

## **EXECUTIVE CABINET**

THURSDAY, 14TH MARCH 2019, 6.30 PM  
COUNCIL CHAMBER, TOWN HALL, CHORLEY

### **AGENDA**

#### **APOLOGIES FOR ABSENCE**

1 **MINUTES OF MEETING THURSDAY, 14 FEBRUARY 2019 OF EXECUTIVE CABINET**

(Pages 5 - 10)

2 **DECLARATIONS OF ANY INTERESTS**

Members are reminded of their responsibility to declare any pecuniary interest in respect of matters contained in this agenda.

If you have a pecuniary interest you must withdraw from the meeting. Normally you should leave the room before the business starts to be discussed. You do, however, have the same right to speak as a member of the public and may remain in the room to enable you to exercise that right and then leave immediately. In either case you must not seek to improperly influence a decision on the matter.

3 **PUBLIC QUESTIONS**

Members of the public who have requested the opportunity to ask a question(s) on an item(s) on the agenda will have three minutes to put their question(s) to the respective Executive Member(s). Each member of the public will be allowed to ask one short supplementary question.

#### **ITEM OF DEPUTY EXECUTIVE LEADER AND EXECUTIVE MEMBER (RESOURCES) (INTRODUCED BY COUNCILLOR PETER WILSON)**

4 **JOINT PROCUREMENT STRATEGY**

(Pages 11 - 26)

To consider and receive the report of the Chief Executive.

5 **ALLOCATION OF COMMUNITY INFRASTRUCTURE LEVY FUNDS**

(Pages 27 - 30)

To consider and receive the report of the Director (Business, Development and Growth).

**ITEM OF EXECUTIVE MEMBER (PUBLIC PROTECTION) (INTRODUCED BY COUNCILLOR PAUL WALMSLEY)**

**6 REVISED LOCAL ENFORCEMENT PLAN**

(Pages 31 - 46)

To consider and receive the report of the Director (Customer and Digital).

**ITEM OF EXECUTIVE MEMBER (EARLY INTERVENTION) (INTRODUCED BY COUNCILLOR BEV MURRAY)**

**7 NEIGHBOURHOOD PRIORITIES 2019-20**

(Pages 47 - 52)

To consider and receive the report of the Director (Early Intervention and Support).

**8 EXCLUSION OF THE PUBLIC AND PRESS**

To consider the exclusion of the press and public for the following items of business on the ground that it involves the likely disclosure of exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972.

By Virtue of Paragraph 3: Information relating to the financial or business affairs of any particular person (including the authority holding that information)

Condition:

Information is not exempt if it is required to be registered under-  
The Companies Act 1985

The Friendly Societies Act 1974

The Friendly Societies Act 1992

The Industrial and Provident Societies Acts 1965 to 1978

The Building Societies Act 1986 (recorded in the public file of any building society, within the meaning of the Act)

The Charities Act 1993

Information is exempt to the extent that, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

Information is not exempt if it relates to proposed development for which the local planning authority may grant itself planning permission pursuant to Regulation 3 of the Town & Country Planning General Regulations 1992(a).

**ITEM OF EXECUTIVE LEADER AND EXECUTIVE MEMBER (ECONOMIC DEVELOPMENT AND PUBLIC SERVICE REFORM) (INTRODUCED BY COUNCILLOR ALISTAIR BRADLEY)**

**9 KEM MILL LANE PLAYING FIELDS**

(Pages 53 - 58)

To consider and receive the report of the Director (Business, Development and Growth).

**ITEM OF EXECUTIVE MEMBER (EARLY INTERVENTION) (INTRODUCED BY COUNCILLOR BEV MURRAY)**

**10 LEISURE CONTRACT REVIEW**

To consider and receive the report of the Director (Early Intervention and Support).

**11 ANY URGENT BUSINESS PREVIOUSLY AGREED WITH THE CHAIR**

(Pages 59 -  
128)

GARY HALL  
CHIEF EXECUTIVE

Electronic agendas sent to Members of the Executive Cabinet Councillor Alistair Bradley (Chair), Councillor Peter Wilson (Vice-Chair) and Councillors Beverley Murray, Jane Fitzsimons, Paul Walmsley and Adrian Lowe.

If you need this information in a different format, such as larger print or translation, please get in touch on 515151 or [chorley.gov.uk](http://chorley.gov.uk)

To view the procedure for public questions/ speaking click here

<https://democracy.chorley.gov.uk/documents/s67429/Appendix%203%20Standing%20Orders%20Aug%2016.pdf> and scroll to page 48

To view the procedure for “call-in” of Executive Decisions click here

<https://democracy.chorley.gov.uk/ieListMeetings.aspx?CId=117&Year=0>

This page is intentionally left blank

**MINUTES OF****EXECUTIVE CABINET****MEETING DATE****Thursday, 14 February 2019****MEMBERS PRESENT:**

Councillor Alistair Bradley (Chair), Councillor Peter Wilson (Vice-Chair) and Councillors Beverley Murray, Jane Fitzsimons, Paul Walmsley and Adrian Lowe

**OFFICERS:**

Gary Hall (Chief Executive), Chris Sinnott (Director (Early Intervention and Support)), Asim Khan (Director (Customer and Digital)), Rebecca Huddleston (Director (Policy and Governance)), Chris Moister (Head of Legal, Democratic & HR Services), Philippa Braithwaite (Democratic and Member Services Officer) and Rebecca Aziz-Brook (Transformation Programme Coordinator)

**OTHER MEMBERS:**

Councillors Aaron Beaver, Eric Bell, Gordon France, Danny Gee, Tom Gray, Yvonne Hargreaves, Marion Lowe and Alistair Morwood

**19.EC.91 Minutes of meeting Thursday, 17 January 2019 of Executive Cabinet**

**Decision: That the minutes of the Executive Cabinet meeting held on 17 January 2019 be confirmed as a correct record for signature by the Executive Leader.**

**19.EC.92 Declarations of Any Interests**

There were no declarations of interests.

**19.EC.93 Public Questions**

There were no public questions received.

**19.EC.94 Chorley Council Performance Monitoring – Third Quarter 2018/19**

Councillor Peter Wilson, Executive Member (Resources), presented the report of the Director (Policy and Governance) which sets out the performance against the delivery of the Corporate Strategy and key performance indicators during the third quarter of 2018/19, 1 October – 31 December 2018.

Overall, performance of key projects is good, with nine (75%) of the projects rated as green or complete and three (25%) projects currently rated amber. Performance of the Corporate Strategy indicators and key service delivery measures is also good, with

89% of Corporate Strategy measures performing on or above target or within the 5% threshold, and 89% of key service delivery measures are performing on or above target or within the 5% threshold. Those indicators performing below target have action plans outlined with measures to improve performance.

In response to a Member's query about Primrose Gardens, Councillor Jane Fitzsimons confirmed 40 provisional offers had been sent out with more places to be offered as the building opened. With regard to the levels of sickness absence, Councillor Wilson advised that the figures were skewed from long term sickness absences and that there was no single reason or department responsible.

**Decision:**

That the report be noted.

**Reasons for Recommendation(s):**

To facilitate the on-going analysis and management of the Council's performance in delivering the Corporate Strategy.

**Alternative options considered and rejected:**

None.

**19.EC.95 Revenue & Capital Budget Monitoring 2018/19 Report 3**

Councillor Peter Wilson, Executive Member (Resources), presented the report of the Chief Finance Officer which sets out the provisional revenue and capital outturn figures for the Council as compared against the budgets and efficiency savings targets set for the financial year 2018/19.

**Decision:**

1. Note the full year forecast position for the 2018/19 revenue budget and capital investment programme.
2. Note the forecast position on the Council's reserves.
3. Request Council approval for the contribution of £100,000 from in-year revenue underspends to finance the next phase of CCTV infrastructure in the capital programme.
4. Request Council approval for the contribution of £60,000 from in-year revenue underspends to the Income Generation Reserve.
5. Request Council approval for the contribution of £210,000 from in-year revenue underspends to create a Council Tax Costs Bad Debt Provision.
6. Request Executive Cabinet approval for the contribution of £40,000 from in-year revenue underspends to the Market Walk income equalisation reserve.
7. Request Council note the capital programme to be delivered in 2018/19 to 2020/21.
8. Request Council approve the budget changes to the capital programme outlined in paragraph 50.

**Reasons for Recommendation(s):**

To ensure the Council's budgetary targets are achieved.

**Alternative options considered and rejected:**

None.

**19.EC.96 Housing Strategy**

Councillor Jane Fitzsimons, Executive Member (Homes and Housing), presented the report of the Director (Early Intervention and Support) which sets out the draft housing strategy for consideration and approval to consult with stakeholders. The strategy is a live document covering the period 2019 to 2024, with an action plan for the first 12 months that will be reviewed and refreshed each year.

**Decision:**

That the draft housing strategy be accepted for consultation and presentation to Council for approval.

**Reasons for Recommendation(s):**

The housing strategy provides an opportunity to set out in a single document the range and depth of work undertaken by the council in relation to housing. Consulting on the strategy provides the opportunity for partners and other stakeholders to provide feedback and work with the council.

**Alternative options considered and rejected:**

To not consult on the strategy. This was rejected because the consultation provides an opportunity to potentially refine the strategy and to engage with partners on its delivery.

**19.EC.97 Exclusion of the Public and Press**

**Decision: To exclude the press and public for the following items of business on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972.**

**19.EC.98 Provision of IT Connectivity and Equipment at Chorley Digital Office Park**

Councillor Alistair Bradley, Executive Member (Economic Development & Public Service Reform), presented the confidential report of the Director (Business Development and Growth) which seeks approval to place a direct order for the ongoing connection, servicing and software solutions for the primary and back-up circuit connection installations at Chorley Digital Office Park (CDOP).

Members noted that the previous procurement exercise had failed to identify a suitable provider for the data/broadband (BB) provision. As the requirement to procure a service provider is time critical, Essensys, who were previously involved at the design stage of the project, were approached and have confirmed that they would be able to provide both data/BB services as part of a complete Digital Office Hub management solution encompassing both IT and management systems.

Gary Hall, Chief Executive, advised that although not the original plan, this outcome was preferred as Essensys offered a purpose-built software application specifically

designed for multi tenanted buildings. In addition, having one provider offered a managed service approach resulting in better day to day control.

**Decision:**

That authority be given to place a direct order with the supplier Essensys Ltd for the ongoing connection and software costs for the primary and back-up circuit connections at CDOP.

**Reasons for Recommendation(s):**

Due to a previously unsuccessful procurement exercise and the time taken to comprehensively investigate an alternative data/broadband solution for CDOP, the time period until the building opens is constrained. Approval for an advance order for a time-critical part of the installation has been secured via a procurement waiver to ensure that the CDOP opens on time and is fit for purpose from the outset.

**Alternative options considered and rejected:**

To re-start procurement and prepare and re-tender for broadband services. There is a lead-in time of up to 3-months for connections and this combined with the timescales for re-tendering for this procurement would significantly jeopardise the building being fully-operational for tenants opening.

**19.EC.99 Approval for Procurement of Contractors to Undertake Reactive and Planned Maintenance**

Councillor Peter Wilson, Executive Member (Resources), presented the confidential report of the Director (Business, Development & Growth) which seeks approval for the procurement approach including the award procedure, evaluation methodology and criteria for the engagement of contractors to undertake reactive and planned maintenance on council property assets.

