

# Agenda



## ENVIRONMENT, HEALTH AND HOUSING COMMITTEE

|                    |  |
|--------------------|--|
| Date:              | Tuesday, 1 November 2016 at 6:30 pm  |
| Venue:             | Town Hall, St Annes, FY8 1LW   |
| Committee members: | <p>Councillor Ben Aiken (Chairman)<br/>Councillor Viv Willder (Vice-Chairman)</p> <p>Councillors Peter Anthony, Maxine Chew, Delma Collins, Gail Goodman JP, Shirley Green, Roger Lloyd, Graeme Neale, Louis Rigby, Heather Speak, Richard Taylor.</p> |

### Public Platform

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

To register to speak under Public Platform: see [Public Speaking at Council Meetings](#).

|   | PROCEDURAL ITEMS:  | PAGE    |
|---|--|---------|
| 1 | <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. | 1       |
| 2 | <b>Confirmation of Minutes:</b> To confirm the minutes, as previously circulated, of the meeting held on 6 September 2016 as a correct record.   | 1       |
| 3 | <b>Substitute Members:</b> Details of any substitute members notified in accordance with council procedure rule 24(c).   | 1       |
|   | DECISION ITEMS:  |         |
| 4 | <b>Appointment to Outside Bodies</b>   | 3 - 4   |
| 5 | <b>Provision of CCTV – Establishment of a Working Group</b>  | 5 - 8   |
|   | INFORMATION ITEMS:   |         |
| 6 | <b>East Lytham Drainage - Liggard Brook &amp; Main Drain</b>   | 9 - 11  |
| 7 | <b>Progress Housing Group Annual Review for Fylde Borough Council 2015-16</b>  | 12 - 17 |
| 8 | <b>Local Government Ombudsman Report – Noise Complaint</b>   | 18 - 23 |

Contact: Katharine McDonnell - Telephone: (01253) 658423 – Email: [democracy@fylde.gov.uk](mailto:democracy@fylde.gov.uk)

The code of conduct for members can be found in the council's constitution at  
<http://fylde.cmis.uk.com/fylde/DocumentsandInformation/PublicDocumentsandInformation.aspx>

**© Fylde Borough Council copyright 2016**

You may re-use this document/publication (not including logos) free of charge in any format or medium. You must re-use it accurately and not in a misleading context. The material must be acknowledged as Fylde Borough Council copyright and you must give the title of the source document/publication.

Where we have identified any third party copyright material you will need to obtain permission from the copyright holders concerned.

This document/publication is also available on our website at [www.fylde.gov.uk](http://www.fylde.gov.uk)

Any enquiries regarding this document/publication should be sent to us at the Town Hall, St Annes Road West, St Annes FY8 1LW, or to [listening@fylde.gov.uk](mailto:listening@fylde.gov.uk).

# DECISION ITEM



| REPORT OF                            | MEETING                                   | DATE            | ITEM NO |
|--------------------------------------|---|-----------------|---------|
| RESOURCES DIRECTORATE                | ENVIRONMENT, HEALTH AND HOUSING COMMITTEE | 1 NOVEMBER 2016 | 4       |
| <b>APPOINTMENT TO OUTSIDE BODIES</b> |   |                 |         |

## PUBLIC ITEM

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

## SUMMARY

In May 2015 Council asked that the programme committees make recommendations to appointments from within their respective memberships for those outside bodies relating to the brief for the committee. This report covers an appointment which requires formalising and relates to the Environment, Health and Housing Committee.

## RECOMMENDATION

The committee is invited to

1. Recommend to Council the appointment of the Chairman of Environment, Health and Housing to the Community Safety Partnership.

## SUMMARY OF PREVIOUS DECISIONS

20th May 2015 - Council sought recommendations from individual programme committees as to nominations for representation.

9 June 2015 – Environment, Health and Housing committee nominated representatives to outside bodies

6 July 2015 – Council confirmed the nominations from the programme committees.

23 February 2016 - Environment, Health and Housing committee nominated representatives to outside bodies

11 April 2016 - Council confirmed the nominations from the programme committees.

| CORPORATE PRIORITIES   |   |
|--|---|
| Spending your money in the most efficient way to achieve excellent services<br>(Value for Money)       | ✓ |
| Delivering the services that customers expect of an excellent council (Clean and Green)                | ✓ |
| Working with all partners (Vibrant Economy)  | ✓ |
| To make sure Fylde continues to be one of the most desirable places to live<br>(A Great Place to Live) | ✓ |
| Promoting Fylde as a great destination to visit<br>(A Great Place to Visit)                            | ✓ |

## REPORT

1. The Council makes a number of appointments to outside bodies in each municipal year. In May 2015, the Council deferred the decision to appoint to '*.... allow the various programme committees the opportunity to recommend appointments from within their respective memberships for those outside bodies relating to the brief of their committee*'.
2. At its meeting on 11 April 2016, the Council made appointments to outside bodies for the forthcoming municipal year 2016/17. Nominations were sought from the programme committees for representatives to the outside bodies.
3. The Community Safety Partnership is a multi-agency body which traditionally the Leader of the Council attended and has been attending. There is a need to formalise the membership of the Community Safety Partnership, and in discussions with the Leader, it was felt that the nominated elected member representative should be drawn from the Environment, Health and Housing Committee, as the designated crime and disorder committee.
4. As the Chairman is the Council's representative on the Police Crime Commissioner Panel, it is recommended that the Chairman be appointed to the Community Safety Partnership.

