 agreement between the developer and the county planning authority; and
2. That, subject to Lancashire County Council entering into a satisfactory agreement to indemnify Fylde Council against any claim relating to the spending of Section 106 funds for purposes other than those for which they have been secured or the spending of those funds beyond a repayment date set out in a Section 106 agreement, that Council be recommended to approve a revenue budget increase of £310,455.80, fully funded from Section 106 monies held by the Council, and to authorise the contributions towards the provision of additional primary and secondary school places currently held by Fylde Council in the sum of £310,455.80 be transferred to Lancashire County Council. – Section 106 Agreement – Transfer of funds

On 30 January 2023 **Finance and Democracy Committee** RESOLVED:

1. That the Committee approve a fully funded revenue budget increase of £160,000 in 2022/23 to be met by Section 106 monies held by the Council towards the improvement of local primary school places (application reference 12/0717) and that the sum of £160,000 be paid to Lancashire County Council for the provision of additional school places at Heyhouses Endowed Church of England Primary School in accordance with the terms of the agreement.

On 6 February 2023, **Council** RESOLVED:

1. That, subject to Lancashire County Council entering into a satisfactory agreement to indemnify Fylde Council against any claim relating to the spending of Section 106 funds for purposes other than those for which they have been secured or the spending of those funds beyond a repayment date set out in a Section 106 agreement, that Council approve a revenue budget increase of £310,455.80, fully funded from Section 106 monies held by the council, and to authorise the contributions towards the provision of additional primary and secondary school places currently held by Fylde Council in the sum of £310,455.80 be transferred to Lancashire County Council.

### BACKGROUND PAPERS

Name of document	Date	Where available for inspection
Report – Section 106 Agreement Transfer of Funds	18 January 2023	Planning committee reports.
Planning permissions 12/0717	11 October 2013	Please use the search facility at: <a href="https://new.fylde.gov.uk">https://new.fylde.gov.uk</a> – view planning applications.

LEAD AUTHOR	CONTACT DETAILS	DATE
Karen Hodgkiss	karenh@fylde.gov.uk & Tel 01253 658515	15 August 2023

## DECISION ITEM

REPORT OF	MEETING	DATE	ITEM NO
OFFICE OF THE DEPUTY CHIEF EXECUTIVE	EXECUTIVE COMMITTEE	19 SEPTEMBER 2023	8
<b>ADDITION TO THE CAPITAL PROGRAMME – REPLACEMENT I.C.T SYSTEM FOR STATUTORY ENVIRONMENTAL HEALTH AND HOUSING SERVICES</b>			

### PUBLIC ITEM

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

### RELEVANT LEAD MEMBER

This item is within the remit of Cllr Michelle Morris, Lead Member for Customer and Operational Services.

### PURPOSE OF THE REPORT

The information system software used by the Council's Environmental Health & Housing Services, as well the waste and customer service departments, is over 30 years old and will no longer be supported by the software provider. The software is used to manage all statutory inspections, investigations, service requests, licences and grants undertaken by the Environmental Health & Housing Service.

The existing software known as Civica Authority Public Protection (APP) will be upgraded to Idox Cloud following a procurement exercise.

### RECOVERABILITY

This decision is recoverable under section 7 of part 3 of the constitution.

### RECOMMENDATIONS

1. To approve a fully funded addition to the Capital programme (2023/24) of £85,000 funded as follows: £16,600 from the ICT Investment Reserve and £68,400 from the Capital Investment Reserve.
2. To approve a fully funded revenue budget increase of £23,400 for one year only (2024/25), to run both old and new ICT systems concurrently to ensure service continuity, fully funded from the ICT Investment Reserve.
3. Subject to the approval of 1 & 2 above, to draw down and authorise expenditure in the sum of £85,000 (in year 2023/24) and award the letting of the contract for the new ICT system to IDOX PLC.

## REPORT

### BACKGROUND

1. The Council purchased the information management system software currently used by the Environmental Health, Housing, waste, and customer service departments over 25 years ago. The software is based on architecture that is over 30 years old and has now reached the end of its useful life and will no longer be supported or licensed for use going forward by Civica the software's provider. The software manages the Councils statutory Public Health departments, and links with external government agencies to share information and give returns (such as Food Hygiene, Environmental Protection, Health & Safety, Licensing, Private Sector Housing enforcement).
2. The current software, Civica Authority Public Protection (known as APP) is an essential and integral part of the Council's regulatory services and is used, for example, to manage and deliver the database of premises and the inspections of food businesses and other premises for which the Council is a regulator; all service requests from the public relating to matters such as noise nuisance, anti-social behaviour, private rented housing; all licences issued for taxis, the sale of alcohol, HMOs, animal welfare; the processing of disabled facilities grants.

### SCHEME DETAILS

3. There is only a small number of ICT software providers offering regulatory services software suitable for local government Environmental Health & Housing use. Upgrading to the IDOX Cloud software will provide the Council with a best value option for operating its Environmental Health & Housing Service on an efficient fit-for purpose software platform. The new replacement system will also cover other Council departments, such as waste and customer services, increasing efficiency across Council departments.
4. The new system, IDOX Cloud, will cover the below Council services:
  - **Food Safety** – managing the proactive inspection rota, as well as linking in with the Food Standards Agency in order to deliver the Food Hygiene Rating System. The system will also manage complaints and deliver statutory returns to government departments.
  - **Infection control** – The system will manage food and water borne outbreaks by recording confidential case details and efficiently ensuring officers can investigate outbreaks within the borough.
  - **Health and Safety** – managing the practice inspection rota, dealing with complaints, and providing statutory returns to government departments.
  - **Environmental Protection** – Managing the proactive inspection rota of permitted businesses, as well as dealing with a vast complaints system for nuisance, pest control, public health funerals, filthy and verminous properties, contaminated land, fly tipping and other public health complaints.
  - **Licensing** – Effectively managing all licensing applications, fees and charges and contacts for all licensable activities.
  - **Community Enforcement** – managing the complaints database for Antisocial behaviour and PSPO complaints, as well as managing all dog enforcement issues.
  - **Private sector housing** – Managing the proactive inspection rota as well as the housing complaints system for all housing standards defects.
  - **Disabled Facilities Grants** - Ensuring the management of all grant applications and ensuring budgetary management.
  - **Waste** – Cleansing requests, domestic and commercial waste enforcement, end of month garden waste, misrepresented waste, assisted collection, recycling enquiries, garden waste services, bulky waste, trade waste.
  - **Customer Services** - to allow effective and efficient data entry by customer service operators to update complaints and provide effective feedback to Council customers.

### PROCUREMENT

5. Officers from the Environmental and Housing Services department led the procurement process supported by the Councils Procurement Officer.
6. The tender process was undertaken through an open procedure. The opportunity was advertised on 12 June 2023 on the 'Chest Procurement Portal' with a submission deadline of 17 July 2023.

7. 46 Expressions of interest were received, 11 opted out, 23 no responses with 6 bids submitted.
8. Four of the six bids were deemed compliant, two of the bidders did not provide a demonstration of their system which was a mandatory requirement.
9. Submissions were evaluated on the basis of 40% price and 60% quality. Lowest price over the term of the contract received full marks and others were pro-rated based on the lowest price. Quality was scored over six evaluation criteria: technical merit, aesthetics and functional characteristics, technical assistance, mobile facility, after sales service and delivery date and period.
10. The quality evaluation section was scored as follows:

Score	Description
0	<b>Unacceptable Response</b> – No information provided or demonstration, response does not address the requirement.
1	<b>Poor Response</b> – The demonstration and written response contains material omissions and / or is supported by limited evidence / examples. Major concerns that the Tenderer has the potential to deliver / that they have failed to meet a reasonable standard.
2	<b>Fair Response</b> – The demonstration and written response contains some omissions and / or is not well supported by evidence / examples. Some concerns about the Tenderer’s ability to deliver / that they have failed to meet a reasonable standard.
3	<b>Good Response</b> – There is adequate detail / demonstration giving a reasonable level of confidence in the Tenderer’s experience and ability. The Tenderer appears to have the potential to deliver as required / has met a reasonable standard and there are only minor concerns about the Tenderer’s experience.
4	<b>Very Good Response</b> – The level of detail / demonstration gives a high level of confidence in the Tenderer’s experience and ability. The Tenderer clearly can deliver and / or has clearly met an acceptable standard.
5	<b>Excellent Response</b> – A comprehensive well evidenced submission and demonstration, clearly demonstrating expertise and knowledge. The response is deemed to offer little or no risk and fully captures the understanding of the steps involved to deliver the aspects of the criteria, giving a very high level of confidence in the Tenderer’s experience and ability.

11. The result of the tender evaluation exercise is set out below in: Table 1 – Desk top evaluation of ICT system bids.

**Table 1 – Tender scores - evaluation of ICT System bids from companies making a formal submission.**

Evaluation Summary	Abavus Ltd	Civica UK Limited	IDOX PLC	Pentagull Ltd
Price	30.00	28.00	40.00	24.00
Quality	30.00	47.00	54.00	41.00
<b>Total Score</b>	<b>60.00</b>	<b>75.00</b>	<b>94.00</b>	<b>65.00</b>

12. IDOX PLC provided the most competitive offer over the whole life of the contract and therefore scored full marks. They also scored highest as part of their quality submission scoring 54 out of 60.
13. Officers are recommending that the contract is awarded to IDOX PLC because they submitted the most economically advantageous tender.

## **FINANCIAL IMPLICATIONS**

### **Capital Costs**

14. To migrate from CIVICA APP to IDOX Cloud, there will be configuration fees to deliver seamless implementation. Officers are recommending a £10,000 contingency because based on experience the migration of data between major ICT systems is complex with a risk of additional works required being uncovered during the process for example, 10 days additional consultancy time can be £10,000. The move from an on-premises hosted system,

to a cloud-based system populated by multiple users, there are considerations around additional bandwidth consumption that could require configuration. If the bandwidth is insufficient, an additional connectivity route will need to be installed, which currently is an unknown because of the alternative means of consuming technology. The new system is also delivered and hosted by a different company from that we are currently using, adding to the complexity, and therefore possible unknowns with data migration and transition. It is necessary for the system to deliver critical statutory functions as legally prescribed during integration enhancements may be required, although unlikely it is a rationale for having some contingency. A project of this nature is extremely resource intensive with the scale of the project covering several statutory service areas. Suppliers also work to a tight and exact timescale and as seen with projects of this scale in the past, there is always a risk of project creep, this may require additional consultancy to keep the project on track. It is deemed sensible to have such a contingency fund. If the contingency is not required, it will be returned to the capital reserve.

**Table 2 – Capital costs including contingency.**

Description	IDOX PLC
Configuration fees to ensure smooth implementation of ICT system but not limited to: Data transfer / import / migration Project management Training Business analysis and configuration	£74,190
Contingency	£10,000
<b>Form of tender offer</b>	<b>£84,190</b>

#### Revenue Costs

15. The most effective way to migrate data between major systems and ensure service continuity is to operate both systems concurrently for one year, the continued delivery of statutory services is a priority. To enable parallel operation of the system a one of additional revenue cost of £23,000 will be required. Revenue cost for a single system operating is included in existing budget provision. There will be an option for the Council to extend the contract after 5 years, for a further 5 years. Idox has confirmed there will be no additional Capital or revenue increases.

**Table 3 – Revenue costs**

FIRST YEAR (operating both systems concurrently)	PRICE
Provision of ICT system which meets our statement of requirements, including updates, hosting, support, and maintenance for year 1.	£23,400
<b>Price (Year 1)</b>	<b>£23,400</b>

#### Proposed scheme financing

16. The ICT Investment Reserve has been created to fund major systems ICT development. The balance on the reserve is £40,000 and it is proposed to fund the additional revenue costs of the new system of £23,400 from the reserve and then use the remaining £16,600 to part fund the capital expenditure, with the balance of the capital expenditure of £68,400 funded from the Capital Investment Reserve.

**Table 4 – Summary of Capital and Revenue Funding**

Description of Funding	2023/24	2024/25
ICT Investment Reserve (Revenue)		£23,400
ICT Investment Reserve (Capital)	£16,600	
Capital Investment Reserve (Capital)	£68,400	
<b>Total</b>	<b>£85,000</b>	<b>£23,400</b>

## PROGRAMME OF DELIVERY

17. Phase 1 – Project Initiation - Nov 2023

Phase 2 – Technical Delivery & Data Scoping – Dec 2023

Phase 3 – Training, System Configuration & Data Mapping – Jan 2024

Phase 4 – Data Preparations and Test Migrations – April 2024

Phase 5 – Go Live – April 2024

CORPORATE PRIORITIES	
Economy – To create a vibrant and healthy economy	✓
Environment – To deliver services customers expect	✓
Efficiency – By spending money in the most efficient way	✓
Tourism – To create a great place to live and visit	✓

IMPLICATIONS	
Finance	This report requests approval of a funded addition to the Capital programme (2023/24) of £85,000 fully funded as follows: £16,600 from the ICT Investment Reserve and £68,400 from the Capital Investment Reserve and requests the approval of a fully funded revenue budget increase of £23,400 for one year only (2024/25), to run both old and new ICT systems concurrently to ensure service continuity, fully funded from the ICT Investment Reserve. Subject to the approval of the above, draw down and authorisation of expenditure is also sought in the sum of £85,000 (in year 2023/24) and award the letting of the contract for the new I.C.T system to IDOX PLC.
Legal	The procurement exercise was compliant with the Councils procedure rules and the Public Contract Regulations 2015.
Community Safety	Improved management of Community Safety information databases.
Human Rights and Equalities	N/A
Sustainability and Environmental Impact	N/A
Health & Safety and Risk Management	Risks associated for the implementation and management of public health statutory services will be reduced.