**Decision:**

1. Approval to tender for the appointment of four contractors to undertake general building repairs, electrical works, gas/heating works and alarms system maintenance for both reactive and planned works. Each independent contract to commence on 6th May 2019 for an initial one-year period, with an option to extend for a further two years to 31st March 2022.
2. Approval for the contracts to be awarded by the Executive Member (Resources) by means of an Executive Member Decision.

**Reasons for Recommendation(s):**

1. The Council has statutory obligations to provide quarterly, bi annual and annual service and testing requirements to comply with health and safety and statutory requirements. The Council has a contractual obligation with its tenants to provide reactive and planned maintenance in a timely manner, providing emergency repairs as necessary. This proposed tender exercise ensures that these services will enable the Council to fulfil its obligations.
2. The Councils Contract Procurement Rules stipulate that Executive Cabinet approval is required for all contracts over £100,000. Tendering the services separately is likely to encourage smaller local enterprises to submit tenders, the prospects of which would reduce if the services were tendered as a combined package.

**Alternative options considered and rejected:**

1. The option of seeking a waiver to extend the existing delivery arrangements for the Reactive and Planned Maintenance services was explored but rejected on the basis that there was no reasonable justification for doing this any longer.
2. The option of bringing the services in-house was considered but ruled out due to lack of capacity within the present staffing structure to deliver the service. In addition there are concerns that insufficient skilled trade's persons could be recruited to provide adequate 24 hour cover. Also it was deemed that overhead cost would significantly inflate the delivery cost.
3. The option of tendering the services in a combined tender was also considered but rejected. The Council's research and past experience in tendering repairs and maintenance services has shown that a limited number of contractors would express an interest. Usually larger contractors are attracted which have the diverse skill base to cover all work categories. This would therefore, likely to deter local companies from expressing an interest in these tender opportunities.

Chair

Date

This page is intentionally left blank



Report of	Meeting	Date
Chief Executive (Introduced by the Executive Member for Resources)	Executive Cabinet	14 <sup>th</sup> March 2019

## **JOINT PROCUREMENT STRATEGY 2015 TO 2018 PERFORMANCE REPORT & PROPOSALS FOR A NEW 3 YEAR JOINT PROCUREMENT STRATEGY**

### **PURPOSE OF REPORT**

1. This report sets out the performance achieved against the 2015 -2018 Chorley Borough and South Ribble Borough Councils Joint Procurement Strategy (JPS) and includes recommendations for a new refreshed 3 year JPS commencing 1.4.19 for members comment and discussion.

### **RECOMMENDATION(S)**

- 2.1 that the contents of this performance report are noted
- 2.2 that the proposed refreshed Joint Procurement Strategy included at Appendix 3 is adopted

### **EXECUTIVE SUMMARY OF REPORT**

3. Chorley and South Ribble Borough Councils have operated a shared procurement service as part of a wider financial and shared assurance service since January 2009. A joint procurement strategy was implemented later that same year.
4. The 2015 to 2018 Joint Procurement Strategy has now expired. This report therefore provides background and information as to the progress achieved so far, and provides the rationale for the proposed, refreshed Joint Procurement Strategy, included at Appendix 3.
5. The contents of this report were initially presented to the 7th February SSJC who approved the JPS being taken forward at both authorities.

<b>Confidential report</b> Please bold as appropriate	Yes	<b>No</b>
--	-----	-----------

<b>Key Decision?</b> Please bold as appropriate	Yes	<b>No</b>
--	-----	-----------

<b>Reason</b> Please bold as appropriate	1, a change in service provision that impacts upon the service revenue budget by £100,000 or more	2, a contract worth £100,000 or more
---	---	--------------------------------------

	3, a new or unprogrammed capital scheme of £100,000 or more	4, Significant impact in environmental, social or physical terms in two or more wards
--	---	---

**REASONS FOR RECOMMENDATION(S)**

**(If the recommendations are accepted)**

- 6. To set out procurement priorities and provide a clear framework, plan and direction on how to achieve these.

**ALTERNATIVE OPTIONS CONSIDERED AND REJECTED**

- 7. To not renew the Joint Procurement Strategy. This would mean that the Council would not have clearly defined procurement priorities and would not have a clear framework, plan and direction on how to achieve these.

**CORPORATE PRIORITIES**

- 8. This report relates to the following Strategic Objectives:

Involving residents in improving their local area and equality of access for all	x	A strong local economy	x
Clean, safe and healthy homes and communities	x	An ambitious council that does more to meet the needs of residents and the local area	x

**BACKGROUND**

- 9. Chorley and South Ribble Borough Councils have operated a shared procurement service as part of a wider financial and shared assurance service since January 2009. A joint procurement strategy was implemented later that same year.
- 10. The 2015 to 2018 Joint Procurement Strategy (JPS) has now expired. Recommendations for a revised Strategy moving forward have been delayed pending publication of the new draft 2018 National Procurement Strategy and also to provide for, senior management and structure changes, in order to ensure effective consultation and buy-in to any new proposals moving forward.
- 11. The expired 2015/2018 JPS includes objectives and actions based on four Joint Procurement Priorities linked to the 2014 National Procurement Strategy (NPS) themes as listed below:

Joint Procurement Priority	2014 NPS Theme
Procurement that is effectively managed and monitored complying with relevant rules both internal and external	Leadership
Procurement that engages all buyers/commissioners, is market aware and delivers sustained competitiveness and value for money	Making Savings
Procurement that is inclusive, sustainable and socially responsible	Supporting Local Economies
Procurement that works with partners and suppliers to everyone's advantage and exploits the benefits of technology	Modernising Procurement

A copy of the 2015 -2018 strategy is attached at Appendix 2 for information.

12. This report sets out at Appendix 1 the performance achieved against the 2015 -2018 Strategy and includes recommendations for a new refreshed 3 year Joint Procurement Strategy commencing 1.4.19.

### **SUMMARY OF PROGRESS AND ACHIEVEMENTS**

13. Significant progress and achievements have been made during the life of the Joint Procurement Strategy. Key achievements include:
  - Guidance, promotion and awareness across both Councils including presentation to SRBC Core Managers, and one to one and team sessions as appropriate.
  - Maintenance and promotion of useful guidance documentation including a quick reference Pocket Guide of the Procurement Process and a detailed more comprehensive Staff Guide to Procurement.
  - Development and publication of a Members Pocket Guide to Procurement.
  - Standard Conditions of Contract Pack including template sets of Conditions for various contract types together with user guidance, maintained and published in consultation with Legal Services at both CBC and SRBC and implemented across both authorities.
  - Template Quotation and Tender documentation maintained and used at both authorities to simplify the procurement process for both officers and suppliers
  - Management of the Chest e-procurement portal, including migration to Version 3.
  - Review and Update of Contracts Procedure Rules at both authorities including new requirements arising from the 2015 Public Contracts Regulations including Contracts Finder obligations, together with some additional practical updates to ensure the rules remain effective, clear, and fit for purpose, and minimising bureaucracy whilst maintaining effective control.
  - Use of national frameworks where appropriate to maximise efficiencies in the procurement process and take full advantage of collaborative opportunities e.g. insurance, vehicles, energy, construction, consultancy, agency staff, office stationary, Microsoft Licensing, ICT projects etc.
  - Delivery of several inter-authority collaborative procurement projects including insurance, PPE (Personal Protective Equipment), janitorial products, spring and summer bedding plants, consultancy etc.
  - Provision of valued professional procurement advice and support across both Councils from day to day general assistance to major procurement exercises and significant corporate projects including the major waste and recycling contracts at both authorities, several high value vehicle procurements, the Joint Insurance Tender, the ERDF funded Digital Office Park project at Chorley and various D & B of play schemes, building and regeneration works etc.
  - Achieving consistently high results in customer satisfaction surveys, including an excellent rate of 100% overall customer satisfaction in each of the last three annual surveys.
  - Consistent delivery of a high quality service with blended working across all service areas.
  - Detailed spend analysis carried out to identify a clear picture of procurement, establish procurement opportunities, and also areas where additional training may be required.

- Development at SRBC in consultation with IT, Legal and other colleagues of an e-workflow on Firmstep to process waiver of intermediate value Contracts Procedure Rule (CPR) requests, capturing required approvals and additional Finance and procurement comments. The system will provide a full e-audit history, and a fully searchable database of all waiver requests submitted through it. A similar system is already in operation at CBC.
- Significant procurement efficiencies achieved through the procurement process exceeding the £100,000 cumulative strategy target for each Council. The Procurement Team have been involved in a wide variety of procurement and tendering processes and, over the three year Strategy life procurement activity has generated efficiencies for both Councils as set out below. The vast majority of savings have been calculated by comparing the accepted tender cost with budget provision /pre-contract estimate or by comparing the accepted tender cost with the previous contract cost where the procurement is a contract renewal. Some savings have resulted in an actual budget reduction or have released funds to provide more for goods/ services/works.

Recorded procurement efficiencies for financial years 15/16, 16/17 and 17/18 achieved a cumulative total as detailed below.

- SRBC £2,091,947
- CBC £483,510

The significantly higher total achieved at SRBC is a result of the high annual savings achieved through the procurement of the waste partnering contract which resulted in a change of Contractor.

Significant savings in excess of £1.2 million per year (less £0.1 million mobilisation costs in year 1) have also been achieved in the recent procurement of the CBC waste contract and will be realised with effect from the commencement of the new contract with FCC from April 2019. It's worth noting that the new CBC waste contract will build further on CBC/ SRBC partnership working, generating efficiencies and savings for both authorities with a shared FCC Contract Manager, and with depot, servicing and maintenance facilities provided for both authority contracts from the SRBC Moss Side depot.

## **CURRENT POSITION AND MOVING FORWARD**

14. Since the commencement of the Shared Procurement Service and the first Joint Procurement Strategy in 2009, many of the building blocks to an effective procurement service have been put in place including promotion and training, published guidance, awareness of social value and sustainable procurement, model documents, reviews of procedures and rules, a new financial system, e-tendering system and spend analysis. This has led to a gradual escalation of the procurement profile, and an improved culture and overall awareness of the importance of modern, best practice procurement processes, rules and procedures and relevant legislation. This in turn has resulted in an increased growth and demand for procurement support as more and more procurement opportunities are channelled through the Procurement Team.
15. As demand for the service has increased, resources within the shared Procurement team have become increasingly stretched and it is important that future plans and priorities recognise and take account of this. Moving forward we need to maintain and build on the achievements whilst continuing to be flexible and innovative taking advantage of new opportunities moving forward. This will require effective leadership, commitment and engagement at all levels to ensure that all officers are effectively aware, engaged and committed to their procurement responsibilities in delivering the Councils' respective corporate priorities and joint procurement priorities.

**THE NEW 2018 NATIONAL PROCUREMENT STRATEGY**

16. A new 2018 National Procurement Strategy (NPS) was launched in July 2018. The starting point for 2018 NPS is that councils are already well along the path set out in the previous 2014 NPS.
17. The 2018 NPS recognises that procurement is not just about compliance or tactical issues (these are a given necessity), but is a key tool in helping deliver corporate priorities and ambitions. This will require strong and effective leadership with best use of resources through partnership, working with all those involved in the procurement and commissioning process, budget holders, suppliers, the wider public sector and other stakeholders.
18. The NPS focuses on the three themes listed below which are broken down further into a number of key areas.
  - showing leadership
  - behaving commercially
  - achieving community benefits.
19. The NPS recognises that “a one size fit’s all” approach is not supported and it’s noted that district councils may, for example, have different objectives than larger Councils and that choices will naturally reflect local priorities and the resources available to the Council.