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

| LEAD AUTHOR    | TEL          | DATE            | DOC ID |
|----------------|--------------|-----------------|--------|
| Tracy Morrison | 01253 658521 | 21 October 2016 |        |

| LIST OF BACKGROUND PAPERS |                           |                                  |
|---------------------------|---------------------------|----------------------------------|
| Name of document          | Date                      | Where available for inspection   |
| Report to Council         | 20 <sup>th</sup> May 2015 | <a href="#">Council web site</a> |

# DECISION ITEM



| REPORT OF  |   | MEETING | DATE            | ITEM NO |
|--|---|---------|-----------------|---------|
| RESOURCES DIRECTORATE                                | ENVIRONMENT, HEALTH AND HOUSING COMMITTEE |         | 1 NOVEMBER 2016 | 5       |
| PROVISION OF CCTV – ESTABLISHMENT OF A WORKING GROUP |   |         |                 |         |

## PUBLIC ITEM

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

### SUMMARY

This report seeks the approval of members to undertake a review of the use of rapid deployment CCTV cameras in the Fylde and in particular to identify what needs to be done to manage the replacement of cameras.

It is suggested that this review be undertaken by a Working Group set up with representation from the Environment, Health & Housing.

### RECOMMENDATIONS

1. That Committee notes the report and acknowledges the need for a review of the use and replacement of rapid deployment cameras and endorses the production of a report with recommendations for their future replacement and use.
2. That Committee appoints members to a CCTV Working Group to visit the CCTV suite at Wyre Council and work with officers on the production of the above report.
3. That the report and recommendations of the Working Group, be reported back to Committee upon conclusion for due consideration.

### SUMMARY OF PREVIOUS DECISIONS

Following a report to the Community Focus Scrutiny Committee 22nd January 2015 resolved to recommend to Cabinet

1. To note the current position with regard to the management and monitoring of the Rapid Deployment and the fixed CCTV cameras in Fylde Borough.
2. To approve the option of adding the three Lytham Town centre cameras to the existing monitored system (as outlined in the report) to be delivered through the Wyre BC and Fylde BC CCTV monitoring partnership, funded from the approved Capital programme at an estimated cost of £11,185

Community Focus Scrutiny Committee – 22 January 2015

3. To approve a fully funded budget increase of £2,151 to the CCTV replacement scheme within the approved Capital programme and that this increase be met for the additional LSP final balance.
4. As a consequence of the high risk to the existing downloading facility (outlined in paragraph 7 of the report) no further maintenance or renewal works be undertaken to other existing rapid deployment cameras, (as listed in Appendix 1 of the report) and they be decommissioned where such works are required.

5. To approve the continuation of the existing maintenance work for the existing CCTV vans, where such works are a Fylde BC responsibility, whilst

Cabinet subsequently resolved to approve the recommendations made by the Community Focus Scrutiny Committee subject to:

- Replace recommendation 1(4) on the Future of CCTV in Fylde with “To seek a further report to cabinet on the implications on the capital budget provision of the proposed conversion of the Lytham cameras, to the monitored system delivered through Wyre council, with a view to this funding being set aside in an earmarked reserve for CCTV. The long term use of this to be considered further in 2017 when the police are able to give the council a commitment to monitoring the cameras post 2017, or otherwise. In the meantime if any of the current camera locations fail, they can be considered on a case by case basis, based on a proven need being demonstrated through an impact assessment”

| CORPORATE PRIORITIES  |   |
|---|---|
| Spending your money in the most efficient way to achieve excellent services<br>( <b>Value for Money</b> )       | √ |
| Delivering the services that customers expect of an excellent council ( <b>Clean and Green</b> )                |   |
| Working with all partners ( <b>Vibrant Economy</b> )  | √ |
| To make sure Fylde continues to be one of the most desirable places to live<br>( <b>A Great Place to Live</b> ) | √ |
| Promoting Fylde as a great destination to visit<br>( <b>A Great Place to Visit</b> )                            |   |

## REPORT

1. When considering the provision of CCTV, the council must have regard to the Surveillance Camera Code of Practice issued by the Surveillance Camera Commissioner... *“when, in exercising any of its functions, it considers that the future deployment or continued deployment of surveillance camera systems to observe public places may be appropriate.”* This would include the decisions to establish the working group, and any deliberations of the working group. The council does not have to follow the code, but, if it does not do so, it would need to be prepared to justify any departure from it.
2. The code asks fundamental questions about the need and justification for surveillance cameras, even where cameras are currently deployed. Those questions must be addressed before a decision to retain, replace or introduce additional cameras could be made.
3. The code refers to article 8 of the European Convention on Human Rights (the right to respect for private and family life) and continues:  
  
*“The decision to use any surveillance camera technology must, therefore, be consistent with a legitimate aim and a pressing need. Such a legitimate aim and pressing need must be articulated clearly and documented as the stated purpose for any deployment.”*
4. It then sets out twelve guiding principles that system operators should adopt. The first two principles are particularly relevant to the question of whether surveillance should be deployed at all. The first is:  
  
*“Use of a surveillance camera system must always be for a specified purpose which is in pursuit of a legitimate aim and necessary to meet an identified pressing need.”*
5. The code goes on to explain this further:

*“Surveillance camera systems operating in public places must always have a clearly defined purpose or purposes in pursuit of a legitimate aim and necessary to address a pressing need (or needs). Such a legitimate aim and pressing need might include national security, public safety, the economic well-being of the country, the prevention of disorder or crime, the protection of health or morals, or the protection of the rights and freedoms of others That purpose (or purposes) should be capable of translation into clearly articulated objectives against which the ongoing requirement for operation or use of the systems and any images or other information obtained can be assessed.”*