SUMMARY OF PREVIOUS DECISIONS
None

BACKGROUND PAPERS REVELANT TO THIS ITEM		
Name of document	Date	Where available for inspection
None		N/a

LEAD AUTHOR	CONTACT DETAILS	DATE
Ian Williamson	ian.williamson@fylde.gov.uk	23/08/2023

# DECISION ITEM

REPORT OF	MEETING	DATE	ITEM NO
OFFICE OF THE DEPUTY CHIEF EXECUTIVE	EXECUTIVE COMMITTEE	19 SEPTEMBER 2023	9
<b>DOMESTIC ABUSE ACT 2021 – PART IV DUTIES</b>			

**PUBLIC ITEM**

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

**RELEVANT LEAD MEMBER**

This item is within the remit of Lead Member for Social Wellbeing (Councillor Chris Dixon).

**PURPOSE OF THIS REPORT**

1. To update the Executive Committee on the work of the Housing Service to meet our Statutory Duties under the Domestic Abuse Act 2021; and
2. To request approval of a fully funded revenue budget increase for the total of £35,030 to be met by DLUHC New Burdens Domestic Abuse Grant in 2023-2024.

New Burdens Funding is provided for accommodation-based support provided by Local Authorities to victims of domestic abuse under Part 4 of the Domestic Abuse Act 2021(2023-24). Following the introduction of the Act Fylde Council have been awarded £33,196 in 21/22, £33,224 in 22/23 and £35,030 in 2023/24.

Fylde Council will continue to work in partnership with Wyre Council and Fylde Coast Women’s Aid (FCWA) to support victims and their children by the provision of a Housing Outreach Worker to engage and support female and male victims and their children. The post is employed by FCWA with the remaining funding being used to enhance other support services in place to enable victims to either, remain in their own homes or set up a new home.

**RECOVERABILITY**

This decision is recoverable under section 7 of part 3 of the constitution.

**RECOMMENDATION**

1. Approval of a fully funded revenue budget increase for the total of £35,030 to be met by DLUHC New Burdens Domestic Abuse Grant 2023 – 2024.

**REPORT**

**Part IV Duties Domestic Abuse Act 2021**

1. Four main objectives of the Domestic Abuse Act 2021 are to:
  1. **Promote awareness** – to put domestic abuse at the top of everyone’s agenda, and raise public and professional awareness

2. **Protect and support** – to enhance the safety of victims and the support that they receive
  3. **Transform the justice process** – to prioritise victim safety in the criminal and family courts, and review the perpetrator journey from identification to rehabilitation
  4. **Improve performance** – to drive consistency and better performance in the response to domestic abuse across all local areas, agencies and sectors
2. Fylde Council's duties under the Domestic Abuse Act fall under Part IV under which the new burdens funding is provided. This includes the provision of outreach support, emergency accommodation provision, operation of a sanctuary scheme and assistance with securing accommodation.
  3. In order to take forward the duties under Part IV Fylde Council work in partnership with Wyre Council and FCWA to employ a Housing Outreach Worker to engage and support female and male victims and their children since November 2021. The role undertakes support for victims who have remained in their own homes or been accommodated in emergency temporary or Refuge accommodation.
  4. Fylde Coast Women's Aid (FCWA) offers free advice and support to individuals living in Blackpool, Fylde and Wyre who are experiencing or have experienced domestic abuse, stalking and child sexual exploitation. Initially a service level agreement (SLA) was in place for a 12 month period to 31/03/2023 to undertake the Housing Outreach Worker project. A new SLA has been signed to continue the project for a further two years 23/24 and 24/25.
  5. The project provides training for housing staff and other teams within the local authority who may come across domestic abuse situations and require an insight into the warning signs, support required and actions to take.
  6. Initially a legal expenses budget was held by FCWA to assist clients where applicable with non-molestation orders, occupation orders and prohibited steps. The Legal Fund has been reduced in this year's SLA to £1,000 as FCWA have found that it is rarely used, the main reasons for this are;
    - There is no fee to issue an injunction and workers are trained to help clients complete the forms
    - Most of the clients that FCWA support through child contact orders etc. are either on benefits or low incomes and are entitled to legal aid
    - FCWA workers utilise the 30 mins free advice service that solicitors offer
    - FCWA also hold a legal clinic for clients each Thursday when a solicitor attends the office, this must be prearranged.
  7. A Sanctuary Scheme is operated via Preston Care and Repair connected to the Handyperson service. This service supports households experiencing domestic violence to remain in their own homes, where it is safe for them to do so and where it is their choice. The service also ensures that when clients move into their new home security measures can be installed.
  8. In 22/23 the Housing Outreach Worker supported 43 clients who approached the Homeless Service fleeing Domestic Violence. In Quarter 1 23/24 the service has supported 21 clients. Appendix 1 contains case studies of two recently supported clients.
  9. Table 1 below details the support provided for clients since 22/23. The provision of emergency accommodation if clients have fled their own homes is essential and though clients are requested to consider a Refuge placement due to the specialist support they would receive, the majority of clients refuse this as an option. In addition Refuge placements will not accommodate clients with a history of drug or alcohol misuse.
  10. Since 22/23 to the end of quarter 1 23/24 the Service has supported 15 clients into alternative accommodation the majority being successful in securing accommodation with a Registered Provider. Two of these clients have been supported into the private rented sector with Rent Bond and Rent in Advance.
  11. The Sanctuary Scheme provided by the Handyperson arrangement with Preston Care and Repair will complete home security assessments and complete required works. If the accommodation is owned by a Registered Provider they will complete the works. The uptake of this service has increased significantly over the past 18 months.



12. Household items includes carpets, furniture and white goods.

**Table 1 : Support provided for under Part IV Domestic Abuse Act**

	Provision of emergency accommodation	Removals, storage and kennelling	Rent Bond/Rent in Advance	Households items	Sanctuary Scheme Health Home Assessments with Security Measures	Supported into alternative accommodation
22/23	5	5	1	4	11	12
Qtr 1 23/24	3	4	1	0	11	3

13. The Domestic Abuse Act places a Duty on Tier 1 Local Authorities to appoint a Domestic Abuse Partnership Board. Fylde Council attend the Board to represent the interests of Tier 2 Local Authorities from the North region and report back on measures in place in Fylde to meet Part IV duties. This is a multi-agency board that undertakes specific functions; assessing the need for accommodation-based domestic abuse support; developing and publishing a Domestic Abuse Strategy for the provision of support; monitoring and evaluating the effectiveness of the Strategy; and, returning data sets for Lancashire to DLUHC.

CORPORATE PRIORITIES	
Economy – To create a vibrant and healthy economy	
Environment – To deliver services customers expect	√
Efficiency – By spending money in the most efficient way	√
Tourism – To create a great place to live and visit	

IMPLICATIONS	
Finance	The committee is requested to approve a fully funded revenue budget increase for the total of £35,030 to be met by DLUHC New Burdens Domestic Abuse Grant in 2023-2024.
Legal	Duties under Part IV Domestic Abuse Act
Community Safety	Sanctuary Scheme in place
Human Rights and Equalities	None
Sustainability and Environmental Impact	None
Health & Safety and Risk Management	None

## SUMMARY OF PREVIOUS DECISIONS

[Finance and Democracy 30<sup>th</sup> Jan 23 – Domestic Abuse Act Funding 22/23](#)

[Environment, Health and Housing – 24<sup>th</sup> Jan 2023 – Homelessness and Rough Sleeping Strategy Update](#)

[Finance and Democracy Committee – Domestic Abuse Act 2021 Funding for enhanced support](#)

[Finance and Democracy Committee – 7<sup>th</sup> October 2021 – Domestic Abuse Act 2021](#)

[Environment, Health and Housing 2<sup>nd</sup> September 2021 – Domestic Abuse Act 2021](#)

[Environment, Health and Housing 15<sup>th</sup> June 2021 – Fylde Council handyperson and sanctuary pilot scheme](#)

## BACKGROUND PAPERS REVELANT TO THIS ITEM

Name of document	Date	Where available for inspection
Domestic Abuse Act 2021	2021	<a href="#">Domestic Abuse Act 2021 - GOV.UK (www.gov.uk)</a> <a href="#">Domestic abuse - Lancashire County Council</a>

LEAD AUTHOR	CONTACT DETAILS	DATE
Kirstine Riding	Email & Tel 01253 658569	23/08/2023

Attached documents  
Appendix 1 – Case studies

Appendix 1

EXECUTIVE COMMITTEE 19<sup>TH</sup> SEPTEMBER 2023

Case Study – Clients supported via Housing Outreach Support Worker

CASE STUDY 1

Client referred to FCWA following approach to Fylde Housing Service. Female with 2 young children. Client identified as high risk domestic abuse case, client placed in emergency temporary accommodation due to no availability in refuge in the Fylde Coast area. Emergency Wi-Fi provided due to children needing it for homework. Client supported to apply for a non-molestation order, prohibitive steps order and child arrangements order with Legal Aid through a Solicitor.

Assessment completed and joint working with Fylde Council Housing Service client referred to Lancashire Victim Support, Lancashire Women and Minds Matters. Client accepted for a social housing property and funding sourced for 3 seater sofa, double bedding pack, 2 medium rugs and a set of pans. Sanctuary security measures have been installed in new home. Case now closed.

CASE STUDY 2

Client approached Fylde Housing Service and assessment attended by Housing staff and FCWA Housing Outreach Worker. Female with one child. Client identified as high risk domestic abuse and referred to IDVA (Independent Domestic Violence Advisor) service at FCWA.

Safety plan completed with client in temporary accommodation.

Social housing property secured and safety plan updated. Shortly after safeguarding concerns raised in new home due to Perpetrator finding out where they lived and continuing threats including threats from a third party. Refuge placement offered, but refused.

North West Fire and Rescue Service attended to secure electric and letter-box. Sanctuary Scheme assessment completed and new measure installed.

TAF (Team around the Family) established by Social Services and ongoing support with FCWA continues. Options to change child's school being considered.

# DECISION ITEM

REPORT OF	MEETING	DATE	ITEM NO
OFFICE OF THE DEPUTY CHIEF EXECUTIVE	EXECUTIVE COMMITTEE	19 SEPTEMBER 2023	10
<b>HOMELESSNESS PREVENTION GRANT – 2023/24 HOMES FOR UKRAINE FUNDING TOP-UP SUPPORT</b>			

**PUBLIC ITEM**

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

**RELEVANT LEAD MEMBER**

This item is within the remit of Lead Member for Social Wellbeing (Councillor Chris Dixon).

**PURPOSE OF THIS REPORT**

- To advise on the Homes for Ukraine top up funding to the Homeless Prevention Grant in 2023/24 received by Fylde Council.
- To request approval of a fully funded revenue budget increase for the total sum of £96,670 to be met by DLUHC Homes for Ukraine HPG top up funding 2023/24.

**RECOVERABILITY**

This decision is recoverable under section 7 of part 3 of the constitution.

**RECOMMENDATION**

- Approval of a fully funded revenue budget increase for the total sum of £96,670 to be met by DLUHC Homes for Ukraine HPG top up funding, placed in the Housing Team base budget to assist with the costs of temporary accommodation and Homeless Reduction Act Initiatives for 2023-2024.

**REPORT**

**HPG required spend to be allocated within the financial year**

- Grant funding for homelessness to assist local authorities in meeting their statutory duties under the HRA (Homeless Reduction Act) was introduced in 2017. The Flexible Homelessness Support Grant (FHSG) and Homelessness Reduction Grant (HRG) gave local authorities more flexibility over the spend to develop services to deliver their Homelessness and Rough Sleeping Strategies.
- In 2021/22, FHSG and HRG were combined into the Homelessness Prevention Grant (HPG) and provided to all local authorities with the responsibility for housing, to support them to deliver their statutory obligations under HRA. The HPG allocation in 2022/23 required spend to be allocated within the financial year.
- A report was taken to Environmental Health and Housing and Finance and Democracy Committees in the Autumn of 2022 requesting the HPG funding at £107,457 be placed within the Housing Services Base Budget and additional amounts be dealt with as revenue funding budget increases.