**RECOMMENDATION FOR A NEW 3 YEAR JOINT PROCUREMENT STRATEGY**

20. Councils continue to operate in a very challenging financial environment. Demands and expectations of local public services is rising, and cost pressures are increasing, yet government grant to councils has reduced markedly (by more than 49% in real terms since 2010 according to the National Audit Office). It is therefore vital that procurement is recognised and used as a key tool to deliver financial sustainability, corporate priorities and ambitions within this challenging environment, whilst supporting the local environment.
21. A new 3 year Joint Procurement Strategy commencing 1.4.19 is proposed and included at Appendix 3. The new proposed JPS is presented in a simple, visual format which is easier to read and has a more immediate impact clearly showing corporate priorities, joint procurement priorities and clear links to the NPS themes, which are seen as central to successful delivery.
22. Proposed Vision:  
*Supporting the delivery of quality, cost effective services, and the Councils’ corporate priorities, through strong leadership, innovation, and a strategic, commercially aware approach to modern, best practice and socially responsible, compliant procurement processes.*
23. The Vision has been updated and the previous four Joint Procurement Priorities have been merged into three, maintaining and building on previous progress, with clear links to the NPS Themes which are clearly shown as central to successful delivery.
24. The proposed Strategy requires implementation of a Social Value Policy. It is proposed that this will build in and take account of the Modern Slavery Act, capturing the requirement to ensure the Council’s Contractors comply fully with the Modern Slavery Act, in line with

the Notice of Motion, presented and unanimously supported at the November 2018 Council meeting.

**IMPLICATIONS OF REPORT**

- 25. Delivery of the procurement strategy requires effective management of strategic risk and proactive engagement with strategic suppliers to mitigate risk, improve performance, reduce cost, and harness innovation.
- 26. This report has implications in the following areas and the relevant Directors' comments are included:

Finance	x	Customer Services	
Human Resources		Equality and Diversity	
Legal	x	Integrated Impact Assessment required?	
No significant implications in this area		Policy and Communications	

**COMMENTS OF THE STATUTORY FINANCE OFFICER**

- 27. Delivery of the Procurement strategy will support revenue generation opportunities and contribute to the achievement of the council's medium term financial strategy including targets for efficiency and contract savings

**COMMENTS OF THE MONITORING OFFICER**

- 28. The procurement activity of both Councils operates within and is compliant with, all relevant legislation.

GARY HALL  
CHIEF EXECUTIVE

**APPENDICES**

- Appendix 1 – Performance against 2015-2018 Joint Procurement Strategy
- Appendix 2 – 2015 -2018 Joint Procurement Strategy
- Appendix 3 – Proposed Refreshed Joint Procurement Strategy

There are no background papers to this report.

Report Author	Ext	Date
Janet Hinds	5622	27.2.19

**Appendix 1: Performance against 2015-2018 Joint Procurement Strategy**

**Procurement that is effectively managed and monitored complying with relevant rules both internal and external**

Our Priority Objectives
1. To ensure that governance arrangements set for the procurement partnership are effectively met and the commitments set out in the SLA are delivered.
2. To ensure that all procurement is in accordance with EU rules, the Council's Contract Procedure Rules and best practice procurement
3. The councils are effectively engaged with Procurement networks and PBO's and are aware of policy developments and procurement best practice
4. Recognition of the strategic importance of procurement and a commitment from the top

	Key Actions/Projects	Comments
	1. Provide professional procurement guidance and support on major procurements and other procurement projects.	Provided as required. Examples include waste and recycling, vehicles, grounds maintenance plant and equipment, works and regeneration projects, Chorley Digital Office Park, software and IT, insurance, consultancy, concierge services and many more.
	2. Keep updated, develop and review the range of procurement guidance information available and accessible to officers on SRBC Connect and CBC The Loop	Useful Pocket Guide to Procurement and more detailed Staff Guide to Procurement are maintained and updated. Recent updates include Safeguarding Section, CPR review, new EU thresholds, Prevent Duty and information on GDPR.
	3. Maintain up to date, template standard procurement documentation and Conditions of Contract to simplify the procurement process.	Template documentation for use on the Chest is maintained by the Procurement team and adapted for individual procurements. Template Conditions are also maintained and kept updated in consultation with Legal Services. Recent updates include incorporation of GDPR.
	4. Maintain /Achieve 50% professionally qualified procurement employees (FTE's) as a % of total procurement employees.	100 % Achieved. Both the Principal Procurement Officer and Procurement Officer are MCIPS qualified.
	5. Attend and contribute to regional events and other procurement networks to ensure visibility, input and awareness into developing policy and best practice	Members of the procurement team have attended various events including i-network, training events and Regional Chest meetings where these are considered relevant and useful and resources permit.

	Key Actions/Projects	Comments
	6. Procurement officers to attend and take advantage of free face to face and e-learning on the new EU Procurement Directives.	This was a one-off event and was attended by the procurement team.
	7. Regular reporting to the Shared Services Joint Committee	Completed through the routine performance monitoring reports
	8. Adopt a strategic commissioning approach where appropriate, to appraise new service delivery models and procurement and commissioning staff work together to ensure best outcomes for service users	<p>Commissioning can be defined as “Assessing the needs of the population in an area, designing and then securing the delivery of services’. Commissioning is therefore usually about securing services and has its origins in health and social care. At Chorley a commissioning approach was adopted for the commissions for advice service (covering debt), older people, children and families, community safety and vulnerable adults (women). This included completion of a needs analysis, with contracts designed and procured and monitored to ensure those needs are met.</p> <p>SRBC have, and are, carrying out extensive analysis and research in order to improve health and wellbeing which is a key priority and this work has led to the development of the Campus programme. Additionally the commissioning of the Young Persons Housing Advice Service and also the Floating support service was undertaken following the homelessness review in 2016 and the production of the new homelessness strategy in 2017.</p>

**Procurement that engages all buyers/commissioners, is market aware and delivers sustained competitiveness and value for money**

Our Priority Objectives
5) To contribute to the achievement of the Councils’ Targets for efficiencies
6) To deliver an efficient and effective joint procurement service which maximises efficiency for joint procurement, using a category management approach and taking advantage of collaborative working with partner organisations where appropriate.

	Key Actions/Projects	Comments
	9. Maintain a clear picture through procurement planning and spend analysis of the procurement landscape at both authorities to identify key action areas and collaborative opportunities	Spend analysis has been completed at both authorities and presented to ELT/SMT. The Transparency Contracts Register is circulated quarterly for departmental review and update prior to publication. Whilst this provides a prompt and alert to contract status, provision of procurement planning

	Key Actions/Projects	Comments
		information from individual departments has been inconsistent. Work is now being planned and undertaken to create and implement a contract management system which will assist the planning process.
	10. Adopt a category management approach to make savings by maximising value from areas of spend.	Spend and supplier analysis has contributed to standardisation and grouping of products in some cases across both CBC and SRBC into collaborative single quotation activity e.g. Personal Protective Equipment, and Janitorial products. Additionally all software and IT services contracts at SRBC have now been brought under the responsibility of IT for maximum value and control.
	11. Review and maximise the use of framework agreements and collaboration arrangements with other partners and PBO's where they are competitive, to deliver efficiencies and reduce duplication	Frameworks used extensively where they offer best value at both SRBC and CBC, examples include vehicles, IT software and services, stationary and wheeled bins.
	12. Work towards the achievement of a Procurement savings target of £100,000 cumulative savings per authority over the 3 year strategy life.	Savings target exceeded at both authorities.
	13. Ensure effective contract management of key contracts measuring contract outputs and key performance indicators to ensure competitiveness over the life of the contract	Contract management of key contracts is undertaken by individual Contract Managers at both authorities. Additionally, at CBC, performance of key partnerships is monitored, and performance against targets, together with an assessment of financial strength and any emerging issues, is reported annually to Executive Cabinet.
	14. Carry out an annual User Survey across both Councils to monitor satisfaction with the procurement service. Target 90% Satisfaction	100% satisfaction achieved in each of the last three surveys

**Procurement that is inclusive, sustainable and socially responsible**

Our Priority Objectives
7. To encourage a wide range of suppliers by removing barriers and improving access to our procurement opportunities.
8. To ensure that small firms are not unfairly excluded from bidding for council business.
9. To reduce the negative effect on the environment of the products and services we buy.
10. To gain maximum value from procurement through consideration and inclusion of economic, environmental and social value criteria in contracts

	Key Actions/Projects	Comments
	15. Balance local needs, environmental and social value factors with delivering value for money and ensure relevant procurement exercises incorporate sustainability as appropriate within the specification and evaluation criteria	Examples include vehicles, some regeneration and works projects and services contracts.
	16. Consider how best to obtain social value in all services contracts above the EU threshold.	This is considered and incorporated as appropriate, e.g. waste contract. Both Councils have also included social value criteria in other below threshold contracts.
	17. Wherever possible and practical (within legal constraints), support local and third sector suppliers by encouraging them to engage in appropriate procurement exercises.	<p>A number of arrangements are in place to make the Council's procurement opportunities widely available and accessible to local suppliers, SME's and third sector providers including:</p> <ul style="list-style-type: none"> <li>• publication of a Selling to the Council Guide,</li> <li>• use of the Chest e-tendering system (which is free of charge for suppliers) with information and a link to the Chest on the Council's web site.</li> <li>• inviting at least one local supplier (often more) wherever possible when inviting quotes. This is a requirement of both Councils Contracts Procedure Rules,</li> </ul> <p>Additionally, during the life of this strategy the procurement team have attended and presented at a business event for local suppliers hosted by SRBC and have also provided information for a subsequent Central Lancs event.</p> <p>Examples of contracts with the VCFS sector include:                      SRBC : Provision of housing advice (Key), Interim, Accommodation (New Progress H.A.), A Place to Live (Methodist Action), Specialist Intensive support (Refugee Action), Sanctuary Scheme (Preston Care &amp; Repair)</p> <p>CBC: Indoor Leisure (Active Nation), Handyperson services (Preston Care and Repair), Young person drop in service (Key), Support service for older people (Age UK), Children's &amp; family support service (Home Start Central Lancs), Support service for vulnerable adults, women (Chorley Women's Centre)</p>
	18. Maintain an up to date Selling to the Council Guide and procurement area on the Councils' respective websites, providing simple and clear instructions on how to access procurement opportunities and	Published on both CBC and SRBC websites,

	Key Actions/Projects	Comments
	signposting suppliers to the Council's e-procurement portal.	
	19. Ensure that procurement mandatory Transparency requirements are adhered to including publication of a Contracts Register	Updated register published quarterly on both CBC and SRBC websites.

**Procurement that works with partners and suppliers to everyone's advantage and exploits the benefits of technology**

Our Priority Objectives
11.To increase efficiency and productivity and realise full benefits through the use of appropriate e-procurement solutions in procurement processes
12.To understand and take advantage of commercial opportunities and realise benefits from all funding streams including how contracts can be developed to generate income..