6. The second principle is:

*“The use of a surveillance camera system must take into account its effect on individuals and their privacy, with regular reviews to ensure its use remains justified.”*

7. The code says that this *“points to the need for a privacy impact assessment process to be undertaken whenever the development or review of a surveillance camera system is being considered to ensure that the purpose of the system is and remains justifiable, there is consultation with those most likely to be affected, and the impact on their privacy is assessed and any appropriate safeguards can be put in place”*.
8. The council would not be complying with the code if it reviewed its use of surveillance cameras without identifying the legitimate aim that the system would pursue and the pressing need that it would address. Any identified aim and need must be translated into clearly articulated objectives and the requirement for the system must be assessed against those objectives. Any decision on a review would need to be informed by a privacy impact assessment.
9. The purpose of this report is to lay out the current situation concerning the Fylde Council CCTV provision across the Borough and both financial and logistic issues which will affect the future provision.
10. This matter was last brought to the Council in early 2015 when information was provided and a decision reached by the former Community Focus Scrutiny Committee.
11. Fylde Council have a network of cameras located throughout the town centres of St Annes, Lytham and Kirkham which are monitored throughout the daytime and into the late evenings by managed volunteers based at Wyre Civic Centre. There are 15 of this type of camera and they are permanently fixed. The Council are committed to a further 3 years on a contractual agreement with Wyre.
12. A second network of ‘Rapid Deployment’ cameras are currently located at 11 sites across the Borough. These cameras have the ability to be re-located to any one of 30 CCTV Columns which are wired to enable a camera to be connected. All the cameras and locations are currently being evaluated by the Police as to their purpose and usage in regard to crime and anti-social behaviour detection. They are all several years old with the exception of two cameras which are located in Hope Street Park, St Annes and Bridges playing Fields, Warton; which were funded independently but maintained by the Council.
13. The ‘Rapid Deployment’ cameras are backed up by the two mobile CCTV Vans, operated by the Police. The vans carry a CCTV camera on board and they work in conjunction with the ‘Rapid Deployment’ cameras. The vans are maintained by the police and the CCTV equipment is maintained by Fylde Council via the Revenue budget.

14. Compliance with CCTV Regulation requires regular reviews of CCTV cameras operating in public space areas to comply with a set of compliance rules and to justify the use of cameras.
15. In Fylde, it has been agreed that our justification is based on the need to prevent and detect crime and anti-social behaviour and to provide public reassurance and safety.
16. An evaluation of all cameras operating has to be undertaken and a weekly report is received by Wyre CCTV management which provides details of when the cameras have been used to monitor activity which has or has provided recorded evidence of a crime or raised a suspicion.
17. Effectively, there is full justification for the 'Monitored' cameras in Fylde.
18. However, the 'Rapid Deployment' cameras present a different scenario in that the amount of usage in terms of crime and anti-social behaviour detection is minimal and the evaluation of the actual benefits of these cameras is questionable.
19. It is virtually impossible to measure the effect of 'prevention' work and public reassurance is provided by public opinion and anecdotal evidence. Notwithstanding that cameras located in several parks in Fylde provide a high degree of the feeling of public safety, it has proven difficult to analyse accurately.
20. Several of the Rapid Deployment cameras are operating on CCTV Columns which were purchased many years ago. The columns do not provide the stability needed to enable the cameras to operate and to be effective require replacing.
21. In terms of the 'Rapid Deployment Cameras' there are potentially a number of options to consider in taking CCTV in Fylde forward. Furthermore, a future review will be needed when the Capital budget has been fully spent and it is recommended that a Working Group is established to consider future CCTV provision through rapid deployment cameras.

| IMPLICATIONS                            |  |
|---|--|
| Finance                                 | This report proposes the establishment of a working group to review the issue of CCTV camera replacement. There are no financial implications arising directly from this report. |
| Legal                                   | No implications arising directly from the report.  |
| Community Safety                        | As highlighted within the report.  |
| Human Rights and Equalities             | No implications arising directly from the report.  |
| Sustainability and Environmental Impact | No implications arising directly from the report.  |
| Health & Safety and Risk Management     | No implications arising directly from the report.  |

| LEAD AUTHOR  | TEL          | DATE                          | DOC ID |
|--------------|--------------|-------------------------------|--------|
| Chris Hambly | 01253 658422 | 20 <sup>th</sup> October 2016 |        |

| LIST OF BACKGROUND PAPERS |      |                                |
|---------------------------|------|--------------------------------|
| Name of document          | Date | Where available for inspection |
|                           |      |                                |



# INFORMATION ITEM



| REPORT OF  | MEETING                                      | DATE            | ITEM NO |
|--|--|-----------------|---------|
| DEVELOPMENT SERVICES<br>DIRECTORATE                          | ENVIRONMENT, HEALTH AND HOUSING<br>COMMITTEE | 1 NOVEMBER 2016 | 6       |
| <b>EAST LYTHAM DRAINAGE - LIGGARD BROOK &amp; MAIN DRAIN</b> |  |                 |         |

## PUBLIC ITEM

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

### SUMMARY OF INFORMATION

Flooding and its affects has become an issue of concern for a number of members and residents.