## HPG 2023/24 Homes for Ukraine funding top up

4. In December 2022 a £150 million UK wide fund was announced for 2023-2024 to help local authorities support those on the Homes for Ukraine (HfU) scheme and others move into their own homes and to prevent the risk of homelessness.
5. The share for local authorities is distributed according to the following:
  - a. The majority (66%) according to local authority relative shares for the 2023 to 2024 allocation of the Homelessness Prevention Grant
  - b. The remaining (34%) to local authorities according to published HfU arrivals.
6. These splits have been chosen to reflect both Homes for Ukraine arrival numbers and wider homelessness pressures. Fylde, when compared to neighbouring authorities, has the highest number of arrivals in the UK by sponsor location at 169 (see Background Papers).
7. Fylde Council have been awarded £96,670 to be spent along HPG guidelines. The funding is a top-up to the existing HPG allocation for 2023 to 2024. This grant is ringfenced for homelessness to target those most in need and to ensure local authorities are resourced to take action to prevent homelessness and continue to implement the Homelessness Reduction Act 2017.
8. Approval is requested of a fully funded revenue budget increase to the Housing Team base budget to ensure the funding is spent within the financial year 2023-24. It is requested £80,000 be used towards the costs of temporary accommodation for 2023-24 and be placed in the B&B budget. The remainder £16,670 be allocated towards Homeless Reduction Act initiatives where funding is used to support clients approaching the service as homeless into new accommodation, including rent bond and rent in advance payment, white goods, furniture and carpets to ensure funding is available for Ukrainian households who approach the service for support.
9. The purpose of this specific top up is for local authorities to maximise supporting the Ukrainian cohort into sustainable accommodation and be used to support with wider homelessness pressures.
10. The funding is required to be spent within the current financial year 2023-24.

CORPORATE PRIORITIES	
Economy – To create a vibrant and healthy economy	
Environment – To deliver services customers expect	√
Efficiency – By spending money in the most efficient way	√
Tourism – To create a great place to live and visit	

IMPLICATIONS	
Finance	The Committee is requested to approve a fully funded revenue budget increase for the total sum of £96,670 to be met by DLUHC Homes for Ukraine HPG top up funding, placed in the Housing Team base budget to assist with the costs of temporary accommodation and Homeless Reduction Act Initiatives for 2023-2024.
Legal	Duties under Homeless Reduction Act 2017
Community Safety	None
Human Rights and Equalities	None
Sustainability and Environmental Impact	None
Health & Safety and Risk Management	None

## SUMMARY OF PREVIOUS DECISIONS

[12<sup>th</sup> October 2022 – Council – Homeless Prevention Grant](#)

## BACKGROUND PAPERS REVELANT TO THIS ITEM

Name of document	Date	Where available for inspection
Allocations of UK wide allocation of £150million homelessness prevention funding 2023 to 2024	10 June 2023	<a href="#">HPG allocations through Homes for Ukraine</a>

LEAD AUTHOR	CONTACT DETAILS	DATE
Kirstine Riding	Email & Tel 01253 658569	23/08/2023

Attached documents  
None

# DECISION ITEM

REPORT OF	MEETING	DATE	ITEM NO
OFFICE OF THE DEPUTY CHIEF EXECUTIVE	EXECUTIVE COMMITTEE	19 SEPTEMBER 2023	11
<b>TOWN CENTRE CCTV UPGRADE</b>			

## PUBLIC ITEM

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

### RELEVANT LEAD MEMBER

This item is within the remit of Lead Member for Social Wellbeing (Councillor Christopher Dixon).

### PURPOSE OF THE REPORT

The report sets out progress on the upgrade of the town centre CCTV systems covering St Annes, Lytham and Kirkham, for which budget provision was made in 2022. Additionally, the report informs the committee of a successful funding application to the Police and Crime Commissioners Community Safety Fund of £25k and seeks approval to add that award to the existing capital budget for the town centre CCTV upgrade, enabling an additional CCTV camera and associated infrastructure to be provided at Lytham Windmill. The report also seeks authority to let the contract to British Telecommunications plc for supply, installation and maintenance of the town centre CCTV systems including network upgrades.

### RECOVERABILITY

This decision is recoverable under section 7 of part 3 of the constitution.

### RECOMMENDATIONS

1. To approve a fully funded capital budget increase for 2023/24 in the sum of £25,000 funded from the Police and Crime Commissioners Community Safety Fund, which will give an overall capital budget of £105,000; and
2. Subject to the approval of 1 above, to drawdown and authorise expenditure in the sum of £105,000 and award the letting of the contract for the Town Centre CCTV Upgrade to British Telecommunications plc

## REPORT

### BACKGROUND

1. The council presently controls fifteen static CCTV cameras in town centre locations. The cameras are in in St Annes (8 cameras), Lytham (4) and Kirkham (3). The cameras are maintained under an agreement with Blackpool Council and operated and monitored through an arrangement with Wyre Council.
2. Cameras are generally regarded as having an optimum working life of five years, before becoming obsolete through a combination of service interruptions, increasing maintenance costs and technological advancement. Like an older car, a camera can be maintained in working order considerably beyond that expectation, but that may not be economically or operationally sensible.

3. The cameras in St Annes and Kirkham are analogue cameras which were installed about 2008. They are operational but outdated, the four cameras in Lytham are IP units installed in 2015 but are still past the end of their optimum useful life.

## SCHEME DETAILS

4. Fylde Council are collaborating with Wyre Council on this project and will continue the monitoring arrangement with Wyre Council. The project is to upgrade town centre systems in Fylde and Wyre including all the equipment, network and the control room at Wyre Civic Centre. The two councils have been supported in the project by an external expert consultant.
5. All 15 CCTV cameras in St Anne's, Lytham and Kirkham will be replaced with new field hardened [PTZ/wiper/IR variant Axis Q6225-LE PTZ cameras](#). This camera is designed for public space surveillance and is fit for purpose within high salt atmospheres. The device is complete with a wiper for remote lens cleaning, maintaining optimal image quality in all weather and is HD resolution. In addition, it is provided with a 400m covert infrared illumination simplifying nighttime vision for all areas.
6. An additional camera will be installed at Lytham Windmill mounted onto the Lifeboat Museum and will connect back to the control room using a secure mobile broadband connection. Planning permission and listed building consent has been granted for this new location.
7. All equipment will be updated within each cabinet including new power supplies and new PoE switches. Silvernet radios will be replaced at each camera location that relies on a wireless link.
8. Axis C1310 external audio horns will be installed at Lytham Windmill, St Anne's Pier and Ashton Gardens which will allow for one way communication to members of the public.
9. The network will be upgraded to 1GB ethernet circuits in St Anne's, Lytham and Kirkham which will provide the connection back to the control room where the cameras are monitored and data is stored.
10. The proposed solution has capacity built in if Fylde or Wyre wanted to install additional cameras later in any of the town centres.
11. The Control room will be moved to a larger room at Wyre Civic Centre and all equipment/furniture replaced to create a modern fit-for-purpose facility. We are hoping that this will attract additional volunteers which will result in increased monitoring.
12. All products are provided with a 5-year warranty. The solution will be supported for the lifetime of the contract with both proactive (preventative) and reactive maintenance.

## REGULATIONS

13. CCTV is highly regulated. Since 2013, any CCTV installations operated by a public authority has had to comply with the Surveillance Camera Code of Practice, issued by the Biometrics and Surveillance Camera Commissioner. Images collected by surveillance cameras are personal data and must be processed as required by the Data Protection Act 2018.
14. Fylde Council Town Centre town centre CCTV is monitored by Wyre Council under a service level agreement. Their staff and volunteers are fully instructed on the policies and procedures to be followed and these are reviewed on an annual basis. Copies of the procedural documents and the CCTV Code of Practice are available in the CCTV control room. Their staff and volunteers are SIA trained and where applicable hold an SIA licence.
15. The replacement of the existing cameras and their associated infrastructure will result a significant enhancement in the capability, as well as the reliability, of the system. Additionally, the new camera at Lytham Windmill will extend permanent CCTV coverage to a location which has previously only been covered from time to time by rapid redeployable cameras. Because the enhanced CCTV coverage brings with it potential privacy issues for individuals, a [data protection impact assessment](#) of the project has been written and signed off by the Councils Data Protection Officer.

## PROCUREMENT

16. The contract for the upgrade is proposed to be awarded to British Telecommunications plc as a direct award under the Crown Commercial Service [Network Services 3 framework](#), which is open to all UK public sector



organisations. British Telecommunications plc can be appointed under lot 1a Inter Site Connectivity (Wider Area Network) / Data Access Services of the framework. Using the framework would provide assurance that procurement requirements had been met and that the provider is appropriately qualified and resourced to provide the goods and services. A direct award will ensure that the project is delivered in this financial year and that the ageing systems are replaced as soon as possible.

17. British Telecommunications plc are one of two companies that can provide the network services required for this project and a cost comparison has been undertaken with both companies, with BT offering best value over the duration of the five-year agreement.
18. Although there is competition in the market for the supply, installation and maintenance of CCTV equipment, there are benefits of having a sole supplier for the whole public surveillance solution and BT Telecommunications plc are the only company that can deliver the full solution to our specification.
19. British Telecommunications plc have extensive buying power in the market and officers at Fylde and Wyre, and the independent Consultant are satisfied that this offer represents exceptional value for money to the Council.

**FINANCIAL IMPLICATIONS**

20. Tables are provided below showing capital/revenue budgets and costs. British Telecommunications plc proposal is on budget and revenue costs can be dealt with within existing budget provision.

**Table 1. Capital Budget**

Source	Description	Budget
Fylde Council	Funding is secured and is on the capital programme for 2023/24	£80,000
PCC Community Safety Fund	Funding is secured and needs adding to the capital programme	£25,000
<b>Total Capital Budget</b>		<b>£105,000</b>

**Table 2. Capital cost plan**

Item	Total
St Anne’s – cameras, wireless links, speaker, POE switches and network upgrade	£42,385.93
Lytham – cameras, wireless links, speakers, POE switches and network upgrade	£24,588.88
Kirkham – cameras, wireless links, POE switches and network upgrade	£15,573.73
Comms Room	£13,617.74
Professional Services	£3,892.45
Contingency	£4,941.27
<b>Total</b>	<b>£105,000.00</b>

**Table 3. Revenue Budget**

Item	Total
CCTV Revenue Budget	£45,000

**Table 4. Revenue Costs**

Item	Total
Network costs	£12,000
Monitoring costs	£24,000
Support and Maintenance costs	£7,000
<b>Total</b>	<b>£43,000</b>

**PROGRAMME**

20. The project will be delivered within four months of signing the contract with an estimated completion date of January 31<sup>st</sup> 2024.

**CONCLUSION**

21. Officers are recommending a direct award through the Network Services 3 Crown Commercial Services framework to BT Telecommunications plc, to ensure that the town centre CCTV systems are upgraded this financial year and to have a single point of contact for our public surveillance system.

CORPORATE PRIORITIES	
Economy – To create a vibrant and healthy economy	✓
Environment – To deliver services customers expect	✓
Efficiency – By spending money in the most efficient way	✓
Tourism – To create a great place to live and visit	✓

IMPLICATIONS	
Finance	To approve a fully funded capital budget increase for 2023/24 in the sum of £25,000 fully funded from the Police and Crime Commissioners Community Safety Fund, which will give an overall capital budget of £105,000; and Subject to the approval of 1 above, to drawdown and authorise expenditure in the sum of £105,000 and award the letting of the contract for the Town Centre CCTV Upgrade to British Telecommunications plc
Legal	CCTV is highly regulated. Since 2013, any CCTV installation operated by a public authority has had to comply with the Surveillance Camera Code of Practice, issued by the Surveillance Camera Commissioner. Images collected by surveillance cameras are personal data and must be processed as required by the Data Protection Act 2018.
Community Safety	Fylde Council has installed CCTV (Closed Circuit Television) cameras in St Anne’s, Lytham and Kirkham for the purposes of reducing crime, disorder, anti-social behaviour and the fear of crime by helping to provide a safer environment for those people who live and work in the area and for visitors travelling through the area
Human Rights and Equalities	None arising from this report
Sustainability and Environmental Impact	None arising from this report
Health & Safety and Risk Management	None arising from this report

### SUMMARY OF PREVIOUS DECISIONS

5 November 2019: (1) That the Committee considers the report and supports the rationalisation of the 2 CCTV vehicles to one in order to provide a viable service in 2020/21; and (2) That Officers are requested to investigate the costs of replacement CCTV vehicles with a view to submitting a future capital bid in 2021/22 and exploring other funding opportunities in the meantime.

5 January 2021: (1) To note the position with respect to the town centre CCTV and mobile vehicle replacement initiative: (2) To offer the support of the Committee to the Budget Working Group for the funding sought by both Kirkham Town Council and Newton-with-Clifton Parish Council for CCTV within their respective localities subject to both councils being able to demonstrate a pressing need for each camera and providing a copy of an associated data impact assessment: and (3) That a further report be brought back to the committee on guidance to be proffered to the Budget Working Group against which to consider future bids for funding for CCTV from other Town and Parish Councils.

2 September 2021: (1) Approve the replacement of the strategic town centre cameras in St Annes, Lytham and Kirkham in principle, subject to Capital budgetary provision being confirmed through the 2022/23 budget process. (2) Note the replacement of the two mobile CCTV vans by four rapid redeployable cameras; and (3) Note the ability of town and parish councils to fund their own supplementary CCTV systems. (4) Create additional signage notifying residence of CCTV, and update those already in place.