	Key Actions/Projects	Comments
	20. Issue all Tender and Quotations above £10,000 through the North West's regional e-procurement portal "The Chest"	Tenders and quotation above £10,000 have been published through the Chest portal in accordance with Contracts Procedure Rules. SRBC updated their CPR's with effect from 28.9.17 and at that point this threshold increased from £10,000 to £20,000 at SRBC only.
	21. Engage in the Cumbria led regional procurement to replace the current regional e-procurement portal framework	This was completed and a further 4 year contract with up to 4 x12 month extension options, was awarded for the Chest including migration to Version 3.
	22.Consider the potential for commercialisation and income generation from procurement activity where appropriate	A simple example is the charging for and generation of income from garden waste through the delivery of the main waste contracts. Also at Chorley, the procurement and expansion of Market Walk and construction of Primrose Gardens will generate income for the Council whilst providing services and benefits to the community. At SRBC the Council is working with its waste contractor to further develop the depot and servicing facilities to facilitate operation of both the CBC and SRBC contracts from there, sharing resources, reducing costs and generating additional income. The Council has also identified investment in commercial property as an opportunity to increase income, agreed an Investment Property Strategy and has procured expert external advice to identify investment opportunities. Additionally, the procurement to upgrade the civic centre to provide quality conference meeting and function space was designed to maximise income and experience from external customers in addition to facilitating internal meetings.

	Key Actions/Projects	Comments		
	23. Upgrade scanning software to introduce Automated Invoice Processing to automatically interface any e- invoices that are attached to e-mails ( By 1.4.15)	The Scanning Software was upgraded in 2015, since implementation ALL electronic invoices are now processed automatically by emailing invoice attachments to Kofax the financial system interface		
	24. Establish a baseline and target to increase the number of invoices received by e-mail ( By 1.4.15)	This target has not been measured. The financial system does not differentiate how invoices are received (paper or electronic) and any recording therefore would need to be a manual process.		
	25. Achieve CBC/SRBC Combined PI Targets as per the Annual Shared Financial Services Business Improvement Plan of:	<b>15/16</b>	<b>16/17</b>	<b>17/18</b>
	*95% Payment by electronic means (BACS)	99.37	99.55	99.65
	*99% of suppliers invoices paid within 30 days	99.43	98.15	98.80
		16/17 & 17/18 were marginally under target due to a turn-over of staff in both the accounts payable team and key managers responsible for approving invoices. A change in personnel had an impact on those departments where there are high volumes of invoices e.g. property services. Progress to meet the targets were further hampered in 17/18 due to the Banking industries changes to account numbers and sort codes, a high volume of creditors changed their bank account details over a short period of time which led to an increase in fraudulent activity nationally, robust controls were in place to accommodate these changes		
	80% of suppliers invoices paid within 10 days	86.59	83.26	83.64
	100% of remittances to suppliers by electronic means	95.32	95.96	98.25
		Following a review within the creditors function it was decided that the dispatch of paper remittance advices (to creditors without e-mail addresses) strengthened system control by reducing the potential risk of using incorrect bank account details. The target was subsequently reduced to 95% to make allowances for the necessary dispatch of paper remittances as part of the accounts payable controls when dealing with a potential risk of incorrect bank details, for example creditors without an email address or a potentially incorrect email address		



**JOINT PROCUREMENT STRATEGY 2015/2018**

**VISION: To support the delivery of quality, cost effective services, and the Councils' corporate priorities, through a strategic approach to modern, best practice and socially responsible, compliant procurement processes.**

JOINT PROCUREMENT PRIORITIES				
	Procurement that is effectively managed and monitored complying with relevant rules both internal and external  NPS Theme C : Leadership	Procurement that engages all buyers/commissioners, is market aware and delivers sustained competitiveness and value for money  NPS Theme A: Making Savings	Procurement that is inclusive, sustainable and socially responsible  NPS Theme B: Supporting Local Economies	Procurement that works with partners and suppliers to everyone's advantage and exploits the benefits of technology  NPS Theme D: Modernising Procurement
National Procure. Strategy Link				
Strategy Objectives	<ol style="list-style-type: none"> <li>To ensure that governance arrangements set for the procurement partnership are effectively met and the commitments set out in the SLA are delivered.</li> <li>To ensure that all procurement is in accordance with EU rules, the Council's Contract Procedure Rules and best practice procurement.</li> <li>The councils are effectively engaged with Procurement networks and PBO's and are aware of policy developments and procurement best practice</li> <li>Recognition of the strategic importance of procurement and a commitment from the top</li> </ol>	<ol style="list-style-type: none"> <li>To contribute to the achievement of the Councils' Targets for efficiencies</li> <li>To deliver an efficient and effective joint procurement service which maximises efficiency for joint procurement, using a category management approach and taking advantage of collaborative working with partner organisations where appropriate.</li> </ol>	<ol style="list-style-type: none"> <li>To encourage a wide range of suppliers by removing barriers and improving access to our procurement opportunities.</li> <li>To ensure that small firms are not unfairly excluded from bidding for council business.</li> <li>To reduce the negative effect on the environment of the products and services we buy.</li> <li>To gain maximum value from procurement through consideration and inclusion of economic, environmental and social value criteria in contracts</li> </ol>	<ol style="list-style-type: none"> <li>To increase efficiency and productivity and realise full benefits through the use of appropriate e-procurement solutions in procurement processes</li> <li>To understand and take advantage of commercial opportunities and realise benefits from all funding streams including how contracts can be developed to generate income.</li> </ol>
Key Actions / Projects	<ol style="list-style-type: none"> <li>Provide professional procurement guidance and support on major procurements and other procurement projects.</li> <li>Keep updated, develop and review the range of procurement guidance information available and accessible to officers on SRBC Connect and CBC The Loop</li> <li>Maintain up to date, template standard procurement documentation and Conditions of Contract to simplify the procurement process.</li> <li>Maintain /Achieve 50% professionally qualified procurement employees (FTE's) as a % of total procurement employees.</li> <li>Attend and contribute to regional events and other procurement networks to ensure visibility, input and awareness into developing policy and best practice</li> <li>Procurement officers to attend and take advantage of free face to face and e-learning on the new EU Procurement Directives</li> <li>Regular reporting to the Shared Services Joint Committee</li> <li>Adopt a strategic commissioning approach where appropriate, to appraise new service delivery models and procurement and commissioning staff work together to ensure best outcomes for service users</li> </ol>	<ol style="list-style-type: none"> <li>Maintain a clear picture through procurement planning and spend analysis of the procurement landscape at both authorities to identify key action areas and collaborative opportunities.</li> <li>Adopt a category management approach to make savings by maximising value from areas of spend.</li> <li>Review and maximise the use of framework agreements and collaboration arrangements with other partners and PBO's where they are competitive, to deliver efficiencies and reduce duplication.</li> <li>Work towards the achievement of a Procurement savings target of £100,000 cumulative savings per authority over the 3 year strategy life.</li> <li>Ensure effective contract management of key contracts measuring contract outputs and key performance indicators to ensure competitiveness over the life of the contract</li> <li>Carry out an annual User Survey across both Councils to monitor satisfaction with the procurement service. Target 90% Satisfaction</li> </ol>	<ol style="list-style-type: none"> <li>Balance local needs, environmental and social value factors with delivering value for money and ensure relevant procurement exercises incorporate sustainability as appropriate within the specification and evaluation criteria.</li> <li>Consider how best to obtain social value in all services contracts above the EU threshold.</li> <li>Wherever possible and practical (within legal constraints), support local and third sector suppliers by encouraging them to engage in appropriate procurement exercises.</li> <li>Maintain an up to date Selling to the Council Guide and procurement area on the Councils' respective websites, providing simple and clear instructions on how to access procurement opportunities and signposting suppliers to the Council's e-procurement portal.</li> <li>Ensure that procurement mandatory Transparency requirements are adhered to including publication of a Contracts Register</li> </ol>	<ol style="list-style-type: none"> <li>Issue all Tender and Quotations above £10,000 through the North West's regional e-procurement portal "The Chest"</li> <li>Engage in the Cumbria led regional procurement to replace the current regional e-procurement portal framework</li> <li>Consider the potential for commercialisation and income generation from procurement activity where appropriate</li> <li>Upgrade scanning software to introduce Automated Invoice Processing to automatically interface any e- invoices that are attached to e-mails ( By 1.4.15)</li> <li>Establish a baseline and target to increase the number of invoices received by e-mail ( By 1.4.15)</li> <li>Achieve CBC/SRBC Combined PI Targets as per the Annual Shared Financial Services Business Improvement Plan of:  *95% Payment by electronic means (BACS) *99% of suppliers invoices paid within 30 days *80% of suppliers invoices paid within 10 days *100% of remittances to suppliers by electronic means</li> </ol>
	<p>Lead Officer Target 7: Head of Shared Financial Services, Targets 23, 24 and 25 Principal Systems &amp; Financial Accountant All other targets: Principal Procurement Officer / Procuring Department(s)</p>			

This page is intentionally left blank

## Joint Procurement Strategy 1.4.19 – 31.3.22

**VISION:** *Supporting the delivery of quality, cost effective services, and the Councils' corporate priorities, through strong leadership, innovation, and a strategic, commercially aware approach to modern, best practice and socially responsible, compliant procurement processes.*

### Joint Procurement Priorities

*Procurement that shows strong Leadership, engages all stakeholders, delivering outcomes and complying with relevant rules both internal and external*

NPS Themes:  
Showing Leadership  
Behaving Commercially  
Driving Community Benefits

*Procurement that exploits the benefits of Technology, is market & commercially aware, harnesses innovation, is effectively managed and delivers sustained competitiveness & value for money*

*Procurement that is inclusive, sustainable and socially responsible*

#### **Chorley Corporate Priorities**

*An Ambitious Council that does more to meet the needs of its residents and the local area.*

*Involving residents in improving their local area and equality of access for all*

*A strong local economy*

*Clean, safe and healthy homes and communities*

#### **South Ribble Corporate Priorities**

*Excellence and financial sustainability*

*Health & Wellbeing*

*Place*

## How will we achieve the Joint Procurement Priorities?

**Procurement that shows strong Leadership, engages all stakeholders, delivering outcomes and complying with relevant rules both internal and external**

**Procurement that exploits the benefits of Technology, is market & commercially aware, harnesses innovation, is effectively managed and delivers sustained competitiveness & value for money**

**Procurement that is inclusive, sustainable and socially responsible**

### We will:

Recognise the strategic importance of procurement, with councillors & senior managers effectively engaged with commercial and procurement issues.

Work as a single team across the Councils and with external partners, designing and implementing solutions in high value/high risk projects.

Deliver an efficient and effective joint procurement service which maximises efficiency for collaborative, compliant and best practice procurement

Work collaboratively internally and externally, taking advantage of framework agreements and collaborative opportunities where they offer best value, delivering efficiencies, timely solutions and reducing duplication.

Effectively engage with procurement networks, keeping abreast of policy development, procurement best practice, frameworks, collaborative and any other procurement opportunities available.

Maintain and publish procurement guidance documents.

Develop a procurement training programme on the Councils' e-learning platform (by December 2019)

Maintain 100% professionally qualified procurement employees as a total percentage of procurement employees.

### We will:

Use appropriate e-procurement solutions in our procurement processes.

Contribute to the regional review/ procurement of the e-procurement portal .

Develop, implement and maintain a simple contract management system / contracts register providing a central repository for all contracts with email reminders at key review stages (SRBC by June 2019, CBC by April 2020)

Develop a robust management environment to ensure effective contracts and relationship management, minimising risk, managing delivery of outcomes and performance and ensuring competitiveness and effective control of cost over the life of the contract.