The relatively flat topography of Fylde and its coastal location coupled with the incidence of more severe weather events has resulted in localised flooding affecting some properties and farmland. This flooding may have resulted in the pollution of main rivers within the area.

In particular Liggard Brook has a number of issues;-

- Water Quality
- Silting of the outfall to Lytham Creek
- Routine dyke maintenance

The last meeting of the Environment, Health and Housing Committee on 6 September considered an information report on the East Lytham Project. The committee asked that a meeting be arranged at the earliest opportunity between representatives of United Utilities and the Environment Agency and relevant members (with officer support) on matters associated with Liggard Brook with a view to updating the committee in due course and progress on the East Lytham report was received.

The attached information provides further details of the site visit which took place.

### SOURCE OF INFORMATION

The Environment Agency and United Utilities.

### LINK TO INFORMATION

[Information Note - East Lytham Drainage – Liggard Brook & Main Drain](#)

### WHY IS THIS INFORMATION BEING GIVEN TO THE COMMITTEE?

Members have previously wished to see improvements to the drainage of Land East of Lytham.

### FURTHER INFORMATION

Contact Andrew Dickson [andrew.dickson@fylde.gov.uk](mailto:andrew.dickson@fylde.gov.uk)

# INFORMATION NOTE



## **EAST LYTHAM DRAINAGE - LIGGARD BROOK & MAIN DRAIN**

Surface water in East Lytham is drained by two main rivers Liggard Brook and Main Drain.

- Liggard Brook; a natural river which runs through Lytham, and
- Main Drain; a man-made channel constructed in 1841 as part of a project to reclaim much of the land around Lytham for farming

Together they drain over 50km<sup>2</sup> of land between the M55 and the Ribble Estuary. These rivers are linked by a weir at Birks water course to allow water to pass from Liggard Brook into Main Drain, when water levels are high in Liggard Brook. These rivers are relatively flat and are tide locked when the tide rises twice a day. There is a pumping station at Dock bridge that operates to pump surface water into Lytham Creek when water levels reach a critical level. This facility is operated by the Environment Agency.

In particular Liggard Brook has a number of issues:-

- Water quality
- Silting of the outfall to Lytham Creek
- Routine dyke maintenance

The areas foul water drainage and combined surface water and foul drainage from the older part of Lytham drain to Ballam Road Pumping Station at Park View Playing fields or Lytham Pumping Station at Graving Dock Road. Foul water from Ballam Road is pumped on to the Lytham station and from there pumped on to the treatment works at Freckleton Marsh, these facility are operated by United Utilities.

Ballam Road pumping station has a large storage tank under Park View playing fields to take pressure off the system during heavy rainfall events. United Utilities have a permit/licence from the Environment Agency to discharge storm water into Liggard Brook from the Ballam Road storage tank when storm water levels exceed their pumping and storm water detention tank capacity.

Storms Desmond and Eva put a considerable pressure on the sewer network in December 2015 and January 2016 which led to a frequent operation of storm spills in line with United Utilities permit to discharge. The storm tank can discharge at a rate of 500 litres per second to Liggard Brook to prevent homes and businesses in Lytham from flooding with foul storm flows. The discharges into Liggard Brook were mostly rainwater which presents a low risk to the environment. There were approximately 28 storm spills between the start of December and the middle of January. This was a long period of intense rainfall which impacted much wider than solely upon the public sewer system. Since these storms around the Christmas / New year period, the storm spills from the Ballam Road asset has been infrequent and aligned with United Utilities expectations.

Water quality in Liggard Brook is classed as moderate for 2013-2015 with bad dissolved oxygen levels, high pH levels (Alkaline) and therefore bad for Invertebrates, water quality is not helped by these combined sewer overflows.

There is also a pumping station at Fairhaven and we have been informed by United Utilities Wastewater Asset Manager for Fylde that 5 spills have been recorded during the bathing season from Fairhaven pumping station, dated 19th, 20th June, 28th, 29th June and the 22nd August.

It is reported that these discharges go straight out into the main River Ribble within the estuary and have no impact upon any inland watercourses. It has been confirmed that Ballam did not spill all summer, and Lytham pumping station (Graving Dock Road) had 1 spill, this again was linked to the rainfall event of the 22nd August (similar to Fairhaven).

Cllr Lloyd arranged with United Utilities a fact finding tour of the Ballam Road Pumping Station on the 7th October 2016 which was attended by Elected Members, a local farmer, United Utilities, the Environment Agency and the Head of Technical Services at Fylde.

United Utilities Wastewater Asset Manager for Fylde explained the operation of the station and showed the newly installed real time monitoring systems on the outfall to Liggard Brook.

After the tour a discussion was held in the eco pod at Park View where Members were shown a plan of the areas surface water drainage system including Liggard Brook and Main Drain.

Water is held in these watercourses due to the low flat nature of the topography in the area and lack of gravity discharge caused by silting at the outfalls.

The Environment Agency currently have a £3m East Lytham Flood Risk Management Scheme to address this problem which was the subject of a update reported to the 6th September committee.

This scheme will protect 752 residential properties, 286 commercial properties and 974Ha of farm land at fluvial flood risk in Lytham.

The report in September also provided details of the Environment Agency plans for routine dyke maintenance in the area.

**FURTHER INFORMATION AVAILABLE FROM**

Andrew Dickson, Head of Technical Services, [andrew.dickson@fylde.gov.uk](mailto:andrew.dickson@fylde.gov.uk) , 01253 658675.