### BACKGROUND PAPERS REVELANT TO THIS ITEM

Name of document	Date	Where available for inspection

LEAD AUTHOR	CONTACT DETAILS	DATE
Ben McCabe	Email <a href="mailto:ben.mccabe@fylde.gov.uk">ben.mccabe@fylde.gov.uk</a> & Tel 01253 658615	6 September 2023

**Project name:** FYLDE COUNCIL PUBLIC SURVEILLANCE CCTV SYSTEM

**Data controller(s):** FYLDE COUNCIL

**This DPIA template should be completed with reference to the guidance provided by the Surveillance Camera Commissioner and the ICO. It will help you to identify whether the use of surveillance cameras is appropriate for the problem you wish to address, assess the risks attached to your project and form a record of your decision making.**

**1. Identify why your deployment of surveillance cameras requires a DPIA<sup>1</sup>:**

- |   |   |
|---|---|
| <input type="checkbox"/> Systematic & extensive profiling | <input type="checkbox"/> Large scale use of sensitive data        |
| <input checked="" type="checkbox"/> Public monitoring     | <input type="checkbox"/> Innovative technology                    |
| <input type="checkbox"/> Denial of service                | <input type="checkbox"/> Biometrics                               |
| <input type="checkbox"/> Data matching                    | <input type="checkbox"/> Invisible processing                     |
| <input type="checkbox"/> Tracking                         | <input type="checkbox"/> Targeting children / vulnerable adults   |
| <input type="checkbox"/> Risk of harm                     | <input type="checkbox"/> Special category / criminal offence data |
| <input type="checkbox"/> Automated decision-making        | <input type="checkbox"/> Other (please specify)                   |

Public space town centre monitoring for crime prevention and detection of crime and public safety

**2. What are the timescales and status of your surveillance camera deployment?** Is this a proposal for a new deployment, or the expansion of an existing surveillance camera system? Which data protection regime will you be processing under (i.e. DPA 2018 or the GDPR)?

The system is an upgrade to an existing town centre system which will be monitored and maintained in accordance with the SCC code of practice and governing guidance. GDPR Article 6(1)(e): Processing is necessary for the performance of a task carried out in the public interest, or in the exercise of official authority vested in the controller.

**Describe the processing**

**3. Where do you need to use a surveillance camera system and what are you trying to achieve?**

Set out the **context** and **purposes** of the proposed surveillance cameras or the reasons for expanding an existing system. Provide evidence, where possible, including for example: crime statistics over an appropriate time period; housing and community issues, etc.

CCTV cameras have been installed in areas of the town centres and public places since 2010 to assist in the prevention and detection of crime, improve public safety and reduce anti-social behaviour. Information is collated from local crime and anti-social behaviour statistics which are provided by the police and monthly performance indicators produced by the CCTV control room at Wyre Council which detail reactive and proactive incidents, arrests on recorded on camera, reviews of footage and the production of evidence.

<sup>1</sup> <https://ico.org.uk/for-organisations/guide-to-data-protection/guide-to-the-general-data-protection-regulation-gdpr/data-protection-impact-assessments-dpias/when-do-we-need-to-do-a-dpia/>

The current systems in St Anne's, Lytham and Kirkham have been in situ for over 10 years and the equipment is at the end of its life and is using old technology. The proposal is to upgrade the existing town centre surveillance systems from analogue to IP, which will result in a much more effective surveillance solution. The Police Service have identified Lytham Windmill and the surrounding area as an area of concern, therefore the proposal is to extend the Lytham town centre system to include a camera on Lytham Green.

**4. Whose personal data will you be processing, and over what area?** Set out the **nature** and **scope** of the personal data you will be processing. Who are the data subjects, and what kind of information will you be collecting about them? Do they include children or vulnerable groups, and what is the scale and duration of the processing?

The council will process personal data of persons in public places such as town centres, car parks, the promenade and residential streets. The data collected and processed is in the form of recorded video footage. There will be images of children, vulnerable persons, people from minority ethnic groups and religious beliefs however this will not be known at the time of recording unless the cameras are being proactively used by staff.

Any proactive monitoring of the public must be justified by the operator. A full audit trail is maintained and inspected by the system manager on a regular basis. Images of individuals will only be released to investigating authorities in accordance with the objectives listed in the code of practice. The system will be used in an overt manner and signage informing the public that CCTV is in operation will be displayed throughout the borough.

The CCTV system, does not discriminate in any way, nor does it have any analytical software which could be used to discriminate people.

**5. Who will be making decisions about the uses of the system and which other parties are likely to be involved?** Will you be the sole user of the data being processed or will you be sharing it with other organisations or agencies? Record any other parties you would disclose the data to, for what purposes, and any relevant data sharing agreements. Note that if you are processing for more than one purpose you may need to conduct separate DPIAs.

The data owner and data controller is Fylde Council. Wyre Council will be processing the data in accordance with the service level agreement and surveillance camera commissioners code of practice. The Councils will share data with

1. Data subjects
2. Statutory prosecuting authorities
3. Clients and authorised investigators

**6. How is information collected? (tick multiple options if necessary)**

- Fixed CCTV (networked)                       Body Worn Video  
 ANPR     Unmanned aerial systems (drones)  
 Stand-alone cameras                                       Redeployable CCTV  
 Other (please specify)

**7. Set out the information flow, from initial capture to eventual destruction. You may want to insert or attach a diagram.** Indicate whether it will include audio data; the form of transmission; the presence of live monitoring or use of watchlists; whether data will be recorded; whether any integrated surveillance technologies such as automatic facial recognition are used; if there is auto deletion after the retention period. You may have additional points to add that affect the assessment.

Data will be captured in video format. The system is hard wired. There is live monitoring by SIA Licensed and vetted CCTV operators from the main CCTV control room. There is no AFR or audio recording. Staff will be provided with intelligence by the police relating to crime hotspots, wanted and missing persons. The retention periods is 31 days after which there is an automatic deletion of the footage. Procedures, data sharing and security are in line with Council policy and procedures. Authorised staff have received relevant training in legislation, procedures and use of the system. Footage may be retained in an evidence locker for more than 31 days. e.g. major incident where a large amount of data has been retained for investigation. Civil Proceedings and Subject Access Requests. The evidence locker is reviewed by the manager on a monthly basis. The principles of GDPR/DPA 2018 will be adhered to at all times.

**8. Does the system's technology enable recording?**

- Yes                       No

If recording is enabled, state where it is undertaken (no need to stipulate address, just Local Authority CCTV Control room or on-site will suffice for stand-alone camera or BWV), and whether it also enables audio recording.

Wyre Council's CCTV Server Room at Wyre Civic Centre in Poulton

**9. If data is being disclosed, how will this be done?**

- Only by on-site visiting
- Copies of footage released (detail method below, e.g. encrypted digital media, via courier, etc)
- Off-site from remote server
- Other (please specify)

Police will access data on site or through NICE (Digital Evidence Management System). Subject Access requests, requests from Insurance Companies and solicitors will be dealt with by using encrypted media and courier or recorded delivery. Access codes will not be given until the media has been received by the requesting party. All parties are required to sign a disclosure form for any media.

**10. How is the information used? (tick multiple options if necessary)**

- Monitored in real time to detect and respond to unlawful activities
- Monitored in real time to track suspicious persons/activity
- Compared with reference data of persons of interest through processing of biometric data, such as facial recognition.
- Compared with reference data for vehicles of interest through Automatic Number Plate Recognition software
- Linked to sensor technology
- Used to search for vulnerable persons
- Used to search for wanted persons
- Recorded data disclosed to authorised agencies to support post incident investigation, including law enforcement agencies
- Recorded data disclosed to authorised agencies to provide intelligence
- Other (please specify)

Released to council departments investigating ASB, Licensing and Fly Tipping.

## Consultation

### 11. Record the stakeholders and data subjects you have consulted about the deployment, together with the outcomes of your engagement.

Stakeholder consulted	Consultation method	Views raised	Measures taken
Local Businesses	Email		
Councillors	Committee	Support provided for the upgrade including approval of necessary funds	N/A
Police Service	Meetings and Email	Request for extension to the system covering Lytham Windmill and the surrounding area	Lytham Windmill camera added to the proposal
Local Community Groups	Email		
General Public	Social Media		



## Consider necessity and proportionality

**12. What is your lawful basis for using the surveillance camera system?** Explain the rationale for your chosen lawful basis under the relevant data protection legislation. Consider whether you will be processing special categories of data.

GDPR Article 6(1)(e): Processing is necessary for the performance of a task carried out in the public interest, or in the exercise of official authority vested in the controller.

Local authorities establish their CCTV systems under the GDPR/DPA 2018 and Section 17 Crime and Disorder Act 1998 which places an obligation on local authorities and the police to work in partnership to develop and implement a strategy for tackling crime and disorder. Section 17 outlines how and why local services may impact on crime and disorder and indicates the reasonable actions that might be put in place to ensure a co-ordinated approach to crime reduction. Evidence shows the opportunity for crime and disorder may be reduced and the safety and reassurance of the public improved when there is adequate CCTV coverage and it is used with other interventions. Using CCTV remains a strategic, financial and operational choice in exercising crime reduction partnership responsibilities between the police and other relevant supporters. In addition, Section 163 of the Criminal Justice and Public Order Act 1994 creates the power for local authorities to provide closed circuit television coverage of any land within their area for the purposes of crime prevention or victim welfare

**13. How will you inform people that they are under surveillance and ensure that they are provided with relevant information?** State what privacy notices will be made available and your approach to making more detailed information available. Consider whether data subjects would reasonably expect to be under surveillance in this context.

Fylde Council website provides information on location of cameras, statistics, privacy notice and DPIA. Appropriate signage in and around the area where surveillance is taking place. Data subjects will be using town centres which are public places and therefore it is reasonable to expect to be under surveillance in these locations.

**14. How will you ensure that the surveillance is limited to its lawful purposes and the minimum data that is necessary for those purposes?** Explain the adequacy and relevance of the data you will be processing and how it is limited to the purposes for which the surveillance camera system will be deployed. How will you know if it is delivering the benefits it has been deployed for?

Fylde Council has installed CCTV (Closed Circuit Television) cameras in St Anne's, Lytham and Kirkham for the purposes of reducing crime, disorder, anti-social behaviour and the fear of crime by helping to provide a safer environment for those people who live and work in the area and for visitors travelling through the area. In all locations, signs are displayed notifying you that CCTV is in operation and providing details of who to contact for further information about the scheme. The purpose and use of the CCTV system are to provide the Police and enforcement agencies with assistance to detect, deter and prevent crime and disorder; to help identify, apprehend and prosecute offenders; to provide the Police/Council with evidence to enable criminal and/or civil proceedings to be brought in the courts; and to maintain public order. Some examples of how we use your data are provided below;

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- Providing evidence in criminal proceedings (Police and Criminal Evidence Act 1984 and Criminal Procedure and Investigation Act 1996)
- Providing evidence in civil proceedings
- The prevention and reduction of crime and disorder
- The investigation and detection of crime
- Identification of witnesses

Effectiveness of the system is measured in monthly performance indicators and an annual report, along with information supplied by the police and other council departments.

CCTV Operators work to Wyre Councils CCTV Code of Practice ensuring appropriate and lawful use of surveillance. Regular vetting and on-going training takes place by the Partnerships Officer (CCTV).

Privacy protection zones can be used to protect vulnerable locations from being viewed by our cameras.

Annual monitoring report produced detailing level of CCTV monitoring. This is used to assess the impact of CCTV and if intended outcomes are being achieved.

### 15. How long is data stored? (please state and explain the retention period)

Footage is retained for 31 days and then automatically deleted unless stored in the evidence locker. This should give investigating authorities and Data Subjects sufficient time to request footage.

### 16. Retention Procedure

- Data automatically deleted after retention period
- System operator required to initiate deletion
- Under certain circumstances authorised persons may override the retention period, e.g. retained for prosecution agency (please explain your procedure)

Footage may be retained in an evidence locker for more than 31 days. e.g. major incident where a large amount of data has been retained for investigation. Civil Proceedings and Subject Access Requests. The evidence locker is reviewed by the manager on a monthly basis.

**17. How will you ensure the security and integrity of the data?** How is the data processed in a manner that ensures appropriate security, protection against unauthorised or unlawful processing and against accidental loss, destruction or damage? What measures do you take to ensure processors comply? How do you safeguard any international transfers?

Access is restricted to the control room and system. The system has multi layer password protected and use is subject to regular audits. The network has been upgraded and the system is security tested regularly.

DVD's are released to police officers, encrypted USB are released to third parties such as Insurance companies and solicitors via recorded delivery and email confirmation prior to disclosure of the encryption code. No international transfers are made.

**18. How will you respond to any subject access requests, the exercise of any other rights of data subjects, complaints or requests for information?** Explain how you will provide for relevant data subject rights conferred under the legislation. You must have procedures in place to respond to requests for camera footage in which a subject appears, and to respond to any other request to meet data protection rights and obligations.

The councils CCTV policies and procedures are fully compliant with the GDPR/DPA 2018 for general disclosure access requests and CCTV related subject access requests. Information on subject access requests can be found on the Fylde council website and all requests are initially dealt with by the Information Governance Team and then passed to the CCTV Manager at Wyre Council.

<https://new.fylde.gov.uk/council/transparency/privacy-policy/>

Any complaints are dealt with through the councils complaints procedures.