Engage with strategic suppliers to improve performance, reduce cost, mitigate risk and harness innovation

Consider revenue generation opportunities with high value/ high profile acquisitions / services examined for creating commercial opportunities.

Effectively manage strategic risk.

Contribute to the achievement of the Councils' targets for efficiencies contributing to financial sustainability.

### We will:

Remove barriers and improve access to our procurement opportunities for SME and VCFS suppliers

Minimise any environmental impact of the products and services we buy where possible through innovative value for money solutions.

Gain maximum value from procurement through consideration and inclusion of economic, environmental and social value criteria in contracts where appropriate, balancing local needs, environmental and social value factors with delivering value for money.

Continue to deliver PI targets for payments

Comply with the Social Value Act

Develop and Implement a Social Value Policy by April 2020

Develop a reporting mechanism for local and/or regional spend by April 2019, and April 2020 for key contracts sub contracted spend

Record and measure, the number of procurement opportunities published through the Chest and seek to increase the number of bid(s) from local supplier(s).

Adopt and comply with the Tyred Campaign, ensuring tyres on our public vehicles are not older than 6 yrs.



Report of	Meeting	Date
Director of Business, Development and Growth (Introduced by the Executive Member for Economic Development and Public Service Reform)	Executive Cabinet	14 March 2019

## ALLOCATION OF COMMUNITY INFRASTRUCTURE LEVY FUNDS

### PURPOSE OF REPORT

- To seek approval for the allocation of Strategic CIL monies to purchase the St Johns Club, 239 Preston Road, Clayton-Le-Woods to support the delivery of the Clayton-Le-Woods General Practice surgery which is on the Regulation 123 List.

### RECOMMENDATION(S)

- To approve the allocation of £572,250 capital infrastructure monies to the St John’s Health Centre project for spend in 2019/20.

### EXECUTIVE SUMMARY OF REPORT

- The Community Infrastructure Levy (CIL) was introduced to simplify the process of calculating and collecting planning obligations and must be spent on infrastructure needed to support the development within the borough.

<b>Confidential report</b> Please bold as appropriate	Yes	No
--	-----	----

<b>Key Decision?</b> Please bold as appropriate	Yes	No
--	-----	----

<b>Reason</b> Please bold as appropriate	1, a change in service provision that impacts upon the service revenue budget by £100,000 or more	2, a contract worth £100,000 or more
	3, a new or unprogrammed capital scheme of £100,000 or more	4, Significant impact in environmental, social or physical terms in two or more wards

### REASONS FOR RECOMMENDATION(S)

(If the recommendations are accepted)

- To allocate the CIL Infrastructure Fund in the way it is intended and ensure the methodology of how it is allocated is transparent

**ALTERNATIVE OPTIONS CONSIDERED AND REJECTED**

- 5. None

**CORPORATE PRIORITIES**

- 6. This report relates to the following Strategic Objectives:

Involving residents in improving their local area and equality of access for all	x	A strong local economy	x
Clean, safe and healthy communities		An ambitious council that does more to meet the needs of residents and the local area	

**BACKGROUND**

- 7. **Chorley’s CIL Charging Schedule** was adopted in September 2013. The CIL charge was calculated by reference funding deficit required to deliver the infrastructure contained on the Regulation 123 list. The current charge for CIL on qualifying infrastructure is
  - a. Dwelling Houses £65 sq.
  - b. Convenience Retail £160 sq.
  - c. Retail Warehouse £40 sq.m
- 8. However, these are subject to indexation, so currently the charges are circa £94 (Dwellings), £229.29 (Convenience Retail), and £57.32 (Retail) respectively. The indexation fluctuates, so this can change on a weekly basis. CIL is payable on commencement of development, and receipts are accruing.
- 9. **Infrastructure** has to be physical items that are required for the operation of the area, and not simply contribute to its wellbeing. The legislation defines what qualifying infrastructure is as for the purposes of CIL as:
  - A charging authority must apply CIL to funding the provision, improvement, replacement, operation, or maintenance of infrastructure to support the development of its area (Regulation 59(1)).
  - The CIL Regulations define infrastructure as the meaning given in section 216(2) of the Planning Act 2008 (as amended by Regulation 63). The list supplied by the Act includes, but is not exclusive to:
    - a. Roads and other transport facilities;
    - b. Flood defences
    - c. Schools and other educational facilities
    - d. Medical facilities
    - e. Sporting and recreational facilities and
    - f. Open spaces
- 10. The Regulation 123 List was updated in December 2018 and includes the proposals for a new Clayton-le-Woods GP Surgery. Investment in the area of Clayton-le-Woods is essential as the current surgery is no longer operationally fit for purpose putting pressure on the current doctor’s surgery. This has been a concern for residents for some time and this investment will give the local services a long-term future and provide enough space for them to grow and continue to meet the needs of the local community.

**ALLOCATING CIL EXPENDITURE**

- 11. CIL receipts are split into 4 parts as identified below:

a) **Administration expenses:** The CIL charging authority can charge up to 5% of CIL receipts for the administration of the CIL regime and the Council are using this in order to part finance the staffing costs for the Planning Obligations officers who run the scheme in addition to other planning obligations.

b) **Neighbourhood Portion** - The CIL regulations require the CIL Charging Authority to pass 15% of CIL receipts collected within the neighbourhood area in which the development takes place, to the Local Council. The amount of the annual neighbourhood portion is capped at up to £100 per dwelling, plus indexation, within that neighbourhood area and therefore may be less than the 15%.

c) **Chorley Parish' CIL Income**– The regulations require that when an area where development occurs does not have a Parish/Civil/Town Council, and then the 15% share that would have been passed to those Civil Parishes is instead put into a separate pot to be used as though there is a Parish Council in place. This is the case in Chorley, with Chorley North East, North West, South West, South East, and East, accumulating CIL receipts.

d) **Strategic CIL portion** – The remainder of the CIL income (80%) is to be applied to strategic infrastructure to support the growth of the CIL Charging Authority's area.

12. The current Strategic CIL pot (this is actual CIL funds received, and does not include instalments not yet paid) is shown at Table 1 below with ££4,981,923.48 remaining as follows:

**Table 1**

<b>Cumulative Actual</b>	<b>Income</b>	<b>Spent</b>	<b>Allocated</b>	<b>Remaining</b>
Main CIL Pot	£7,181,923.48	£1,482,582.00	£717,418.00	£4,981,923.48

**ALLOCATION OF INFRASTRUCTURE MONIES TO CIL 123 REGULATION LIST PROJECTS**

13. Provided the projects funded are on the CIL 123 list, it is at the charging authority's discretion as to which projects are allocated funding and how much. The Regulation 123 List refers to a new Clayton-le-Woods General Practice Surgery.
14. There is interest from local GPs to secure the St Johns Parish Club premises for a surgery and community facility. The property was marketed in early 2018 and was offered for sale by way of informal tender.
15. Chorley Council made an offer which has been accepted, subject to formal Council approval, as The property has a recent planning permission for change of use to a doctor's surgery within Class D1 within the Use Classes Order 1987 (as amended). Planning reference 17/00954MAJ dated 7 March 2018.
16. The cost of purchasing the property and site is £572.250. This asset has community value that will provide benefits for the local community.
17. It is recommended that this project is approved for a CIL allocation as detailed in the table Below:

Infrastructure Project	Lead Authority	What the Project will deliver	Total Cost to purchase	Start and End Dates	Recommended CIL allocation
Clayton-le-Woods GP Surgery	Chorley Council	Clayton-le-Woods GP Surgery	£572.250	2019/2021	£572.250

18. There is £4,981,923.48 CIL infrastructure funding available and so it is recommended that following the deduction of £572,250 for the above project the residual amount is rolled over to the next cycle of allocation.

**IMPLICATIONS OF REPORT**

- 19 This report has implications in the following areas and the relevant Directors’ comments are included:

Finance	X	Customer Services	
Human Resources		Equality and Diversity	
Legal	X	Integrated Impact Assessment required?	
No significant implications in this area		Policy and Communications	

**COMMENTS OF THE STATUTORY FINANCE OFFICER**

20. The Council approved the purchase of the site at its Council meeting held on 26 February 2019, following the land being valued and a further negotiation with the land owner. The allocation of CIL is an executive function. The sum required is a combination of land value, fees and stamp duty land tax. On securing the site further work is now required to work with the GP surgery on other potential users of the site to agree how it can be developed out and how the financial model will work. Once complete this will be presented to members for their consideration.

**COMMENTS OF THE MONITORING OFFICER**

21. This is an appropriate use of CIL receipts and the asset/infrastructure is on the regulation 123 list.

MARK LESTER  
DIRECTOR OF BUSINESS, DEVELOPMENT AND GROWTH

Background Papers			
Document	Date	File	Place of Inspection
Regulation 123 List	December 2018	***	<a href="http://chorley.gov.uk/Documents/Planning/Planning%20Policy/Regulation%20123%20List%20Community%20Infrastructure%20Levy%20for%20December%202018.pdf">http://chorley.gov.uk/Documents/Planning/Planning%20Policy/Regulation%20123%20List%20Community%20Infrastructure%20Levy%20for%20December%202018.pdf</a>
Methodology for Allocation of CIL Funds	January 2017	***	<a href="http://chorley.gov.uk/Documents/Planning/Planning%20Policy/CIL%20Methodology%20for%20Allocation%20of%20Infrastructure%20Funding%20FINAL.pdf">http://chorley.gov.uk/Documents/Planning/Planning%20Policy/CIL%20Methodology%20for%20Allocation%20of%20Infrastructure%20Funding%20FINAL.pdf</a>

Report Author	Ext	Date	Doc ID
Gary Hall		5 March 2019	***



Report of	Meeting	Date
Director (Customer and Digital) (Introduced by the Councillor Paul Walmsley)	Executive Cabinet	14 <sup>th</sup> March 2019

## REVISED LOCAL ENFORCEMENT PLAN

### PURPOSE OF REPORT

- To seek approval for changes to the Council's Local Enforcement Plan.

### RECOMMENDATION(S)

- Approve the proposed changes to the Local Enforcement Plan.

### EXECUTIVE SUMMARY OF REPORT

- The Council has introduced a new Enforcement Team which includes Building Control, Licensing and Planning Enforcement. The new team is currently progressing with an overhaul of these three key service areas with the intention of providing a more efficient, customer focused service which takes a tough stance on non-compliance. The review will include, but will not be limited to; upgrading digital systems and processes, staff training, improvements to case management procedures and redistributing staff resources. The first stage of this review for the Planning Enforcement service is to revise the plan to align this with other best practice examples across the Country whilst ensuring it meets the specific needs of the Chorley Council area.

<b>Confidential report</b> Please bold as appropriate	Yes	No
--	-----	----

<b>Key Decision?</b> Please bold as appropriate	Yes	No
--	-----	----

<b>Reason</b> Please bold as appropriate	1, a change in service provision that impacts upon the service revenue budget by £100,000 or more	2, a contract worth £100,000 or more
	3, a new or unprogrammed capital scheme of £100,000 or more	4, Significant impact in environmental, social or physical terms in two or more wards

### REASONS FOR RECOMMENDATION(S)

#### (If the recommendations are accepted)

- To align the Council's Local Enforcement Plan with other best practice examples across the Country whilst ensuring it meets the specific needs of the local area.

**ALTERNATIVE OPTIONS CONSIDERED AND REJECTED**

- 5. Continuing with the existing plan which is not fit for purpose, for the reasons identified within the table at paragraph 8, below.