# INFORMATION ITEM



| REPORT OF   | MEETING                        | DATE            | ITEM NO |
|---|--------------------------------|-----------------|---------|
| DEVELOPMENT SERVICES<br>DIRECTORATE   | ENVIRONMENT HEALTH AND HOUSING | 1 NOVEMBER 2016 | 7       |
| <b>PROGRESS HOUSING GROUP ANNUAL REVIEW FOR FYLDE<br/>BOROUGH COUNCIL 2015-16</b> |                                |                 |         |

## PUBLIC ITEM

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

### SUMMARY OF INFORMATION

The report provide information on the six strategic aims of the Company and progress during 2015/16.

1. Provide more and better homes
2. Support individuals and communities to achieve independence
3. Create opportunities
4. Work as one team to ensure we all contribute to our business achievements
5. Develop a stronger organisation to deliver maximum benefits
6. Put customers at the heart of what we do to ensure our decisions are driven by customers' needs and aspirations

### SOURCE OF INFORMATION

Report prepared by Progress Housing Group and links to information that informed the report provided below.

### LINK TO INFORMATION

[Progress Housing Group annual review for Fylde Borough Council 2015-16](#)

<https://www.progressgroup.org.uk/news-events/news/news-2016/delivering-our-vision/>

<https://www.progressgroup.org.uk/about-us/how-we-are-performing/performance/financial-statements/>

<https://www.progressgroup.org.uk/about-us/how-we-are-run/value-for-money/>

<https://www.progressgroup.org.uk/about-us/how-we-are-performing/corporate-reports/tenant-annual-reports/>

### WHY IS THIS INFORMATION BEING GIVEN TO THE COMMITTEE?

Progress Housing Group presented to Environment, Health and Housing Committee in November 2015 requesting consent to adopt the National Housing Federation new model rules and to recognise

that when the rules were adopted by the company that the Council would no longer have the right to nominate a representative to the company's Board of management and therefore the Transfer Agreement schedule 6 part 2 section 2.8.1 would no longer have effect. Committee resolved to consent to the adoption and requested a six monthly progress statement.

<https://fylde.cmis.uk.com/fylde/MeetingsCalendar/tabid/70/ctl/ViewMeetingPublic/mid/397/Meeting/106/Committee/19/Default.aspx>

**FURTHER INFORMATION**

Contact : Kirstine Riding, Housing Services Manager 01253 658569

## **Progress Housing Group annual review for Fylde Borough Council 2015-16**

Following a Governance review by the Group it was agreed that the National Housing Federation model rules 2015 would be adopted which means that Board members are recruited through open advertisement and based on the skills and knowledge required at the time. This means that there is no longer any local authority nominated representatives on the Board. As agreed with Fylde Borough Council, an annual report has been provided to update on key activities and achievements of the Group over the past financial year.

2015-16 presented many challenges to the housing sector resulting in plans to achieve greater efficiencies whilst continuing to meet our strategic objectives.

In May 2015 Progress Housing Group launched its 2020 Business Plan, providing a framework for our work in all areas of our business. This set out 6 strategic objectives:

1. Provide more and better homes
2. Support individuals and communities to achieve independence
3. Create opportunities
4. Work as one team to ensure we all contribute to our business achievements
5. Develop a stronger organisation to deliver maximum results
6. Put customers at the heart of what we do to ensure our decisions are driven by customers' needs and aspirations

### **1. Provide more and better homes**

In 2015/16 we developed 106 new homes for general needs and supported living tenants and spent £7.1m on responsive and planned maintenance and £4m on investment and major repairs.

The average amount spent for responsive and cyclical repairs was £741 per property.

In 15/16 Progress Housing group delivered the following improvement works in the Fylde BC area;

- 65 kitchen replacements
- 26 bathroom replacements
- 77 Gas Central Heating replacements
- 12 Electric Heating replacements
- 6 roof replacements
- 2 full electrical re-wires

All our homes meet or exceed the decent homes standard.

### **Development strategy**

Progress Housing Group has a development strategy for the period 2015 to 2020 which is set within the context of the government's 2015 summer budget including rental cuts which are to be applied in the four years commencing 1 April 2016.

Progress Housing Group is committed to delivering a development programme that meets the needs and demands of its existing and future customers.

In the period to 2020, development and new business will focus on key areas which are an existing strength of the organisation both in terms of historic development success and on-going managerial expertise. These are:

- Affordable Housing (including homes let at Affordable Rents and Formula Rents)
- Housing for Sale (intermediate housing to include shared ownership, housing for outright sale and equity products)
- Supported Housing (specialist accommodation for individuals with a range of support needs)
- Housing for the elderly
- Keyworker accommodation

Within 2015/16 we developed a number of properties which came into management and were let within the year including 14 units at Lord Street, and 4 at St Michael's Close. A number of schemes have been considered in the Fylde area within the year which includes potential S106 sites at Bridgeside and Heyhouses in Lytham as well as a development opportunity at Lower Lane. We have also been seeking an alternative site to replace the Clifton Drive development.

Progress Housing Group is an active member of the Whyndyke Garden Village, working collaboratively to develop and design innovative solutions that can be introduced not only at Whyndyke, but in existing and other future developments.

## **2. Support individuals and communities to achieve independence**

Progress Housing Group is one of the UK's largest providers of supported living, providing accommodation for people with learning disabilities or mental health needs and in 2015/16 were shortlisted for a 3<sup>rd</sup> Sector Care Award for the second year running for community garden initiatives. Five supported living schemes in Lancashire also received North West in Bloom awards for community food growing.