<https://new.fylde.gov.uk/complaints/>

**19. What other less intrusive solutions have been considered?** You need to consider other options prior to any decision to use surveillance camera systems. For example, could better lighting or improved physical security measures adequately mitigate the risk? Does the camera operation need to be continuous? Where you have considered alternative approaches, provide your reasons for not relying on them and opting to use surveillance cameras as specified.

Other solutions are always considered including the use of additional council resources such as ASB officers, lighting changes and the use of private security before CCTV is used. Every deployment of CCTV is accompanied by a DPIA and stakeholder consultation. Privacy zones can be programmed to cameras along with operator training and regular audits can help to mitigate any intrusion.

**20. Is there a written policy specifying the following? (tick multiple boxes if applicable)**

The agencies that are granted access

How information is disclosed

How information is handled

Are these procedures made public?       Yes       No

Are there auditing mechanisms?       Yes       No

If so, please specify what is audited and how often (e.g. disclosure, production, accessed, handled, received, stored information)

Any operation to do with CCTV is audited. This includes the use of cameras, reviewing and downloading images, access, storage and incidents recorded. Regular audits are carried out by the CCTV manager and Wyre Council's Internal Audit.

## Identify the risks

Identify and evaluate the inherent risks to the rights and freedoms of individuals relating to this surveillance camera system. Consider, for example, how long will recordings be retained? Will they be shared? What are the expectations of those under surveillance and impact on their behaviour, level of intrusion into their lives, effects on privacy if safeguards are not effective? Could it interfere with other human rights and freedoms such as those of conscience and religion, expression or association. Is there a risk of function creep? Assess both the likelihood and the severity of any impact on individuals.

Describe source of risk and nature of potential impact on individuals. Include associated compliance and corporate risks as necessary.	Likelihood of harm	Severity of harm	Overall risk
<p>Non Compliance of GDPR/DPA 2018. The GDPR/DPA sets out seven key principles which LA CCTV System owners must comply with whilst operating a Public Space Surveillance System:</p> <ul style="list-style-type: none"> <li>• Lawfulness, fairness and transparency</li> <li>• Purpose limitation</li> <li>• Data minimisation</li> <li>• Accuracy</li> <li>• Storage limitation</li> <li>• Integrity and confidentiality (security)</li> <li>• Accountability</li> </ul> <p>Non compliance may result in prosecution, financial penalties and severe damage to the reputation of the local authority</p>	<p>Remote, possible or probable Possible</p>	<p>Minimal, significant or severe Significant</p>	<p>Low, medium or high Medium</p>
<p>Compliance with articles 6, 8 and 14 of the Human Rights Act. The Act applies to public authorities and other bodies, which may be public or private, when they are carrying out public functions</p> <p>Article 6: the right to a fair trial</p>	<p>Possible</p>	<p>Significant</p>	<p>Medium</p>

<p>Article 8: right to a private and family life</p> <p>Article 14: protection from discrimination</p>			
<p>A breach of any article may impede on the subjects rights and result in the prosecution of the local authority resulting in financial penalties and severe damage to its reputation</p>			
<p>Compliance with SC Code of Practice and the Protection of Freedoms Act 2012.</p> <p>The code of practice is issued by the Secretary of State under Section 30 of the 2012 Protection of Freedoms Act. Relevant authorities (as defined by section 33 of the 2012 Act) in England and Wales must have regard to the code when exercising any functions to which the code relates.</p> <p>A failure on the part of any person to act in accordance with any provision of the surveillance camera code does not of itself make that person liable to criminal or civil proceedings.</p> <p>The surveillance camera code is admissible in evidence in any such proceedings.</p> <p>(A court or tribunal may, in particular, take into account a failure by a relevant authority to have regard to the surveillance camera code in determining a question in any such proceedings. This is reflected in the Crown Prosecution Service Disclosure Manual</p> <p>Reputational damage to Local Authority. The court may take inference in an authorities non compliance</p>	Possible	Significant	Medium

Describe source of risk and nature of potential impact on individuals. Include associated compliance and corporate risks as necessary.	Likelihood of harm	Severity of harm	Overall risk
Unauthorised Disclosure Unauthorised Disclosure may result in prosecution under GDPR/DPA 2018 and subject to financial penalties and severe damage to the reputation of the local authority	Remote, possible or probable Possible	Minimal, significant or severe Significant	Low, medium or high Medium
Misuse of Data Misuse of data may result in prosecution under GDPR/DPA 2018 and subject to financial penalties and severe damage to the reputation of the local authority	Possible	Significant	Medium

## Address the risks

Explain how the effects of privacy enhancing techniques and other features mitigate the risks you have identified. For example, have you considered earlier deletion of data or data minimisation processes, has consideration been given to the use of technical measures to limit the acquisition of images, such as privacy masking on cameras that overlook residential properties? What security features, safeguards and training will be in place to reduce any risks to data subjects. Make an assessment of residual levels of risk.

**Note that APPENDIX ONE allows you to record mitigations and safeguards particular to specific camera locations and functionality.**

<b>Identify additional measures you could take to reduce or eliminate risks identified as medium or high risk</b>			
<b>Options to reduce or eliminate risk</b>	<b>Effect on risk</b>	<b>Residual risk</b>	<b>Measure approved?</b>
Compliance with GDPR/DPA 2018. Management of the use and security of the system including monitoring, reviewing and downloading of footage. Regular audits carried out.	Eliminated reduced accepted Reduced	Low medium high Low	Yes/no Yes
Compliance with articles 4, 6 and 14 of the Human Rights Act Management of the use and security of the system including monitoring, reviewing and downloading of footage. Regular audits carried out. Spot checks on proactive monitoring by staff.	Reduced	Low	Yes



Options to reduce or eliminate risk	Effect on risk	Residual risk	Measure approved?
<p>Security of Data Management of the use and security of the system including monitoring, reviewing and downloading of footage. Regular audits carried out. Spot checks on proactive monitoring by staff, use of passwords and checks carried out by maintenance contractors for network security.</p>	<p>Eliminated reduced accepted Reduced</p>	<p>Low medium high Low</p>	<p>Yes/no Yes</p>
<p>Unauthorised Disclosure Release of data is strictly controlled by the council. Information Sharing Agreement in place with Police. All parties who use data from the system are aware of their obligations under GDPR/DPA. Full audit trail for any release of data. CCTV staff trained in unauthorised disclosure and misuse of data.</p>	<p>Reduced</p>	<p>Low</p>	<p>Yes</p>
<p>Misuse of Data Release and use of data is strictly controlled by the council. All parties who use data from the system are aware of their obligations under GDPR/DPA. Full audit trail for any release of data. CCTV staff trained in unauthorised disclosure and misuse of data.</p>	<p>Reduced</p>	<p>Low</p>	<p>Yes</p>
<p>Financial Loss. Compliance with GDPR/DPA, POFA, Code of Practice and operating procedures reduces the risk of unauthorised disclosure or the misuse of data. Regular audits are carried out by the system manager</p>	<p>Reduced</p>	<p>Low</p>	<p>Yes</p>

## Authorisation

If you have not been able to mitigate the risk then you will need to submit the DPIA to the ICO for prior consultation. [Further information](#) is on the ICO website.

Item	Name/date	Notes
Measures approved by:		Integrate actions back into project plan, with date and responsibility for completion.
Residual risks approved by:		If you identify a high risk that you cannot mitigate adequately, you must consult the ICO before starting to capture and process images.
DPO advice provided by:		DPO should advise on compliance and whether processing can proceed.
Summary of DPO advice		
DPO advice accepted or overruled by: (specify role/title)		If overruled, you must explain your reasons.
Comments:		
Consultation responses reviewed by:		If your decision departs from individuals' views, you must explain your reasons.
Comments:		

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This DPIA will be kept under review by:		The DPO should also review ongoing compliance with DPIA.
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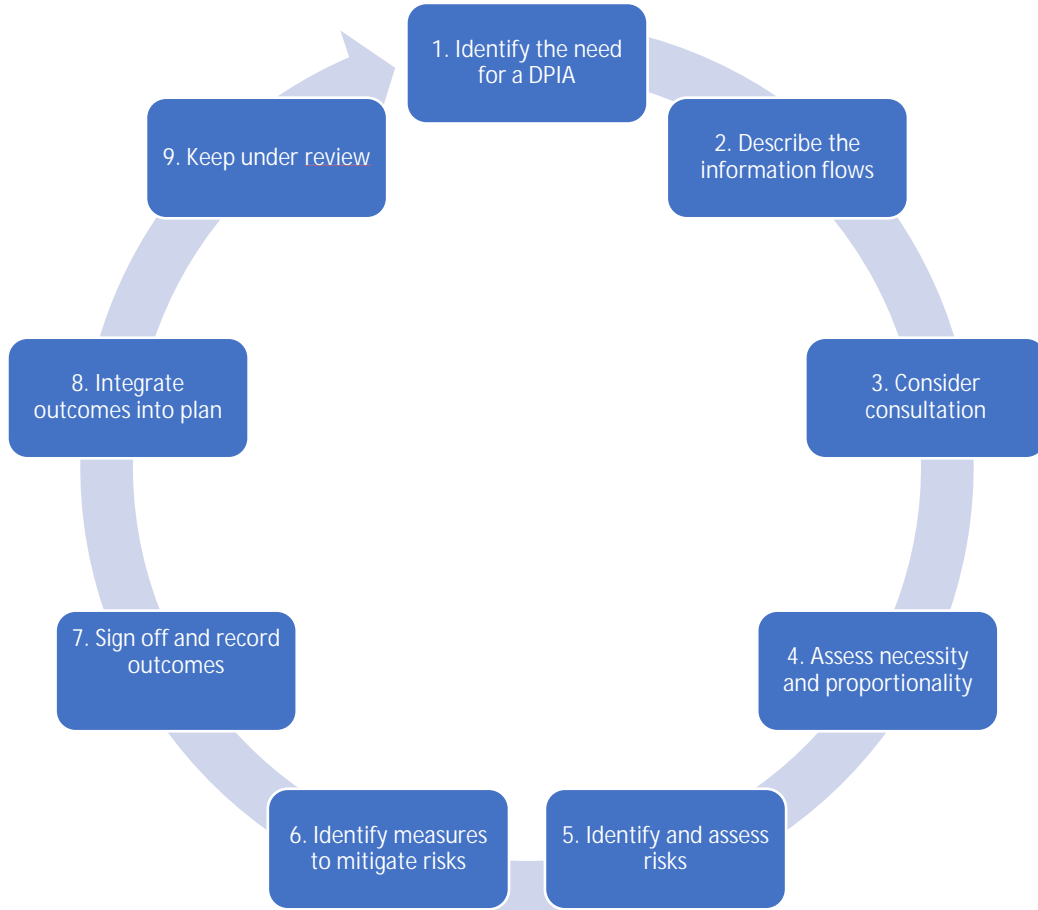
## APPENDIX ONE

This template will help you to record the location and scope of your surveillance camera system and the steps you've taken to mitigate risks particular to each location.

**Location:** Each system operator/owner should list and categorise the different areas covered by surveillance on their system. Examples are provided below.

Location type	Camera types used	Amount	Recording type	Monitoring	Assessment of use of equipment (mitigations or justifications)
Town centre	All	16	24hrs	12hrs (only maximum 2 operators)	The privacy level expectation in a town centre is very low; our town centres are well signed with appropriate signage for CCTV its use and purpose with contact details.

## APPENDIX TWO: STEPS IN CARRYING OUT A DPIA



## APPENDIX THREE: DATA PROTECTION RISK ASSESSMENT MATRIX

Use this risk matrix to determine your score. This will highlight the risk factors associated with each site or functionality.

### Matrix Example:

	Camera Types (low number low impact – High number, High Impact)									
	→									
Location	Green	Green	Green	Orange	Orange	Orange	Orange	Orange	Orange	Orange
Types	Green	Green	Green	Orange	Orange	Orange	Orange	Orange	Orange	Orange
A (low impact)	Green	Green	Green	Orange	Orange	Orange	Orange	Orange	Orange	Orange
Z (high impact)	Orange	Orange	Orange	Orange	Orange	Orange	Orange	Orange	Orange	Orange
	Orange	Orange	Orange	Orange	Red	Red	Red	Red	Red	Red
	Orange	Orange	Orange	Orange	Red	Red	Red	Red	Red	Red
	Orange	Orange	Orange	Orange	Red	Red	Red	Red	Red	Red
	Orange	Orange	Orange	Orange	Red	Red	Red	Red	Red	Red

**NOTES**

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# DECISION ITEM

REPORT OF	MEETING	DATE	ITEM NO
OFFICE OF THE DEPUTY CHIEF EXECUTIVE	EXECUTIVE COMMITTEE	19 SEPTEMBER 2023	12
<b>PARK CEMETERY LODGE CONVERSION – DRAW DOWN REPORT</b>			

## PUBLIC ITEM

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

### RELEVANT LEAD MEMBER

This item is within the remit of Cllr Christopher Dixon, Lead Member for Social Wellbeing

### PURPOSE OF THE REPORT

The project involves improvements and conversion of the Cemetery Lodge to general office and staff welfare space within the grounds of Park Cemetery.