**CORPORATE PRIORITIES**

- 6. This report relates to the following Strategic Objectives:

Involving residents in improving their local area and equality of access for all	x	A strong local economy	
Clean, safe and healthy homes and communities		An ambitious council that does more to meet the needs of residents and the local area	x

**BACKGROUND**

- 7. See Exec Summary above.

**SUMMARY OF PROPOSED CHANGES**

- 8. Attached to this report are the existing plan (Appendix A) and the new proposed plan (Appendix B). The table below summarises each provision of the plan, the proposed change and justification for the change.

Section / Provision	Change	Reason
Introduction	Added a table which provides a quick guide to timescales etc. for complaint handling. Details of how to make a complaint moved to the front page.	To avoid the reader having to read through the entire document to see the timescales and how to make a complaint
Introduction	Removed reference to office hours.	Service is to be contactable 'out-of-hours'
Introduction	Added text explaining that the plan is intended to benefit both complaints and those responsible for the breach	For clarification and so the plan is as informative as possible to all parties
Introduction	Added text to explain that other permissions for a development may also be required, e.g. Building Regulations.  Some repetitive text was deleted.	For clarification and so the plan is as informative as possible.
New section explaining what constitutes a breach of planning control	As stated	For clarification and so the plan is as informative as possible. We receive numerous complaints which, upon investigation, are found to be not breaches of planning control and in some instances not even planning related. This change is intended to assist in eliminating some of those complaints.

<p>Added text to the 'what will happen to a complaint' section and amending the 'Timescales' sub-section.</p>	<p>Explains that there cannot be a standard time for dealing with complaints as the process is often lengthy and complicated and each case is different.</p> <p>Added text to say that we will update the complainant when any significant developments are made on a case.</p>	<p>Current 8 week target for closing a case is unrealistic, if an appeal is lodged against an enforcement notice, this can prolong an open case for 12 months. No other authorities Local Enforcement Plans reviewed include timescales for a case being resolved, but do include targets for issuing acknowledgement letters, starting investigations, recommending an action and updating complainants.</p> <p>Text changed to develop an appreciation for how busy the service is and to avoid unrealistic expectations and ombudsman complaints when complaints go beyond a set time period.</p> <p>Targets have been set for sending acknowledgement letters, starting investigations, recommending an action and updating complainants.</p>
<p>Added text to the 'what will happen to a complaint' section</p>	<p>Text explains what is meant by the 'harm' caused by a breach</p>	<p>Helps complainants understand why in certain cases we will not take formal action, despite a breach being identified, i.e. when there is no identifiable harm.</p>
<p>Amendments to the 'what will happen to a complaint' section</p>	<p>Replacing the three categories (A, B and C) of case severity with different timescales for site visits with two categories; 'High Priority' cases, and all other cases.</p>	<p>Simplifies the process whilst ensuring that investigations into the complaints relating to the most harmful developments are commenced immediately.</p>
<p>Dealing with persons responsible for the alleged breach</p>	<p>Change the wording so we do not always have to give the responsible party an opportunity to explain the situation before taking action.</p> <p>Change wording from 'usually' to 'occasionally' undertaking interviews.</p>	<p>For serious cases we may need to issue a formal notice immediately to stop development causing serious harm from continuing. There may not be an opportunity in these instances to discuss the matter with the party responsible.</p> <p>In relation to interviews, this is a rare occurrence and usually only relates to when offences are believed to have occurred, i.e. damage to protected trees.</p>
<p>'Dealing with persons responsible for the alleged breach' and 'How we decide if an investigation is 'complete' '</p>	<p>Removal of reference to committee making decisions on formal action being undertaken and changed to 'relevantly authorised person/committee'</p>	<p>It is hoped to amend the constitution to give more power to officers. Text left ambiguous so both approaches can still apply.</p>
<p>Throughout the document</p>	<p>Various other tweaks to existing wording to make the</p>	<p>For a consistent approach and to avoid repetition.</p>

	text consistent with the above changes	
--	--	--

**IMPLICATIONS OF REPORT**

- 9. The risks are minimal and most likely related to the setting of a new target of deciding a course of action for all complaints within 10 weeks. It is considered that the new target is more realistic than that which currently exists of resolving 80% of complaints within 8 weeks.
- 10. This report has implications in the following areas and the relevant Directors' comments are included:

Finance		Customer Services	X
Human Resources		Equality and Diversity	
Legal		Integrated Impact Assessment required?	
No significant implications in this area		Policy and Communications	

**COMMENTS OF THE STATUTORY FINANCE OFFICER**

- 11. No comment.

**COMMENTS OF THE MONITORING OFFICER**

- 12. The proposed changes amend how the council will progress investigations and complaints received going forward. They will ensure from an early stage a consistent approach and improve the efficiency of the process. As stated in the report the changes align the Council's approach with best practice identified across the country.

ASIM KHAN  
 DIRECTOR OF CUSTOMER AND DIGITAL

Report Author	Ext	Date
Mike Halsall	5226	26 <sup>th</sup> February 2019

**Appendix A – Current Local Enforcement Plan****CHORLEY COUNCIL  
PLANNING SERVICE  
LOCAL ENFORCEMENT PLAN****Introduction**

The National Planning Policy Framework (the Framework) recommends that local planning authorities publish a local enforcement plan to manage enforcement proactively and in a way that is appropriate to their area. This Local Enforcement Plan sets out priorities for investigation, explains what will be investigated and what will not and outlines the Council's general discretionary powers with regard to planning enforcement. The plan sets out the priorities for responses to complaints and clarifies the timescales for response by enforcement officers. This document also sets out the Council's approach to handling planning related enforcement matters and compliance checking.

**AIMS OF THE SERVICE**

The aims of the enforcement service are to:-

- To protect amenity
- To safeguard the built environment
- To uphold local planning policy
- To provide a high quality service to our customers
- To provide a speedy and effective service

**HOW TO MAKE A COMPLAINT**

We can accept a complaint about an alleged breach of planning control in writing, by email, by reporting on line via our website, or in person at our offices.

Our contact details are:

Chorley Council  
Civic Offices  
Union Street  
Chorley  
PR7 1AL

Tel 01257 – 515151

Web: [www.chorley.gov.uk](http://www.chorley.gov.uk)

e-mail: [dcon@chorley.gov.uk](mailto:dcon@chorley.gov.uk)

Office Hours: Monday – Friday, 8:45am to 5:00pm

If you call us to complain about an alleged breach of planning control, we ask that you contact us during office hours wherever possible. Outside of those hours, you can call our emergency number, but this should only be for something you consider to be a category A matter (see below).

We reserve the right to refuse to accept anonymous complaints.

**WHAT WILL HAPPEN TO A COMPLAINT**

First of all the Council must investigate the alleged breach of planning control by carrying out a site visit &/or undertake an initial assessment to establish whether a breach of planning control has occurred. Sometimes establishing whether a breach of planning control has occurred can revolve around complex legal interpretations and planning judgements. If no breach has occurred then the Council will be unable to take any further action.

In the majority of cases where a breach has taken place, the Council will seek to negotiate compliance rather than take formal enforcement action. The Council may also seek the submission of a retrospective planning application. If such an application is made, then neighbours and the person who made the complaint will be consulted on that application.

## Appendix A – Current Local Enforcement Plan

Please note that the Council often has to rely on the help of the person reporting the breach to provide the evidence required in order to establish whether a breach of planning control has occurred and take appropriate enforcement action.

### Receipt of Complaints

- Details of alleged breach of planning control will be logged and the case will be allocated to an enforcement officer within 3 working days of receipt. If the alleged breach falls into a high priority (category A), we will assess whether the matter should be investigated immediately.
- We will acknowledge the complaint in writing within 5 working days, identifying an officer contact name, reference number and how you can view our Local Enforcement Plan (this document)
- Anonymous complaints will not generally be investigated.
- The details of any complainant are kept securely and confidentially.

### OUR RESPONSE

We will initially place a complaint in one of the following categories of priority so that we can manage our caseload as efficiently and effectively as we can. Our initial assessment of the level of priority will be dependent upon the information provided at the time the complaint is made. Once investigations commence, the priority level may change following the initial site visit, after an initial assessment is made, or on receipt of additional information.

#### Category 'A'

- Unauthorised works in progress to a tree (or trees) covered by a Tree Preservation Order or to trees in a Conservation Area, where trees are likely to be seriously damaged or removed.
- The unauthorised works of demolition or alteration to a listed building or the unauthorised demolition of a building within a Conservation Area.
- Unauthorised development, which may lead to substantial and/or permanent damage to Sites of Special Scientific Interest or Scheduled Ancient Monuments.
- Works being undertaken in contravention of the requirements of an extant Enforcement and/or Stop Notice.
- Major unauthorised building, engineering operations or uses of land likely to cause serious harm to amenity or the character of the area.

#### Category 'B'

- Any continuing breach of planning control where formal enforcement action is considered to be expedient but a notice has not been issued.
- Breaches of Tree Preservation Orders or works to trees in a Conservation Area, which have already taken place.
- Breaches of planning conditions where the condition is designed to protect residential amenity/highway safety or other significant considerations.
- Any breach of planning control which is detrimental to have the potential to cause harm to residential amenity.

(Within Category B the level of harm that is being caused will be considered and officers have discretion to progress an investigation with greater urgency and officers will aim to visit and progress an investigation within a maximum of 5 working days)

#### Category 'C'

- Untidy Land
- Unauthorised householder developments
- Fences

## Appendix A – Current Local Enforcement Plan

- Advertisements
- Any other alleged breach of planning control not included within Categories A or B.

We will assess whether a site visit is necessary. If we consider it necessary to do so – we aim to visit in accordance with the following timescales:

- **Category A:** Same day or next working day
- **Category B:** Within 10 working days (5 days if harm is considered substantive)
- **Category C:** Within 20 working days

### Timescales

We aim to complete our investigation within 8 weeks of receipt. If we do not complete our investigation within 8 weeks, we will advise the complainant further on the current position of the case &/or the likely timescale for resolution. We will advise the complainant of the outcome when we complete the investigation. You can contact us to enquire about progress if you wish.

### Dealing with persons responsible for the alleged breach

The important point to understand that it is not an offence to start building works or make a change of use without planning permission. Therefore, just because something has not got planning permission it does not necessarily mean that we will take action to stop it.

Before determining what action is to be taken in respect of an enforcement enquiry, the person responsible for the alleged breach of planning control will be given the opportunity to explain his/her position and to put forward any mitigating circumstances. Usually, we will interview the person responsible who will be advised in writing of the Council's intended course of action.

There are three principal courses of action available:

- **Negotiate a Solution** - In many cases breaches of control can be rectified through negotiation rather than by more formal action and such an approach will be taken when this is seen to be the most reasonable way of dealing with a breach.
- **Submission of a 'retrospective' application for permission**- In some cases it may be expedient to seek the submission of a retrospective application.
- **Formal Action** - Where it appears justified, any relevant evidence will be gathered and a report presented to the Development Control Committee seeking a decision on whether or not to take formal action.

We aim to be proportionate in our response to breaches of planning control, and in deciding what action to take, we will consider whether it is expedient to do so.

### How we decide if an investigation is 'complete'

We consider our investigations to be "complete" when one of the following points has been reached:

- The case is closed because the investigation identifies that no breach in planning control has occurred.
- The case is closed because an alleged breach of planning has been identified but then resolved by negotiation.
- A planning application or other form of application has been submitted following the investigation.
- A breach in planning control has been identified and an application requested but not submitted. A report has been prepared and is on an agenda for Councillors to determine that it is not expedient to take formal enforcement action in this case at this time.