PHG continues to support over 300 supported living tenants within Lancashire. Staff work closely with local authority commissioners to ensure tenants are able to live independently within their community. A Lancashire Forum, made up of supported living tenants across Lancashire, meets on a bi monthly basis to discuss housing and tenancy issues and to suggest service improvements. Tenants were also involved in helping PHG to develop a new website, ensuring that it is easy to navigate for tenants with support needs.

Last year we completed 795 aids and adaptations to enable tenants to continue to live independent lives. 164 of these were in the Fylde area, costing £65, 090. Satisfaction with this service remains high with 98% of tenants in Fylde being satisfied with the service received.

Progress Housing Group continues to provide independent living accommodation despite significant reductions in supporting people funding within the year. We carried out a review of this service within 2015/16 leading to a new approach to delivering support within our independent living schemes from March 2016. Further consideration is being given to delivery of support services within independent living with the likely withdrawal of supporting people funding from April 2017.

Our Progress Lifeline Service continues to grow in numbers and we are now supporting over 13,000 customers to live independently in their own homes. We receive approximately 292,000 calls per annum.

This year there has been an increase in interest in our home response service. We have extended the service to include the falls lifting service and are now supporting residential care homes to lift residents when they have fallen and are uninjured. We have established effective working arrangements with falls prevention services to make referrals.

Our Progress Lifeline, Telecare service has been successfully appointed as the service provider for the Lancashire County Council Telecare service.

We also provide the monitoring service for the Peace of Mind for Carers service, an emergency support service for informal carers across Lancashire. This service has grown to over 8,000 customers in 2016.

### **3. Creating Opportunities**

The Groups Progress Futures initiative adopts a person centred approach to work with individuals to help them achieve their own personal goals in terms of entering training, education, volunteering or employment. During 2015/16 the team have worked with 111 customers of which 37 have gone into employment, learning or work experience. Internally we have created trainee and apprenticeship opportunities, offering 8 individuals employment opportunities during 2015/16. Progress Housing Group were TPAS Northern Regional winners at this year's awards for Excellence in Employment Skills and Training Award.

We continue to deliver a range of involvement opportunities that enable us to engage with our customers to gain their views on the work we do as well as helping them to achieve their own individual targets and developing communities. Over the last twelve months we have continued to hold specialist forum and panel meetings that have allowed staff to directly consult with customers on the services they receive. We continue to support a number of community associations and work at a local level to help them build sustainable communities, empowering them to take ownership of community assets that offer a valuable facility for the whole community to use. This links in to our community capacity building programme, as we have developed a detailed selection of training courses that are delivered at a local level that aim to provide our customers and the communities in which they live with a range of both educational and practical skills, increasing the opportunities available to them.

### **4. One team**

Progress Housing Group prides itself in its one team approach and the investment made to train and develop staff to deliver excellent services for our customers. In 2015/16 we invested more than £130 000 in staff training. Our staff have worked jointly to deliver services a new, more efficient way as we have undergone a number of service reviews. This now means that we have specialist teams working across the Group to deliver Community Safety, Income Collection, Neighbourhoods, Leasehold and Community Involvement services. This has developed the knowledge and expertise across the Group to deliver services our customers want and need.



## **5. Stronger organisation**

The housing sector faced unprecedented challenges in the last year which have impacted on every area of our business. The introduction of the rent reductions resulted in a projected loss of £9million of income over the next year and the continued implementation of Welfare Reforms puts further pressure on future income streams.

To mitigate these financial challenges, we have accelerated our review of services to realise efficiency savings through the staffing structures as well as new information technology, whilst still delivering effective services. Last year we extended our use of mobile and agile working, enabling our staff to spend more time in the community with customers, whilst remaining connected to our core business systems. Over 120 staff are now mobile working with a further 100 working in an agile way.

Within the year Progress Housing group launched a new website which was a collaborative project with customer at the heart of its design and set up. This has increased digital engagement with customers and resulted in a significant boost in customer self service, such as payments online and repairs reporting. Live web chat has also been introduced and easier ways for customers to sign in have been introduced.

We continue to maximise income to the organisation through management of arrears. In 15/16 PHG current tenant arrears were 4.2%, an improvement on the previous year, despite the continued implementation of welfare reforms. Progress Housing Group has an under occupancy officer working with customers to find alternative accommodation or assisting with Discretionary Housing Payment applications. The Financial inclusion team have worked with 307 tenants over the year, helping tenants to maximise their income (£344 000 of benefit income including £109 000 housing benefit entitlement) as well as reducing rent arrears.

## **6. Customers at the Heart**

Progress Housing Group scrutiny pool carried out six service area reviews in 2015/16 making 23 recommendations for improvement.

Involvement of customers in our service is key to the delivery of effective services. Over the year we have supported a number of customers through our scrutiny services to be involved in monitoring services provided. This includes green inspectors, voids inspectors, mystery shopping, digital and energy champions as well as involvement on operational tenant forums to consult and inform service reviews.

We work in partnership with a number of organisations to ensure that our services deliver outcomes expected by our customers. In 2015/16 we managed 534 cases of antisocial behaviour, with 97.5% satisfied with the service provided.

Within the year we have been developing a social value strategy for the organisation to demonstrate the added value our services provide. This sets out a number of pledges made by the Group and a framework to deliver and measure social value across a number of business areas. We won second place in the B&Q Social Value fund awards, securing £3000 to deliver a project that adds value to the lives of our customers.