The Cemetery Working Group recommended that welfare, meeting, training, and interview space is created within the lodge dwelling. It is also planned to create general storage space and a 'hybrid working' office available for other Council departments to use.

The approved capital programme includes a total budget of £55,000.

### RECOVERABILITY

This decision is recoverable under section 7 of part 3 of the constitution.

### RECOMMENDATIONS

The committee is recommended:

- To authorise capital expenditure of up to £55,000 for the Park Cemetery Lodge conversion which is included within the Council's Capital Programme in 2023/24.
- To note that the correct framework agreement has been used to procure and carry out the conversion works. The contractor with the most economically advantageous tender to the Council will be appointed based on price and quality.

## REPORT

### BACKGROUND

- The Cemetery Lodge is located just inside the main gates to Lytham Park Cemetery & Crematorium. The previous Bereavement Service Manager, who was a resident of the lodge, moved out last year. The Lodge is now vacant and no longer required for that purpose.



2. The Working Group considered different uses for the building, including sale or lease as a residence or for commercial activity.
3. The Working Group recommended that the cost of converting the building in pursuit of an unquantifiable and comparatively small return would not be cost effective considering the potential reputational and financial risk to a sensitive area of Council operations which provides a much-valued high-quality service to residents of the borough.
4. The group's conclusion was that the building should be kept within Fylde Council's assets for use principally by Bereavement Services.
5. The building presents an opportunity to address several matters including service delivery and welfare facilities for Cemetery staff. These are currently unsupported by Bereavement Service's existing assets as well as offering space that could be utilised by hybrid workers from other departments.

## SCHEME DETAILS

6. The project involves:
  - The kitchen and lounge/eating area. Retain these functions to provide welfare facilities for the Bereavement Team and other building users.
  - The ground floor front room to be utilised as a meeting and training space for the Bereavement Team and other departments as well as space for conducting private interviews with bereaved families when required.
  - Upstairs shower room and separate toilet. Retain these functions with the two small rooms to provide storage and a changing space.
  - The large upstairs room is converted into office space for team members for online meetings, training and study courses and offers a 'touchdown' space for hybrid workers from other departments.
7. The Council's Building Surveyor will project manage the refurbishment of the Lodge Building. The work will be undertaken by several trades who will be coordinated by the Council's Building Surveyor. Works in advance of the main contract work commenced in July 2023, consisting of stripping out the old bathroom and kitchen floor coverings etc, roof checks, rewire and internal and external decoration. The estimated cost of this is £21,000.
8. The main contract works consists of the installation of kitchen and bathroom and the floor coverings. It is anticipated the work will be complete by the end of December 2023.

## PROCUREMENT

9. The building works will be procured through the Council's building maintenance framework. The Council have already tendered the work in eight lots e.g. painting and decorating, electrical, groundworks etc. Three contractors were pre-qualified and shortlisted to each lot and work can either be direct awarded for urgent works or the 3 contractors for each lot asked to quote for routine repair or maintenance works. Using a framework is compliant with small, mid-range and large contracts.

## FINANCIAL IMPLICATIONS

10. The 2023/24 approved Capital Programme includes a sum of £55,000 for Park Cemetery conversion detailed below in Table 1. Table 2 identifies a more detailed breakdown of the costs.

**Table 1. Budget**

Description	Budget
23/24 Capital Budget	£55,000
<b>Total Capital Budget</b>	<b>£55,000</b>

**Table 2. Capital cost plan**

Item	Total
Kitchen installation/Decoration/Floor screed/vinyl	£11,500
Bathroom conversion shower room/separate WC	£8,500
Partition for above	£3,000
Rewire	£5,000
Decoration /Internal	£6,000
Floor Coverings	£5,600
Heating	£1,500
External Decoration	£6,000
Miscellaneous	£4,140
Contingency	£3,760
Total	£55,000

**PROGRAMME**

11. The following programme for delivery of the project is proposed:

- Advance works                                 July 23
- Main contract works                         September 23
- Completion                                     December 23

**CONCLUSION**

12. The converted lodge will:

- Support Fylde Council policy for hybrid working
- Is a cost-effective use of an existing Council asset
- Mitigates reputational and financial risk to Bereavement Services and Fylde Council.
- Maximise the use of all Council owned assets

**CORPORATE PRIORITIES**

Economy – To create a vibrant and healthy economy	√
Environment – To deliver services customers expect	√
Efficiency – By spending money in the most efficient way	√
Tourism – To create a great place to live and visit	√

**IMPLICATIONS**

Finance	This report details the proposed delivery mechanism for the Park Cemetery Lodge conversion and seeks approval for capital expenditure up to the total sum of £55,000 in 2023/24 within the approved Capital Programme in relation to this scheme.
Legal	None
Community Safety	None
Human Rights and Equalities	None
Sustainability and Environmental Impact	None
Health & Safety and Risk Management	None

### SUMMARY OF PREVIOUS DECISIONS

Operational Management Committee of 17th January 2023 Resolved to:

Support the two capital bids relevant to the Committee's Terms of Reference for consideration by the Budget Working Group in the following order of priority: 1) Kirkham Toilet Block Internal Refurbishment 2) Cemetery Lodge Refurbishment.

### BACKGROUND PAPERS REVELANT TO THIS ITEM

Name of document	Date	Where available for inspection
N/a		

LEAD AUTHOR	CONTACT DETAILS	DATE
Ian Williamson	ian.williamson@fylde.gov.uk	02/08/2023

#### Attached documents

None

# DECISION ITEM

REPORT OF	MEETING	DATE	ITEM NO
OFFICE OF THE DEPUTY CHIEF EXECUTIVE	EXECUTIVE COMMITTEE	19 SEPTEMBER 2023	13
<b>REVIEW OF UK PARLIAMENTARY POLLING DISTRICTS AND POLLING PLACES 2023</b>			

## PUBLIC ITEM

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

### RELEVANT LEAD MEMBER

This item is within the remit of Lead Member for Finance and Resources (Councillor Ellie Gaunt).

### PURPOSE OF THE REPORT

In accordance with The Representation of the People Act 1983 each local authority is required to carry out a review of UK Parliamentary Polling Districts and Polling Places in its area every five years. Fylde Borough Council's next review will be carried out from **1 October 2023**.

### RECOVERABILITY

This decision is not recoverable because it relates to:

- A recommendation to the council

### RECOMMENDATIONS

1. To endorse the review of polling districts and polling places commencing of 1 October 2023 in accordance with statutory requirements and note that the final recommendations will be submitted to the Council for adoption on 18 December 2023.

## REPORT

1. A public consultation will begin on 1 October on the proposed Polling districts and polling places for 1 month. Any feedback will be published throughout the review together with comments from the Returning Officer.
2. The "Notice of Review" and "Schedule of proposed polling districts" are attached to this report for information. Ward maps and street indexes can be viewed on the Council's website at [www.fylde.gov.uk](http://www.fylde.gov.uk) from 1 October.
3. The Council has powers to change polling places and polling district boundaries but not ward boundaries. These are defined as follows:

**A Polling District** is the geographical sub division of an electoral ward. The Council is responsible for dividing its area into polling districts for UK Parliamentary elections and for keeping polling districts under review.

When designating polling districts, the Council must:

Seek to ensure that all electors have such reasonable facilities for voting as are practicable in the circumstances

Seek to ensure that so far as is reasonable and practicable every polling place is accessible to electors who have disabilities.

A **polling place** is the building in which a polling station is located.

A polling station is the actual area where the process of voting takes place, and must be located in the polling place designated for the particular polling district.

4. Unlike polling districts and polling places which are fixed by the local authority, polling stations are chosen by the relevant Returning Officer for the election.
5. Representations are particularly being sought from individuals/groups with an interest/knowledge of the accessibility needs of disabled persons. Such as Age concern, Society for the blind, Society for the deaf, Disability centre Councillors, Parish Councillors, MP and Libraries. Feedback from the 2023 elections will also be considered.
6. The consultation will end on **31 October 2023**.
7. Since the last review in 2018, the Boundary Commission for England has published new UK Parliamentary constituencies whereby a change was proposed to the existing Fylde constituency in order to bring it within the permitted electorate range (no smaller than 69,724 and no larger than 77,062), resulting in the Borough of Wyre wards of Breck, Hardhorn with High Cross, and Tithebarn to be included in the Fylde constituency. These three wards comprise the town of Poulton-le-Fylde and this also enables the Fylde constituency to no longer include wards from the City of Preston. The new constituency will be called **Fylde County Constituency**.

The Fylde County Constituency brings the Fylde electorate just over 75,000, with an additional number of polling districts, polling places and polling stations to consider and comment. Fylde Council will conduct the element of the review of polling places and polling stations within the Fylde Borough Council boundaries whilst Wyre Council will conduct its own review of those contained within the town of Poulton-le-Fylde. The Returning Officer for Fylde will collate any comments received in relation to the Wyre review once instigated by that authority and feedback to Wyre's Returning Officer.

8. Following the consultation period, the Returning Officer will publish any representations throughout the review and proposed changes in November 2023. Final recommendations will be submitted to the Council for adoption on 18 December 2023 and will be in place for the next Parliamentary election. The new polling districts will form part of the new Electoral Register due to be published on 1 December 2023.

CORPORATE PRIORITIES	
Economy – To create a vibrant and healthy economy	✓
Environment – To deliver services customers expect	✓
Efficiency – By spending money in the most efficient way	✓
Tourism – To create a great place to live and visit	✓

IMPLICATIONS	
Finance	None
Legal	None
Community Safety	None
Human Rights and Equalities	None
Sustainability and Environmental Impact	None
Health & Safety and Risk Management	None

### SUMMARY OF PREVIOUS DECISIONS

The last full review of UK Parliamentary polling districts and polling places in the Borough was undertaken in 2018. Followed by an interim local review in 2022. The Returning Officer recommendations were approved.

### BACKGROUND PAPERS REVELANT TO THIS ITEM

Name of document	Date	Where available for inspection
Schedule of Polling Districts and Polling Places / Maps / Street lists	1 October 2023	<a href="http://www.fylde.gov.uk">www.fylde.gov.uk</a>

LEAD AUTHOR	CONTACT DETAILS	DATE
Hazel McNicoll	<a href="mailto:hazel.mcnicoll@fylde.gov.uk">hazel.mcnicoll@fylde.gov.uk</a> 01253658516	8 August 2023

Attached documents

Notice of Review

Schedule of proposed polling districts

## Notice of Review of Polling Districts and Polling Places

In accordance with The Representation of the People Act 1983 each local authority is required to carry out a review of UK Parliamentary Polling Districts and Polling Places in its area every five years. Fylde Borough Council's next review will be carried out from **1 October 2023**.

We are looking for feedback on any aspect of polling districts and polling places currently used and invite representation and comments from interested persons.

Local political parties and Councillors will be consulted and views are invited from electors within the Borough of Fylde as well as such persons as may have particular expertise in relation to access to premises or facilities for persons who have different forms of disability.

The consultation period for the review will commence on 1 October 2023 and end on 31 October 2023.

Unlike polling districts and polling places, which are fixed by the local authority, polling stations are chosen by the relevant Returning Officer for the election. Anyone wishing to make representations, should, if proposing alternative polling stations, provide details of alternative premises that may be used as a polling place.

Information on the proposed polling districts and polling places can be found on the Council's website at [www.fylde.gov.uk](http://www.fylde.gov.uk) or from the Town Hall at the address provided below from the 1 October 2023.

Representations should be sent to the Electoral Services Manager by 31 October 2023 to the address below:

Electoral Services Manager  
Fylde Borough Council  
Town Hall  
Lytham St Annes  
FY8 1LW

E-mail - [electoral@fylde.gov.uk](mailto:electoral@fylde.gov.uk)

Representations are particularly being sought from individuals/groups with an interest/knowledge of the accessibility needs of disabled persons.

If you have any queries or require further information on this review, please contact the Electoral Services Team on 01253 658658.