**Appendix A – Current Local Enforcement Plan**

- A breach in planning control has been identified. Authority to take formal enforcement action and/or issue a notice has been given.

If any formal action is proposed it must normally be authorised by the Development Control Committee. When formal action is authorised, a notice is served on the relevant parties (anyone with a legal interest in the site) specifying what action they are required to take to correct the breach.

Depending on the circumstances, a notice may require the unauthorised use to cease, the unauthorised building works to be removed, or for the unauthorised use or building works to be changed to make it acceptable, and in extreme cases to prevent unacceptable development continuing.

In cases involving listed buildings, protected trees and adverts an offence may have been committed and fines may be imposed on conviction by the Courts.

If a notice is not complied with, the Council may consider progressing a prosecution.

**Compliance Checking**

In order to maintain public confidence in the planning process, national planning guidance asks local planning authorities to consider a pro-active approach to enforcement. The Council will therefore identify a sample of planning applications &/or developments and check for compliance.

The outcome of the compliance check will be reported to the applicant, agent or landowner. Any non-compliance will be addressed through usual enforcement practice.

**We ask all our Customers**

to be courteous, patient and honest; and to help us by:

- making any comments on enforcement cases in writing or by email;
- recognising that the enforcement service exists to protect the public interest and not private interests or rights of individuals;
- acknowledge that there are many cases under investigation at any one time;
- accepting that some enforcement matters are complex and may take a long time to resolve.

**If you wish to complain about our service**

Complaints about the way in which enforcement complaints have been handled will be dealt with through the Council's Complaints Procedure details of which can be found on the Council's web site.

It is possible that initial complaints made over the telephone and/or in writing can be resolved on the spot. Where it is not possible to resolve the complaint on the spot then this should be put in writing (letter or e-mail) and will enter the Council's formal Complaints Procedure.

# Local Enforcement Plan



**Appendix B – Revised Local Enforcement Plan – Jan 2019****CHORLEY COUNCIL PLANNING SERVICE  
LOCAL ENFORCEMENT PLAN****INTRODUCTION**

The National Planning Policy Framework (the Framework) recommends that local planning authorities publish a local enforcement plan to manage enforcement proactively and in a way that is appropriate to their area.

This Local Enforcement Plan (the plan) sets out priorities for investigation, explains the type of complaints that will be investigated, and outlines the Council's general discretionary powers with regard to planning enforcement. The details below identify how to make a complaint and the table provides a quick guide to what you can expect from the service in terms of timescales. Further detail is provided in later sections of the plan.

**HOW TO MAKE A COMPLAINT**

We can accept a complaint about an alleged breach of planning control in writing, by email, by reporting online via our website, or in person at our offices.

We reserve the right to refuse to accept anonymous complaints.

Our contact details are:

Chorley Council  
Civic Offices  
Union Street  
Chorley  
PR7 1AL

Tel 01257 515151

Web: [www.chorley.gov.uk](http://www.chorley.gov.uk)

e-mail: [dcon@chorley.gov.uk](mailto:dcon@chorley.gov.uk)

The Council stores the details of any complainant securely and confidentially.

**Process timescales and outcomes**

<b>Milestone</b>	<b>Timescale (from receipt of complaint)</b>
Acknowledgement letter sent to complainant and case allocated to a Case Officer	5 working days
Investigation commenced by Case Officer	10 working days (immediately for High Priority cases <sup>1</sup> )
Case Officer recommendation made to Manager	8 weeks
Manager makes final decision on course of action	10 weeks
Complainant updated on chosen course of action and reasons for the decision	10 weeks
Further updates to complainant	When significant developments in a case development occur. Complainant can contact the Case Officer at any time for an update.

<sup>1</sup> High Priority cases are those involving unauthorised works to a listed building, substantial demolition works within a Conservation Area and unauthorised works to protected trees

**Appendix B – Revised Local Enforcement Plan – Jan 2019****AIMS OF THE PLAN**

The plan is intended to benefit both complainants and those responsible for a breach of planning control to ensure that planning enforcement operates in a consistent, balanced and proportionate manner and provides an efficient, effective and fair service.

It is the duty of the property owner, occupier or business operator to ensure all necessary consents have been obtained in order to carry out the work or activity they are considering, and it is important to engage with the Council as early as possible. Permission from the Planning Service (such as planning permission, listed building consent, or advertisement consent) is not the only consent that may be needed for a development. Dependent upon the nature of the development, Building Regulations Consent may be required for building works, or an alcohol licence, food registration certificate or HMO (Houses in Multiple Occupation) licence may be required for changes of use. This policy relates only to issues relevant to planning matters.

**AIMS OF THE SERVICE**

The aims of the enforcement service are to:-

- To protect amenity;
- To safeguard the built environment;
- To uphold local planning policy;
- To provide a high quality service to our customers; and
- To provide a speedy and effective service.

**WHAT IS A BREACH OF PLANNING CONTROL**

The Council is committed to investigating all reported breaches of planning control. Breaches of planning control are defined in the Town and Country Planning Act 1990 as *“the carrying out of development without the required planning permission, or failing to comply with any condition or limitation subject to which planning permission has been granted.”* In addition, other unauthorised works such as those to protected trees or listed buildings or advertisements (covered by the Planning (Listed Buildings and Conservation Areas) Act 1990 and the Town & Country Planning (Tree Preservation)(England) Regulations 2012), also fall within the control of the local planning authority.

Certain types of building works or changes of use are defined as ‘permitted development’ which means that an application for planning permission is not required. Whether or not planning permission is required depends on several factors; these are detailed in the Town and Country Planning [General Permitted Development] Order 2015 as amended. Help in understanding ‘permitted development’ can be found in various sources. For example: <https://iapply.co.uk/> which also provides a method of applying for planning permission.

**Types of breaches of planning control**

Breaches of planning control can include undertaking the following types of work where they need consent (although this is not comprehensive):

- Building work requiring planning consent i.e. extensions, new homes, conversion to flats;
- Works to a listed building without Listed Building Consent;
- Demolition taking place in a Conservation Area;
- Works to, or removal of, protected trees;
- Not building in accordance with the approved plans;
- Advertisements being displayed without consent;
- Breach of conditions on a planning permission;
- Construction of high fences;

**Appendix B – Revised Local Enforcement Plan – Jan 2019**

- The neglect of land and/or buildings that adversely affects the amenity of the neighbourhood; and
- Fly posting.

It is worth stressing that it is not an offence to carry out development without first obtaining planning permission or consent, unless it relates to;

- works to a statutory listed building;
- demolition within a conservation area;
- works to protected trees (whether covered by a Tree Preservation Order (TPO) or where it lies within a conservation area); or
- the display of advertisements where they do not benefit from deemed consent.

Other unauthorised works only become a criminal offence once an enforcement notice has been served, the works have not been remedied before the compliance period, and there is no outstanding appeal against the enforcement notice.

**Time limits**

A breach of planning control becomes immune from enforcement action if the local planning authority has failed to take formal enforcement action against it within the time limits set out in the Town and Country Planning Act 1990. The relevant time limits are: -

- **Four years** from the substantial completion of operational development and from the change of use of any building to a single dwelling house, including use as flats; and
- **Ten years** for all other breaches i.e. change of use or breach of conditions other than those related to single dwelling houses.

There are no time limits laid down in relation to operational works to a listed building.

**Not planning issues**

There are a number of issues which require consent from a landowner or third party but do not normally require planning permission, or where the issue is a private civil matter or covered by other legislation. Whilst these issues may be important and cause concern, they are not issues where the local planning authority can intervene unless restrictive conditions have been imposed upon the granting of a planning permission. Common examples are:

- Boundary disputes, deeds and covenants – these are a private matter;
- Internal works to a non-listed building – although Building Regulations may be required;
- Party wall agreements;
- Obstruction of the highway;
- Removal of trees, bushes etc. (unless located in a Conservation Area or covered by a Tree Preservation Order (TPO));
- Operating a business from home where the primary use remains residential;
- Competition from other businesses; and
- Permitted development.

**WHAT WILL HAPPEN TO A COMPLAINT**

First of all, the Council must investigate the alleged breach of planning control by carrying out a site visit and/or undertake an initial assessment to establish whether a breach of planning control has occurred. Sometimes establishing whether a breach of planning control has occurred can revolve around complex legal interpretations and planning judgements. If no breach has occurred then the Council will be unable to take any further action.

**Appendix B – Revised Local Enforcement Plan – Jan 2019**

In the majority of cases where a breach has taken place, the Council will seek to negotiate compliance rather than take formal enforcement action. The Council may also seek the submission of a retrospective planning application. If such an application is made, then neighbours and the person who made the complaint will be consulted on that application. This will depend upon the level of harm caused by a development (see following section).

Please note that the Council often has to rely on the help of the person reporting the breach to provide the evidence required in order to establish whether a breach of planning control has occurred and take appropriate enforcement action.

**What is ‘harm’?**

Harm resulting from a breach of planning control may concern amenity or highway safety issues and could include for example noise nuisance, loss of daylight or privacy, or danger from increased traffic flows; this is not an exhaustive list. Harm to the visual amenity of an area could occur for example through unauthorised work to a listed building, demolition within a Conservation Area or works to a protected tree.

Not all unauthorised development is considered to be bad development. It is for this reason that formal enforcement action will not be pursued where, in planning terms, the development is considered to be acceptable.

Once the alleged breach has been investigated, and it has been established that harm is being caused, action may then be taken.

Reported breaches of planning control that may result in immediate, substantial or irreversible harm will be given **High Priority**, for example:

- unauthorised works to a listed building;
- (substantial) demolition works in a conservation area; and
- works to protected trees.

**Timescales**

The Council receives around 500 complaints every year about alleged breaches of planning control and cases take a varying amount of time to reach a conclusion depending on numerous factors. Dealing with enforcement complaints can be a lengthy and complex process. In consequence, it is not possible to give a standard time for dealing with enforcement cases. The Enforcement Officer responsible for your case will advise you of any significant progress made with regards to investigating your complaint as and when this occurs, please be aware that due to peak workload, this may take more time to conclude.

Target timescales are as follows:

- We will acknowledge the complaint in writing within 5 working days, identifying a reference number, our contact details and how you can view our Local Enforcement Plan (this document);
- Investigations into High Priority cases will commence immediately, all others within 10 working days;
- An officer recommendation for taking further action or closing the case will be made within 8 weeks of receiving the complaint;
- A manager will review the recommendation and make a final decision on the Council’s course of action; the complainant will then be notified within 10 weeks of the acknowledged complaint; and
- If the course of action involves taking formal enforcement action, such as issuing an enforcement notice, the landowner has a right of appeal against the notice which, if utilised, can take months to resolve. In such cases, every effort will be made to

**Appendix B – Revised Local Enforcement Plan – Jan 2019**

update the complainant when significant milestones occur, however, it is suggested that complainants contact the Council should they require an update during the interim period.

**Dealing with persons responsible for the alleged breach**

It is important to understand that it is not an offence to start building works or make a change of use without planning permission. Therefore, just because something has not got planning permission it does not necessarily mean that we will take action to stop it.

Before determining what action is to be taken in respect of an enforcement enquiry, the person responsible for the alleged breach of planning control will usually be given the opportunity to explain the situation. Occasionally, we will interview the person responsible who will be advised in writing of the Council's intended course of action.