# INFORMATION ITEM



| REPORT OF   |   | MEETING | DATE            | ITEM NO |
|---|---|---------|-----------------|---------|
| MONITORING OFFICER                                  | ENVIRONMENT, HEALTH AND HOUSING COMMITTEE |         | 1 NOVEMBER 2016 | 8       |
| LOCAL GOVERNMENT OMBUDSMAN REPORT – NOISE COMPLAINT |   |         |                 |         |

## PUBLIC ITEM

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

### SUMMARY OF INFORMATION

The report introduces the Local Government Ombudsman report into a complaint made by a resident that the Council harassed her because of her neighbours' noise nuisance complaints against her; and did not properly look into her noise nuisance complaints about her neighbour.

The Ombudsman found there was no fault in the Council's treatment of Ms X when it investigated a number of noise nuisance complaints against her. The Ombudsman did, however find fault with the Council, as it did not address Ms X's noise nuisance complaints against her neighbour in a timely manner. The Council has agreed to apologise to Ms X for the delays it caused.

The Ombudsman is satisfied with this suitable remedy.

### SOURCE OF INFORMATION

Ombudsman Report (reference number: 15 018 266)

### LINK TO INFORMATION

[Local Government Ombudsman Report](#)

### WHY IS THIS INFORMATION BEING GIVEN TO THE COMMITTEE?

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

Members are to note the report that concludes the Ombudsman is satisfied with the Council's remedy and no further action is required.

### FURTHER INFORMATION

Contact Tracy Morrison, Monitoring Officer. Tel 01253 658658.

**Complaint reference:**  
15 018 266

**Complaint against:**  
Fylde Borough Council

## **The Ombudsman's final decision**

Summary: The Council was not at fault in the way it dealt with a number of noise nuisance complaints against Ms X. However, the Council is at fault for failing to deal with Ms X's noise nuisance complaints about her neighbours in a timely manner. It should apologise to Ms X for this.

---

## **The complaint**

1. Ms X complained the Council:
  - harassed her because of her neighbours' noise nuisance complaints against her; and
  - did not properly look into her noise nuisance complaints about her neighbour.

## **The Ombudsman's role and powers**

2. The Ombudsman investigates complaints about 'maladministration' and 'service failure'. In this statement, I have used the word fault to refer to these. She must also consider whether any fault has had an adverse impact on the person making the complaint. I refer to this as 'injustice'. If there has been fault which has caused an injustice, she may suggest a remedy. (*Local Government Act 1974, sections 26(1) and 26A(1)*)
3. If the Ombudsman is satisfied with a council's actions or proposed actions, she can complete her investigation and issue a decision statement. (*Local Government Act 1974, section 30(1B) and 34H(i)*)

## **How I considered this complaint**

4. I have spoken to Ms X and considered the information she provided.
5. I have considered the information provided by the Council. This includes a copy of the Council's Anti-Social Behaviour Policy and Community Protection Notice (CPN) procedures and the log sheets taken from the noise recordings. I have also spoken to the Council's Principal Environmental Protection Officer.

## **What I found**

### **The law and council policy**

6. The role of the Ombudsman in anti-social behaviour complaints is to consider whether a council has complied with its policy and procedures and the law. I would expect the council to consider all the relevant information and take action proportionate to the complaint.

- 
7. Councils have a responsibility to deal with statutory nuisance, including noise nuisance, under the Environmental Protection Act 1990.
  8. Under the Anti-Social Behaviour, Crime and Policing Act 2014, councils can issue a CPN for anti-social behaviour, including noise nuisance, which does not amount to statutory nuisance.
  9. The Council is required to investigate complaints of noise nuisance. It will gather evidence to establish whether or not the noise is a statutory noise nuisance or an anti-social noise nuisance.
  10. If the Council finds the noise is at a level that is anti-social, it may issue a CPN. CPNs can be issued where there are reasonable grounds to believe the subject's conduct is:
    - having a detrimental effect on the quality of life of those in the locality;
    - unreasonable; and
    - creating an effect which is of a persistent or continuing nature.
  11. Before issuing a CPN, the council must issue a warning letter. Failure to comply with a CPN can result in court action and a fine.

### **What happened**

12. Ms X lives in a privately owned, first-floor flat in a detached house. The flat beneath her is rented by Mr and Ms Z who moved in around the beginning of 2015. Mr and Ms Z began complaining to the Council and then the Police about the noise Ms X was making shortly after they moved in. Mr and Ms Z said Ms X was regularly making unacceptable levels of noise very early in the morning, sometimes from 3:00am.
13. An attempt at mediation took place in April 2015 which did not succeed. Following this, between 17 and 23 April 2015, the Council installed recording equipment in Mr and Ms Z's flat. The officer's notes show noise described as *"loud thuds, bangs and stomping"* in the early hours of the morning coming from Ms X's flat on at least 24 occasions.
14. Following this, the Council met with the management company of the flats in an attempt to resolve the noise issues. This did not result in any improvements.
15. Mr and Ms Z continued to complain to the Council and on 4 June 2015, the Council emailed Ms X and said:

*"This letter is a final warning advising you to consider your actions and desist from making noise at unsociable hours that are disturbing other residents. If further complaints are received and evidence gathered to confirm the allegations then a noise abatement notice will be served."*
16. After receiving this email, Ms X responded to complain about a *"banging door"* in Mr and Ms Z's flat which was disturbing her. She did not receive a response from the Council.
17. On 24 June 2015, Ms X's solicitors emailed the Council. They said Ms X had complained to them about *"excessive noise"* made by Mr and Ms Z. Although the Council responded to this email on 26 June 2015, its response related to the complaints against Ms X and it made no reference to Ms X's complaint against her neighbours.

- 
18. Ms X emailed the Council on both 26 and 27 June 2015 to complain about the noise from Mr and Ms Z's flat. Again, even though the Council responded, it did not address this complaint.
19. Between 17 and 22 June 2015, the Council once more installed recording equipment in Mr and Ms Z's flat. The officer's notes show noise described as *"loud thuds, bangs and stomping"* in the early hours of the morning coming from Ms X's flat on at least 25 occasions.
20. Between 30 June and 15 July 2015, Mr and Ms Z complained four more times about the noise from Ms X's flat.
21. On 16 July 2015, the Council issued Ms X with a warning letter. This said Ms X should:
- stop making *"heavy impact noises"* which woke up Mr and Ms Z; and
  - not carry out her exercise routines until after 7:00am.
22. The letter also said:
- "If you continue to partake in the above conduct the Council may serve a Community Protection Notice on you requiring you to undertake the above steps."*
23. Mr and Ms Z told the Council things seemed to improve after it issued the warning letter. However, in August 2015, they told the Council the early morning noises had started again.
24. Ms X complained again about Mr and Ms Z's door on 21 July 2015 and again on 4 August 2015, after receiving no response from the Council about her complaint. On 5 August 2015, the Council emailed Ms X and said it would speak to Mr and Ms Z about the door. On 28 September 2015, Ms X contacted the Council and said the situation was *"alot better. Wont bother you unless it gets several times a night and a few days in a row."*
25. Between August 2015 and February 2016, Mr and Ms Z complained to the Council 11 times about the early morning noise coming from Ms X's flat.
26. Between 4 and 8 February 2016, the Council installed sound equipment in Mr and Ms Z's flat for the third time. The officer's notes show noise described as *"v. loud banging, loud thuds and stomping"* in the early hours of the morning coming from Ms X's flat on 15 occasions.
27. The Council has taken no further action against Ms X in relation to Mr and Ms Z's complaints.

## **My findings**

### **The Council harassed Ms X**

28. Ms X complained the Council harassed her during its investigation into Mr and Ms Z's noise complaints. In its response to her Stage 3 complaint, the Council said:

*"[Our] email correspondence and other contacts with [Ms X] were in the context of seeking to understand the factors that contributed to your neighbour's complaints of excessive noise and trying to help you manage these factors that lay within your control. In short [the Council] was attempting to find a solution that did not involve formal action."*

- 
29. From the emails Ms X and the Council have sent me, I can find no evidence of harassment by the Council. Some of the email correspondence to Ms X was in response to emails she had sent, some of which asked the Council for advice. At other times, the Council emailed her to tell her it had received further complaints from her neighbours.
30. On 4 June 2015, the Council gave Ms X prior warning that it would start formal action if she did not reduce the early morning noise. It also installed recording equipment once again in the downstairs flat before finally issuing a CPN warning letter to her on 16 July 2015.
31. It is clear the Council first tried to resolve the matter informally. This is something I would expect to see and the correspondence between the Council and Ms X forms part of this. As a result, I do not find any fault in the Council's actions.

**The Council did not investigate Ms X's noise nuisance complaints**

32. Ms X complained to the Council that Mr and Ms Z repeatedly banged their bathroom door, which disturbed her. She complained about this on 4 June, 24 June (through her solicitors), 26 June, 27 June, 14 July and 21 July 2015. Although she received some email correspondence from the Council, it did not address her complaint. It was not until 5 August 2015 the Council emailed her and said it would talk to Mr and Ms Z. On 25 September 2015, the Council said it had contacted them about the bathroom door. On 28 September 2015, Ms X said she was satisfied with the steps her downstairs neighbours had taken.
33. In its response as part of my investigation, the Council said:
- "At the time of her complaint regarding her neighbour's bathroom door banging [we were] in receipt of a number of complaints against her from the said neighbour. [We] did not feel it appropriate to proceed at that time due to risk of creating a tit for tat situation and in [our] opinion would aggravate the neighbour.*
- However once the situation with [Ms X] had, at that time been resolved as informed by [Mr Z] [we] advised him that she had complained about the door banging."*
34. The Council's Anti-Social Behaviour Policy says officers will contact the complainant within three working days of receiving a complaint. While it is clear Ms X's complaints formed part of a larger, ongoing matter, I would expect the Council to treat her complaints in the same way it treated Mr and Ms Z's complaints. The Council did not acknowledge her concerns; nor did it investigate them or explain to Ms X what action it was, or was not, proposing to take and why. Ms X had to complain six times over a three month period before the Council addressed her concerns. It then took the Council a further six weeks to tell Ms X it had spoken to Mr and Ms Z about the matter. This is fault.
35. Once the Council did take the appropriate action about Ms X's complaints, the matter was resolved to her satisfaction.

**Agreed action**

36. The Council has agreed to apologise to Ms X because it did not deal with her complaints in a timely manner.

---

## **Final decision**

- 37. There is no fault in the Council's treatment of Ms X when it investigated a number of noise nuisance complaints against her.
- 38. However, the Council is at fault for failing to address Ms X's noise nuisance complaints about her neighbours in a timely manner. The Council has agreed to apologise to Ms X for the delays it caused. That is a suitable remedy. Therefore, I have completed my investigation.

## **Investigator's decision on behalf of the Ombudsman**