Tracy Manning  
Returning Officer

Dated 1 October 2023

Polling District	Polling Place		No of PS	Electorate at 1 Sep 23	Returning Officers Comments and Recommendations	Consultation & Final Comments
	Ward	Polling Station				
XA - Ansdell	Ansdell and Fairhaven	Ansdell County Primary School	1	1416	Investigate alternative polling stations due to access issues at the school. Ansdell Library is an option.	
XB - Ansdell	Ansdell and Fairhaven	St Paul's Church Hall	1	1210	No change since interim review in 2022.	
XC - Fairhaven	Ansdell and Fairhaven	St Paul's Church Hall	1	1121	No change since interim review in 2022.	
XD - Park	Park	Fylde Rugby Club	1	762	No change since interim review in 2022.	
XE - Park	Park	Fylde Rugby Club	2	2626	No change since interim review in 2022.	
XF - Ashton North	Ashton	Parish Rooms, Headroomgate Road	1	1861	No change since interim review in 2022.	
XG - Ashton North	Ashton	St Annes Cricket Club	1	1323	No change since interim review in 2022.	
XH - Ashton South	Ashton	Church Road Methodist Hall	1	1786	No change since interim review in 2022.	
XI - Carnegie	Carnegie	The Drive Methodist School Room	1	1638	No change since interim review in 2022.	
XJ - Carnegie	Carnegie	St Thomas Parish Centre, St Thomas Road	1	2301	No change since interim review in 2022.	
XK - Heyhouses	Heyhouses	St Thomas Parish Centre, St Thomas Road	1	1518	No change since interim review in 2022.	
XL - Heyhouses	Heyhouses	Clifton Primary School	1	1671	No change since interim review in 2022.	
XM - Heyhouses Park	Heyhouses	Clifton Primary School	1	1476	No change since interim review in 2022.	
XN - Kilgrimol	Kilgrimal	St. Annes United Reformed	2	2406	No change since interim review in 2022.	
XO - Kilgrimol	Kilgrimal	Princess Alexandra House	1	1099	No change since interim review in 2022.	
XP - Kilnhouse East	Kilnhouse	The Hope Street Park Community Pavilion	1	941	No change since interim review in 2022.	
XQ - Kilnhouse West	Kilnhouse	St Albans Church Hall	1	1610	No change since interim review in 2022.	
XR - Kilnhouse West	Kilnhouse	Eco pod Heyhouses C.E. (Jnr) School	1	1402	No change since interim review in 2022.	
XS - Kilnhouse West	Kilnhouse	St Annes Cricket Club	1	1103	No change since interim review in 2022.	
XT - Lytham East	Lytham East	Hope Church (Lytham Christian Centre)	1	1825	No change since interim review in 2022.	
XU - Lytham East	Lytham East	Lytham C of E Primary School	1	1763	No change since interim review in 2022.	
XV - Lytham West	Lytham West	Lytham Hall Park	1	1300	No change since interim review in 2022.	
XW - Lytham West	Lytham West	Lytham Methodist Church	2	2071	No change since interim review in 2022.	
XX - Kirkham North	Kirkham	St Michaels Church, Church Street	2	3595	No change since interim review in 2022.	
XY - Kirkham South	Kirkham	Kirkham Community Centre	2	2021	No change since interim review in 2022.	
XZ - Medlar with Wesham	Medlar with Wesham	Wesham Community Centre	2	3204	No change since interim review in 2022.	
ZA - Freckleton East	Freckleton Village	Freckleton Village Hall	1	1561	No change since interim review in 2022.	
ZB - Freckleton West	Freckleton Village	Freckleton Village Hall	2	2209	No change since interim review in 2022.	
ZC - Freckleton Outer	Rural East Fylde	Freckleton Village Hall	1	955	No change since interim review in 2022.	
ZD - Clifton	Rural East Fylde	Lund Church Hall	1	895	No change since interim review in 2022.	
ZE - Newton	Rural East Fylde	Newton Bluecoat School	1	1462	No change since interim review in 2022.	
ZF - Treales	Rural East Fylde	Treales C.E. School	1	404	No change since interim review in 2022.	
ZG - Elswick	Rural North Fylde	Elswick Village Hall	1	902	No change since interim review in 2022.	
ZH - Little Eccleston	Rural North Fylde	Merlewood Country Park	1	454	No change since interim review in 2022.	
ZI - Greenhalgh	Rural North Fylde	Singleton Village Hall	1	384	Investigate alternative polling stations.	
ZJ - Singleton	Rural North Fylde	Singleton Village Hall	1	744	No change since interim review in 2022.	
ZK - Weeton	Rural North Fylde	Weeton Village Hall	1	569	No change since interim review in 2022.	
ZL - Staining	Staining	Staining Village Hall	1	1910	No change since interim review in 2022.	
ZM - Warton	Warton	Bryning with Warton Village Hall	2	3692	No change since interim review in 2022.	
ZN - Bryning	Wrea Green with Westby	Bryning with Warton Village Hall	1	233	No change since interim review in 2022.	
ZO - Wrea Green	Wrea Green with Westby	St Nicholas Church Community Centre	1	1571	No change since interim review in 2022.	
ZP - Westby	Wrea Green with Westby	St Matthews Church (Former Ballam School)	1	1616	No change since interim review in 2022.	



## DECISION ITEM

REPORT OF	MEETING	DATE	ITEM NO
OFFICE OF THE DEPUTY CHIEF EXECUTIVE	EXECUTIVE COMMITTEE	19 SEPTEMBER 2023	14
<b>DRAFT ENVIRONMENTAL HEALTH AND HOUSING ENFORCEMENT POLICY</b>			

### PUBLIC ITEM

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

#### RELEVANT LEAD MEMBER

This item is within the remits of Lead Members for Social Wellbeing (Councillor Chris Dixon), Environment (Councillor Tommy Threlfall) and Customer and Operational services (Councillor Michelle Morris).

#### PURPOSE OF THE REPORT

Due to changes in the structure and management structure within Fylde Council, the Environmental Health and Housing services are now under a single Head of Service. Both of these services have enforcement and regulatory functions, and they are of a common theme, public health. It is of the opinion of the Head of Environmental Health & Housing Services that the service shall benefit from one single 'Enforcement Policy'.

The draft policy was considered by the Internal Affairs Scrutiny Committee at its meeting on 5 September. The committee recommend approval of the policy by the Executive Committee.

#### RECOVERABILITY

This decision is recoverable under section 7 of part 3 of the constitution.

#### RECOMMENDATION

- To approve the Draft Environmental and Housing Enforcement Policy.

### REPORT

- The **Legislative and Regulatory Reform Act 2006** imposes a duty on anyone exercising a specified regulatory function to have regard to the principles of good regulation. The principles provide that regulation should be carried out in a way that is transparent, accountable, proportionate and consistent and should be targeted only at cases in which action is needed.
- Under Section 23 of the Act, the Minister issued **The Regulators' Code** which came into effect in 2014, [Regulators' Code \(publishing.service.gov.uk\)](https://publishing.service.gov.uk). It gives guidance on exercising regulatory functions. It provides a set of principles for Regulators to consider:
  - Regulators should carry out their activities in a way that supports those they regulate to comply and grow

- Regulators should provide simple and straight forward ways to engage with those they regulate and hear their views
  - Regulators should base their regulatory activities on risk
  - Regulators should share information about compliance and risk
  - Regulators should ensure clear information, guidance and advice is available to help those they regulate meet their responsibilities to comply
  - Regulators should ensure that their approach to their regulatory activities is transparent – this includes an expectation that Regulators have an enforcement policy explaining how they respond to non-compliance.
3. Fylde Council is a regulatory body, and as such is under a duty to have regard to the Code in exercising regulatory powers, setting standards or giving general advice.
  4. The Council is required by the Regulator’s Code to publish their Enforcement Policy explaining how they respond to non-compliance. It is recognised as an important document for regulators in meeting their responsibility under the statutory principles of good regulation, set out in Section 21 of The Legislative and Regulatory Reform Act 2006, to be accountable and transparent about their activities.
  5. If adopted, the Enforcement Policy will apply to all our Housing and Enforcement regulatory functions. It will set out standards and guidance for all officers involved in regulatory enforcement work at Fylde Council within the Housing and Environmental Services, and all stakeholders regulated by Fylde Council on the approach that will be adopted in the event of non-compliance. It intends to be reasonably comprehensive but cannot cover every situation which this department may have to deal with. Officers shall have regard to the Policy alongside all legal framework and guidance and each service area will have specific legislation, guidance, Codes of Practice which will guide appropriate enforcement decisions.
  6. Fylde Council acknowledges the desirability of encouraging economic growth and takes into consideration the costs, effectiveness and perceptions of fairness when considering any enforcement action and as such, the Environmental and Housing Services departments aim to carry out their regulatory and enforcement duties without imposing unnecessary burdens on businesses or individuals. Enforcement action will usually be graduated. Any individuals/businesses that deliberately or persistently flout the law will usually be subject to enforcement action.
  7. Failure to comply with enforcement action could result in an escalation of enforcement action. For instance failing to comply with a legal notice could result in legal proceedings being instigated. Escalated enforcement action will be taken where the continuing non-conformance is detrimental and there is a high risk of continuing non-conformance. Prosecutions will only be instituted where the Head of Governance, as the council’s solicitor, is satisfied that the relevant evidential and public interest tests have been met,.
  8. The Environmental and Housing Services departments aim to:
    - protect the public and the environment
    - promote the health, safety and welfare of all our residents and visitors
    - enhance the quality of life for all residents and visitors and
    - allow compliant businesses to flourish
  9. Environmental and Housing Services deals with a myriad of legislation and enforcement options in the following regulatory areas:
    - Licensing
    - Housing
    - Food Control
    - Health and Safety Enforcement
    - Environmental Protection (air quality, contaminated land, environmental nuisance, Public Health Act funerals, flytipping, Local Air Pollution Prevention and Control (LAPPC))
    - Antisocial Behaviour
    - Animal welfare
    - Waste and litter enforcement
    - Public Health

- Housing standards in private rented homes
- Housing standards in houses in multiple occupation (HMO's)
- Public Space Protection Orders (active orders within Fylde include ban on open fires in certain areas e.g. barbeques, dog control, restrictions on alcohol).

10. The policy will be published online at the Fylde Council Website. Any complaints about enforcement action or the actions of our officers can be made through the Councils corporate complaint procedure <https://new.fylde.gov.uk/complaints/> although anyone wishing to complain or discuss the enforcement action being considered will be encouraged to discuss this with the Investigating Officer, their Line Manager or the Environmental Health Services Manager in the first instance.

#### FURTHER REPORTING AND MONITORING AGAINST THE ENFORCEMENT POLICY

11. It is not appropriate to have enforcement targets or quotas, as enforcement in the Environmental Health and Housing service should always be based on public health or other relevant risk and prosecutions should be based on public interest. Introducing targets or quotas could put officers under pressure to take unnecessary enforcement action, which may be unfair on a business. However, members should be aware and have the right to be aware of the enforcement action taken by the service. It is recommended that a simple report with statistics and breakdowns of type of enforcement action be brought to Internal Affairs Scrutiny committee each year, for members to peruse.

CORPORATE PRIORITIES	
Economy – To create a vibrant and healthy economy	
Environment – To deliver services customers expect	v
Efficiency – By spending money in the most efficient way	
Tourism – To create a great place to live and visit	

IMPLICATIONS	
Finance	None arising from this report
Legal	The legal implications are laid out in the body of the report.
Community Safety	None arising from this report
Human Rights and Equalities	None arising from this report
Sustainability and Environmental Impact	None arising from this report
Health & Safety and Risk Management	None arising from this report

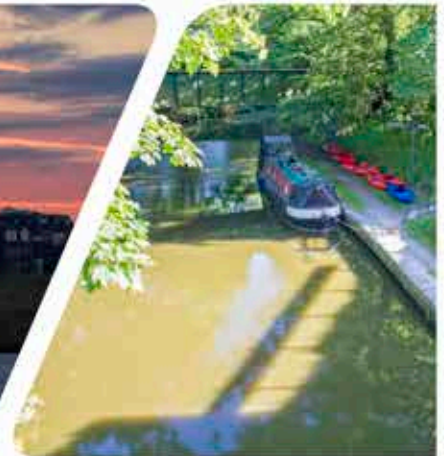
SUMMARY OF PREVIOUS DECISIONS
Internal Affairs Scrutiny Committee – 5 September 2023 - To recommend approval of the draft Environmental Health and Housing Enforcement Policy to the Executive Committee

BACKGROUND PAPERS REVELANT TO THIS ITEM		
Name of document	Date	Where available for inspection
Environmental Health & Housing Enforcement policy		To be published on website if adopted

LEAD AUTHOR	CONTACT DETAILS	DATE
Ian Williamson	<a href="mailto:ian.williamson@fylde.gov.uk">ian.williamson@fylde.gov.uk</a>	6/9/2023

**Attached documents:**

Appendix 1 – Draft Environmental Health and Housing Enforcement Policy



# Enforcement Policy

Environmental and Housing Services

## 1. Introduction

This policy aims to set out the approach by Fylde Council in dealing with non-compliance and a commitment to good enforcement practice, informed by the principles of good regulation.

The Environmental and Housing Services departments aim to:

- protect the public and the environment
- promote the health, safety and welfare of all our residents and visitors
- enhance the quality of life for all residents and visitors and
- allow compliant businesses to flourish

Much of this work is achieved through education and advice. However where this fails to motivate individuals and business to improve then enforcement powers exist to ensure regulatory compliance.

We endeavour to adopt a graduated approach to enforcement action, and it will be taken in a fair, proportionate and consistent manner. All enforcement action will be considered with regards to this policy, in combination with current legislation, guidance and relevant Codes of Practice. We aim to carry out our regulatory functions without imposing unnecessary burdens on businesses.

## 2. Scope

This Enforcement Policy sets out standards and guidance for all officers involved in regulatory enforcement work at Fylde Council, and all stakeholders regulated by Fylde Council on the approach that will be adopted in the event of non-compliance.

Enforcement includes any civil or criminal action taken by enforcement officers aimed at ensuring individuals or businesses comply with the law.

The department deals with a myriad of legislation and enforcement options in the following regulatory areas:

- Licensing
- Housing
- Food Control
- Health and Safety Enforcement
- Environmental Protection (air quality, contaminated land, environmental nuisance, Public Health Act funerals, flytipping, Local Air Pollution Prevention and Control (LAPPC))
- Antisocial Behaviour
- Animal welfare
- Waste and litter enforcement
- Public Health
- Public Space Protection Orders (active orders within Fylde include ban on open fires in certain areas e.g. barbeques, dog control, restrictions on alcohol).

This policy intends to be reasonably comprehensive but cannot cover every situation which this department may have to deal with.

### 3. Legislative framework

In producing this enforcement policy we have had regard to various relevant pieces of legislation and guidance including:

*The Legislative and Regulatory Reform Act 2006* which requires regulators to carry out their regulatory activities in a way which is proportionate, accountable, consistent, transparent and targeted.

*The Regulators Code* which came into effect on 6 April 2014 and provides a clear, flexible and principles-based framework for how regulators should engage with those they regulate. It provides a set of principles for Regulators to consider:

1. Regulators should carry out their activities in a way that supports those they regulate to comply and grow
2. Regulators should provide simple and straight forward ways to engage with those they regulate and hear their views
3. Regulators should base their regulatory activities on risk
4. Regulators should share information about compliance and risk
5. Regulators should ensure clear information, guidance and advice is available to help those they regulate meet their responsibilities to comply
6. Regulators should ensure that their approach to their regulatory activities is transparent – this includes an expectation that Regulators have an enforcement policy explaining how they respond to non-compliance.

The provisions within *The Human Rights Act 1998* are considered in this policy and all associated enforcement decisions. Due regard is given to the right to a fair trial and the right to respect for private and family life.

Where there is a need for the Council to share enforcement information with other agencies we will follow the provisions of the *Data Protection Act 2018*.

When deciding whether to prosecute the Council has regard to the provisions of *The Code for Crown Prosecutors* which sets out two tests that must be satisfied, commonly referred to as the 'Evidential test' and 'The Public Interest test'.

*The Regulatory Enforcement and Sanctions Act 2008* established the Primary Authority scheme and we will comply with the requirements of this Act and associated guidance when we are considering taking enforcement action against any business or organisation that has a Primary Authority agreement.

Investigations will be carried out in accordance with the following legislation and associated guidance, in so far as they relate to the Council:

*The Police and Criminal Evidence Act 1984*  
*The Criminal Procedure and Investigations Act 1996*  
*The Regulation of Investigatory Powers Act 2000*  
*The Criminal Justice and Police Act 2001*  
*The Human Rights Act 1998*  
*Attorney Generals Guidelines*  
*The Protection of Freedoms Act 2012*

### 4. General Approach

The Environmental and Housing Services departments aim to carry out their regulatory and enforcement duties without imposing unnecessary burdens on businesses or individuals.

We will endeavour to carry out our activities in an open and transparent way.

We shall have regard to all legal framework and guidance including that mentioned above. Each service area will have specific legislation, guidance, Codes of Practice which will guide appropriate enforcement decisions.

All regulatory work will be carried out by appropriately authorised officers who have received appropriate training, qualifications and/or supervision and have been trained in this policy to ensure it is applied consistently.

Authorised officers will be responsible for carrying out initial complaint investigations, inspections etc in the first instance. Any issues will be escalated to the Principal Officer/Manager.

Access to premises is normally achieved by informal means with the consent of the operator but where this fails the relevant legislation will usually provide a power of entry. Sometimes prior notice would be counterproductive or impractical in which case a visit will be made without prior notice. In some circumstances failing to allow entry to a premises is an offence of obstruction, and sometimes an application can be made to Magistrates Court for a warrant to enter premises.

Officers will always provide their name and contact information in relation to a regulatory or enforcement matter. Officers will be helpful, courteous and professional in their conduct.

We will usually provide the opportunity to enter dialogue to discuss advice given, actions required, or decisions taken in relation to non-compliance, and we can provide access to translators if required.

We will work with businesses and individuals to assist them in complying with their legal duties as we believe that most businesses wish to comply with the law but may need help in doing so.

We shall provide advice and guidance, including where necessary links to external sources.

All enforcement decisions will be made objectively to ensure that our decisions are not influenced by the gender, ethnicity, religious or political beliefs, disability or sexual preferences of any alleged offender(s).

Fylde Council supports national enforcement campaigns such as the Food Standards Agency's National Food Hygiene Rating Scheme to allow consumers to make informed choices.

We shall put procedures in place to ensure this policy is adhered to and review it on a regular basis, or when change is necessary.

We shall use a risk assessment approach to concentrate resources on to our higher risk areas and premises.

Fylde Council acknowledges their involvement in allowing and even encouraging economic progress and take into consideration the costs, effectiveness and perceptions of fairness when considering any enforcement action.

We will work with partner agencies to deliver multiagency solutions and will share the necessary intelligence to facilitate this.

We will provide clear application forms and explanatory notes where necessary.

We shall ensure efficient and effective compliance with the requirements of the Environmental Permitting (England & Wales) Regulations 2010. We will issue clear environmental permits based on the Secretary of State's guidance, and local circumstances, within the specified timescales where possible. Where the local authority is satisfied that there is an imminent risk of serious pollution of the environment a suspension notice may be served.



The departments will undertake their responsibilities with regards to antisocial behaviour with due regard for safeguarding issues and will have regard to the Community Trigger principles within the Anti-social Behaviour Crime and Policing Act 2014.

## 5. Enforcement Approach

The general principle will always hinge around negotiation, advice, guidance, education, and support, to achieve maximum benefit from minimum resource input, whilst avoiding unnecessary regulatory burdens.

We will have regard to Primary Authority agreements and take this into consideration where necessary.

Enforcement action will always be proportionate to the scale, seriousness, and intentionality of the offence.

Enforcement action will follow statutory guidance. Officers will also comply with the requirements of the particular legislation under which they are acting. Most of this legislation provides officers with powers of entry at all reasonable times with the associated offence of obstruction if entry is refused.

Enforcement action will usually be graduated. Any individuals/businesses that deliberately or persistently flout the law will usually be subject to enforcement action..

The risk assessment approach and relevant guidance within each service area will guide the need for appropriate enforcement action.

We will ensure consistency whilst recognising individual circumstances which may modify what action should be taken in each case.

Where incidents of non-compliance are revealed voluntarily with a willingness to resolve the issue, the Council will usually provide support and endeavour to avoid formal enforcement action. Enforcement action would not normally be instigated for innocent mistakes.

In certain circumstances, where an offence is thought to have been committed, communications may need to be undertaken in accordance with the requirements of the Police and Criminal Evidence Act (PACE) and its associated Codes. Any alleged offender will usually be invited to a tape recorded interview under caution at these offices to discuss the offence, and they have the right to legal representation at the interview.

The investigating officers will endeavour to keep the alleged offenders up to date with the investigation, and certainly when a decision has been made to instigate legal proceedings.

All staff will demonstrate commitment to equality in exercising their duties and in their professional relationships with regulated persons to ensure fair and effective enforcement.

Prosecution will only be considered where the relevant evidential and public interest tests have been met.

Any relevant complaint and appeal procedures will be brought to the attention of any person who has enforcement action taken against them.

Failure to comply with enforcement action could result in an escalation of enforcement action. For instance failing to comply with a legal notice could result in legal proceedings being instigated.

Escalated enforcement action will be taken where the continuing non conformance is detrimental and there is a high risk of continuing non-conformance.

Where prosecution is being considered, all cases will be reviewed by the relevant Head of Service.

We also reserve the right to take enforcement action in some cases after compliance has been achieved if it is in the public interest to do so.

Media attention will be sought where appropriate for successful prosecutions to emphasise the need to comply with the law, to deter illegal behaviour, and to instil confidence in the public that we are using enforcement tools where appropriate to protect the public.

**6. Enforcement Options**

Our primary function is to achieve regulatory compliance to protect the public, compliant businesses and the environment. We recognise that prevention is better than cure and work with all our businesses to help them comply with the law. But where it becomes necessary to take enforcement action we will do so.

The available enforcement options include those mentioned below. This is not an exhaustive list and it will change as legislation changes.

Sometimes several enforcement options could be taken at the same time. Failure to comply with enforcement action could result in an escalation of enforcement action. For instance failing to comply with a legal notice could result in legal proceedings being instigated.

<b>Enforcement Options Available</b>	
No action	In certain circumstances no action may be considered appropriate such as when an offender is elderly, frail or suffering from mental or physical ill health.
Advice/informal action	For minor breaches we may offer verbal advice/refer to guidance documents. This will always be the preferred course of action where individuals have a good record of compliance and/or appear eager to comply.
Warning letter	<p>A written warning that a recurrence or continuation of an infringement will result in legal action.</p> <p>In some instances a deadline may be set which would be reasonable and take into account the seriousness of the contravention.</p> <p>We shall be clear about what is a legal requirement and what is advice on good practice.</p> <p>Letter shall be laid out in a clear and concise way, it shall detail what work is required, why it is required, and a time frame in which the works should be completed.</p> <p>The letter should be sent as soon as possible after the intervention.</p>
Statutory legal enforcement notices	<p>Certain legislation allows notices to be served requiring specific actions or the ceasing of certain activities. Some notices may require activities to cease immediately (particularly in relation to health, safety, environmental damage or nuisance).</p> <p>In other circumstances the time allowed will be reasonable, taking into</p>

	<p>account the seriousness of the contravention, the implications of the non-compliance and the appeal period for that notice.</p> <p>In some circumstances we have the power to close businesses or carry out work in default, where reasonable costs are recoverable from the offender.</p> <p>Some notices have a requirement to have emergency action confirmed by a Magistrates Court.</p> <p>Any appeal provision will be provided with the notices at the time of service</p>
<p>Simple caution</p>	<p>In appropriate circumstances and where prosecution would be justified a Simple Caution may be administered. The following criteria must be satisfied:</p> <p>The person liable admits the offence  A prosecution could be taken  There are mitigating circumstances suggesting a Simple Caution is the more appropriate course of action  The offender must be over 18 years of age</p> <p>It is an admission of guilt but not a criminal conviction</p>
<p>Prosecution</p>	<p>The institution of legal proceedings against an individual or company in respect of a criminal charge at Magistrates or Crown Court. The Council may seek to prosecute in respect of serious or recurrent breaches or where other enforcement actions have failed to secure compliance.</p> <p>When deciding whether to prosecute we shall have regard to the provisions of the Code for Crown Prosecutors – (1) prosecution will only be considered where the Council is satisfied that it has sufficient evidence to provide a realistic prospect of conviction and (2) whether prosecution is in the public interest.</p> <p>A successful prosecution will result in a criminal conviction and the court may impose a range of sentences.</p>
<p>Licence review</p>	<p>The Council issues a number of licences which include conditions requiring the licence holder to take steps to ensure the business is appropriately run. Breaches of these conditions may lead to a review of the licence which may lead to its revocation or amendment.</p> <p>Where any licensed premises breaches the licensing objectives of the Licensing Act 2003 then one of the 'responsible authorities' may apply to review the licence.</p> <p>Hackney carriage and private hire drivers licences may be revoked suspended, or refused a renewal.</p>
<p>Proceeds of Crime Act applications</p>	<p>The Local Authority, or in co-operation with the police may make application under the Proceeds of Crime Act 2002 to restrain and/or confiscate the assets of an offender. The purpose of any such proceedings is to recover the financial benefit that the offender has obtained from his criminal conduct. Proceedings are conducted according to the civil standard of proof.</p>

	This can be a significant contribution to the disruption of criminal enterprises through money laundering investigations to aid criminal investigations and through the recovery of criminal assets.
Community Protection Notices	These are issued under the Antisocial Behaviour Crime and Policing Act after a Community Protection Warning has been issued when the conduct of the individual or body is having a detrimental effect, of a persisting or continuing nature on the quality of life of those in the locality, and the conduct is unreasonable.
Criminal Behaviour Orders	These can be applied for when a person has been convicted of an offence and has engaged in behaviour that has caused or is likely to cause harassment, alarm or distress, and the court believes the making of the order will help prevent the offender from engaging in such behaviour
Public Spaces Protection Order	These are intended to deal with nuisance or problems in an area that cause harm to the quality of life of the local community. They impose conditions or restrictions on people using the specified area.
Fixed penalty notices	Notices served by an authorised officer to a person who has committed a criminal offence, often for antisocial behaviour or environmental crime such as littering or dog fouling.  Failure to pay may result in prosecution or civil debt recovery.
Seizure	Certain legislation enables enforcement officers to seize goods, foods, equipment, or documents which may be unsafe or its being used to cause a nuisance, or as evidence for legal proceedings.  We will give the person from whom the goods are taken an appropriate receipt and details of any appeals procedures and/or property return procedures.
Civil penalty	The Housing and Planning Act 2016 allows financial penalties to be imposed as an alternative to prosecution for certain offences under the Housing Act 2004. These can only be used when there is a realistic prospect of a conviction.
Permitting	Environmental permits set out limits on the pollution that a business can make at a premises and sets out what it needs to do prevent and control pollution of air, water, or land.

## 7. Review and Comments

If you would like to discuss or comment on this policy, then please contact us and help us improve.

Any complaints about enforcement action or the actions of our officers can be made through the Councils corporate complaint procedure <https://new.fylde.gov.uk/complaints/>

Our policies will be published on the Fylde Council website.



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