There are three principal courses of action available:

- Negotiate a Solution - In many cases breaches of control can be rectified through negotiation rather than by more formal action and such an approach will be taken when this is seen to be the most reasonable way of dealing with a breach;
- Submission of a 'retrospective' application for permission- In some cases it may be expedient to seek the submission of a retrospective application. This is provided for by Section 73A of The Town and Country Planning Act 1990 (as amended); and
- Formal Action - Where it appears justified, any relevant evidence will be gathered and a report presented to the relevantly authorised person/committee to seek permission to take formal enforcement action.

We aim to be proportionate in our response to breaches of planning control, and in deciding what action to take; we will consider whether it is expedient to do so based upon the harm being caused by the development.

**How we decide if an investigation is 'complete'**

We consider our investigations to be "complete" when one of the following points has been reached:

- The case is closed because the investigation identifies that no breach in planning control has occurred;
- The case is closed because an alleged breach of planning has been identified but then resolved by negotiation;
- A planning application or other form of application has been submitted and approved following the investigation;
- A breach in planning control has been identified and an application requested but not submitted, it is not considered expedient to take formal action due to no unacceptable harm being identified; and
- The breach has been resolved through the undertaking of formal enforcement action.

When formal action is authorised, a notice is served on the relevant parties (anyone with a legal interest in the site) specifying what action they are required to take to correct the breach. Depending on the circumstances, a notice may require the unauthorised use to cease, the unauthorised building works to be removed, or for the unauthorised use or building works to be changed to make it acceptable, and in extreme cases to prevent unacceptable development continuing.

In cases involving listed buildings, protected trees and adverts an offence may have been committed and fines may be imposed on conviction by the Courts. If a notice is not complied with, the Council may consider legal proceedings.

**Appendix B – Revised Local Enforcement Plan – Jan 2019****Compliance Checking**

In order to maintain public confidence in the planning process, national planning guidance asks local planning authorities to consider a pro-active approach to enforcement. The Council will therefore identify a sample of planning applications and/or developments and check for compliance. The outcome of the compliance check will be reported to the applicant, agent or landowner. Any non-compliance will be addressed through usual enforcement practice.

**We ask all our Customers**

To be courteous, patient and honest; and to help us by:

- making any comments on enforcement cases by email or by using our website;
- recognising that the enforcement service exists to protect the public interest and not private interests or rights of individuals;
- contact us for updates;
- acknowledge that there are many cases under investigation at any one time; and
- accept that some enforcement matters are complex and may take a long time to resolve.

**If you wish to complain about our service**

Complaints about the way in which enforcement complaints have been handled will be dealt with through the Council's Complaints Procedure, details of which can be found on the Council's web site. It is possible that initial complaints made over the telephone and/or in writing can be resolved on the spot. Where it is not possible to resolve the complaint on the spot then this should be put in writing (letter or e-mail) and will enter the Council's formal Complaints Procedure.

This page is intentionally left blank



Report of	Meeting	Date
Director of Early Intervention (Introduced by the Executive Member for Early Intervention)	Executive Cabinet	14 <sup>th</sup> March 2019

## NEIGHBOURHOOD PRIORITIES 2019/20

### PURPOSE OF REPORT

1. The information provided in this report aims to provide a summary of the decision-making process which has taken place (Jan – Feb 2019) to agree the forward year's neighbourhood priorities 2019/20
2. It presents the proposed neighbourhood priorities that have been agreed within each neighbourhood management group to be approved by Executive Cabinet.

### RECOMMENDATION(S)

3. It is recommended that the neighbourhood priorities proposed within each neighbourhood management meeting are agreed.
4. It is recommended that when scoping out the detail and financial resources required for each priority, financial or in-kind contributions are sought from partners within the neighbourhood including parish councils, Lancashire County Council, voluntary sector and other stakeholders.
5. Where a priority is subsequently scoped out as requiring increased financial resources, consideration will be made in consultation with the Executive Member (Early Intervention) for this neighbourhood priority to be carried out at additional cost beyond £2,000, phased, or developed further as an individual corporate project.

### EXECUTIVE SUMMARY OF REPORT

6. The council is committed to supporting projects and partnership delivery that focuses on the wider determinants of health as these issues impact on the daily lives of our residents, how happy and healthy they feel living in in their community and in turn their individual life choices and outcomes.

<b>Confidential report</b> Please bold as appropriate	Yes	<b>No</b>
--	-----	-----------

<b>Key Decision?</b> Please bold as appropriate	Yes	<b>No</b>
--	-----	-----------

<b>Reason</b> Please bold as appropriate	1, a change in service provision that impacts upon the service revenue budget by £100,000 or more	2, a contract worth £100,000 or more
	3, a new or unprogrammed capital scheme of £100,000 or more	4, Significant impact in environmental, social or physical terms in two or more wards

**REASONS FOR RECOMMENDATION(S)**

**(If the recommendations are accepted)**

- 7. Neighbourhood working and associated projects is a key priority within the council’s corporate strategy and encourages the improvement of environmental, health, and social features within the eight neighbourhoods of Chorley.

**ALTERNATIVE OPTIONS CONSIDERED AND REJECTED**

- 8. To not support the continuation and development of neighbourhood priorities across the borough and not make the £50,000 funding available.

**CORPORATE PRIORITIES**

This report relates to the following Strategic Objectives:

Involving residents in improving their local area and equality of access for all	√	A strong local economy	
Clean, safe and healthy homes and communities	√	An ambitious council that does more to meet the needs of residents and the local area	√

**BACKGROUND**

- 9. Chorley Council continues to support neighbourhood working and sees the benefit of enabling elected representatives and other organisations to work together to improve local communities. Neighbourhood working is a key project within the council’s corporate strategy and a £50,000 budget investment has continued to support priorities in 2018/19
- 10. While the council continues to support the delivery of the preferred priorities through funding and officer time, each neighbourhood area is encouraged to consider what match-funding and support may be available through other partners. This has been a successful development in recent years in enhancing the projects that would otherwise have not been possible to be delivered.
- 11. Within each neighbourhood area meeting, background context about the local area and community has been utilised to support the group in discussing and selecting preferred priorities. This background context report covered a range of issues including, population, life expectancy, health, crime, economy and poverty. Generally, these data sets were more concerned with people, than the physical, more easily visible aspects of our neighbourhoods.

12. Information from Chorley Council’s resident survey during 2017 was also presented to each neighbourhood management group. The results were broken down by ward, with the key issues being; satisfaction with the council; feeling informed, local area satisfaction; engaging with the community (working together to improve the local area) and feelings of safety (after dark).
13. The combined information in the reports described above, provided a helpful evidence base that added to each neighbourhood management groups suggestions for priorities.
14. The following process is used to select and manage the neighbourhood priorities for each neighbourhood area:

<b>January to February</b>	<p><b>Nomination and selection:</b> Members of the neighbourhood group nominate priorities in advance or at the meeting.</p> <p>Neighbourhood management groups agree top three priorities and a lead member from the group</p>
<b>March</b>	<p><b>Approval:</b> Outlined priorities presented to Executive Cabinet for Approval</p>
<b>April to May</b>	<p><b>Scoping:</b> Lead Officer identified for each of the selected neighbourhood priority.</p> <p>Lead officer works with lead member from neighbourhood group to scope the priority – including timescales, costs and funding sources</p>
<b>June to July</b>	<p><b>Update and monitoring:</b> Update on the process in the selected neighbourhood priorities will be provided to the Neighbourhood meetings</p>
<b>October</b>	<p><b>Update and monitoring:</b> Update provided by email (in addition to ongoing progress updates on individual projects) on all selected neighbourhood priorities to neighbourhood management groups</p>

**PROPOSED NEIGHBOURHOOD PRIORITIES**

15. The priorities proposed and agreed for each neighbourhood management group are outlined below:

Neighbourhood Area	Priority Project Proposals	
<b>Southern</b>	Priority 1	Continued improvements to the Meadows Play Area in Heskin
	Priority 2	Intergenerational cooking classes in Coppull.
	Priority 3	Re-location of the access and installation of a drop kerb to serve the car park at the Orchard Gardens project on Church Lane, Charnock Richard
<b>Chorley Town West</b>	Priority 1	Explore with local partners the issues that contribute to low birth weight and develop an initiative which can help address these issues
	Priority 2	Develop a project that aims to help children reach the achievement expected at Key stage Two  To include connecting with local primary schools and creating homework club that provides facilities and digital support to parents which will enable them to help their children do their homework online.
	Priority 3	Work with partners to raise awareness of support and self-help available for young people suffering with mental health issues, with the aim to help reduce levels of self-harm
<b>Western</b>	Priority 1	Installation of raised planters on the verge in front of the former Carrington Centre with support from local residents to carry out ongoing maintenance
	Priority 2	Improvements and replacement of planters in Croston
	Priority 3	Improvements to open spaces in Ulnes Walton particular at the entrance points into the village

<b>Clayton &amp; Whittle</b>	Priority 1	Improvements to canal footpath and steps from Moss Bridge to Hill Top Lane including maintenance work to trees on canal side
	Priority 2	Help support residents and existing groups to develop services and activities that benefit the local community, utilising Clayton Brook Village Hall
	Priority 3	Investigate possible improvements to wooden barrier on roadside near Moss Lane / Blackburn Rd
<b>Chorley Town East</b>	Priority 1	Enhancement and improvement of the Water Street Area from the landscaped area between Wellington and Congress Street, down towards the Swan with Two Necks. In particular the conservation area in and around Chapel Steps.
	Priority 2	Creation of a community garden on the piece of land at the bottom of St George's School playing fields.
	Priority 3	Raising awareness of the effects of alcohol and drugs (including the use of shisha to smoke illegal substances) with schools, places of worship, and faith schools.
<b>Eastern</b>	Priority 1	Creation of Civic Pride Entrance Stone at Heapey Chase Estate and improvements to Goit footpath
	Priority 2	Increased defibrillator provision in Withnell and Wheelton
	Priority 3	Surface improvements to Meadow Street Play Area in Wheelton
<b>Euxton, Astley &amp; Buckshaw</b>	Priority 1	Develop a tree planting scheme along Euxton Lane
	Priority 2	Improvements to green space around Astley Village Shopping area with focus on the hedgerows
	Priority 3	Provision of grounds maintenance equipment to aid ongoing improvements to open spaces

<b>South East</b>	Priority 1	Project to address social isolation in the area with focus on the creation of social activity opportunities for elderly residents
	Priority 2	To provide permanent lighting scheme at Adlington War Memorial
	Priority 3	Provision of information boards detailing local history of the area at Rivington Village Green and Headless Cross in Anderton

**IMPLICATIONS OF REPORT**

16. This report has implications in the following areas and the relevant Directors' comments are included:

Finance	√	Customer Services	
Human Resources		Equality and Diversity	
Legal		Integrated Impact Assessment required?	
No significant implications in this area		Policy and Communications	

**COMMENTS OF THE STATUTORY FINANCE OFFICER**

17. The neighbourhood priorities are supported by a £50k annual revenue budget.

**COMMENTS OF THE MONITORING OFFICER**

18. No comments.

CHRIS SINNOTT  
DIRECTOR OF EARLY INTERVENTION & SUPPORT

There are no background papers to this report.

Report Author	Ext	Date
Bernie Heggarty	5818	21/02/2019

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank