

**Guildhall Gainsborough  
Lincolnshire DN21 2NA**

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**AGENDA**

**This meeting will be recorded and the video archive published on our website**

**Prosperous Communities Committee**

**Tuesday, 20th March, 2018 at 6.30 pm**

**Council Chamber - The Guildhall, Marshall's Yard, Gainsborough, DN21 2NA**

**Members:**

Councillor Mrs Sheila Bibb (Chairman)  
Councillor Mrs Gillian Bardsley (Vice-Chairman)  
Councillor Steve England (Vice-Chairman)

Councillor Owen Bierley  
Councillor Christopher Darcel  
Councillor Michael Devine  
Councillor Paul Howitt-Cowan  
Councillor Mrs Pat Mewis  
Councillor John McNeill  
Councillor Mrs Maureen Palmer  
Councillor Mrs Lesley Rollings  
Councillor Trevor Young

**1. Apologies for Absence****2. Public Participation**

Up to 15 minutes are allowed for public participation. Participants are restricted to 3 minutes each.

**3. Minutes of Previous Meeting**

(PAGES 3 - 16)

To confirm and sign as a correct record the Minutes of the Prosperous Communities Committee held on 30 January 2018.

**4. Matters Arising Schedule**

(PAGES 17 - 18)

Setting out current position of previously agreed actions as at 12 March 2018.

Agendas, Reports and Minutes will be provided upon request in the following formats:

Large Clear Print: Braille: Audio: Native Language

**5. Members' Declarations of Interest**

Members may make any declarations at this point but may also make them at any time during the course of the meeting.

**6. Public Reports**

- i) Parish Lighting Policy (PAGES 19 - 28)
- ii) Waste Services Policies (PAGES 29 - 66)
- iii) Gainsborough Market - Events and Traders' Term and Conditions (PAGES 67 - 73)
- iv) Corporate Enforcement Policy (PAGES 74 - 96)
- v) Local Enforcement Plan (Planning Enforcement) (PAGES 97 - 118)
- vi) Member Champions Review (PAGES 119 - 130)
- vii) Workplan (PAGES 131 - 133)

Mark Sturgess  
Head of Paid Service  
The Guildhall  
Gainsborough

Monday, 12 March 2018

Prosperous Communities Committee- 30 January 2018  
Subject to Call-in. Call-in will expire on 14 March 2018 at 5pm

## WEST LINDSEY DISTRICT COUNCIL

MINUTES of the Meeting of the Prosperous Communities Committee held in the Council Chamber - The Guildhall, Marshall's Yard, Gainsborough, DN21 2NA on 30 January 2018 commencing at 6.30 pm.

- Present:**
- Councillor Mrs Sheila Bibb (Chairman)
  - Councillor Mrs Gillian Bardsley (Vice-Chairman) and Councillor Steve England (Vice-Chairman)
  
  - Councillor Owen Bierley
  - Councillor Christopher Darcel
  - Councillor Michael Devine
  - Councillor Paul Howitt-Cowan
  - Councillor Mrs Pat Mewis
  - Councillor Giles McNeill
  - Councillor Mrs Maureen Palmer
  - Councillor Mrs Judy Rainsforth
  - Councillor Trevor Young
- In Attendance:**
- |                     |   |
|---------------------|---|
| Mark Sturgess       | Executive Director of Operations and Head of Paid Service |
| Eve Fawcett-Moralee | Executive Director of Economic and Commercial Growth      |
| Tracey Bircumshaw   | Finance & Business Support Manager                        |
| Michelle Howard     | Wellbeing and Health Manager                              |
| Grant White         | Enterprising Communities Manager                          |
| Andy Gray           | Housing and Enforcement Manager                           |
| Amanda Boutell      | Senior Project and Growth Officer – Employment and Skills |
| Diane Krochmal      | Housing Strategy & Supply Manager                         |
| Marina di Salvatore | Senior Growth and Strategy Projects Officer               |
| Shayleen Towns      | Senior Community Action Officer                           |
| Sue Leversedge      | Principal Accountant                                      |
| Katie Coughlan      | Senior Democratic & Civic Officer                         |
- Also In Attendance:**
- Mr Steven Bunney
  - Ms Nicola Marshall
- Apologies:**
- Councillor John McNeill
  - Councillor Mrs Lesley Rollings
- Membership:**
- Councillor Giles McNeill substituting for Councillor John McNeill
  - Councillor Judy Rainsforth substituting for Councillor Lesley Rollings

## **86 PUBLIC PARTICIPATION**

There was no public participation.

## **87 MINUTES OF PREVIOUS MEETING**

(a) Meeting of the Prosperous Communities Committee – 5 December 2017

**RESOLVED** that the minutes of the meeting of the Prosperous Communities Committee held on 5 December 2017 be confirmed and signed as a correct record.

## **88 MATTERS ARISING SCHEDULE**

Members gave consideration to the Matters Arising Schedule which set out the current position of all previously agreed actions as at 22 January 2018.

It was noted that the last action within the report, “wellbeing board representation” had now been completed and a decision was awaited.

**RESOLVED** that progress on the Matters Arising Schedule, as set out in the report be received and noted.

## **89 MEMBERS' DECLARATIONS OF INTEREST**

There were no declarations of interest made at this point in the meeting.

## **90 PROGRESS AND DELIVERY - PERIOD 3 MONITORING REPORT**

Members gave consideration to a report which assessed the performance of the Council's services and key projects through agreed performance measures. Members were asked to review performance and recommend areas where improvements should be made, having regard to any remedial measures already included within the report.

The report summary was structured to highlight those areas that were performing above expectations, and those areas where there was a risk to either performance or delivery.

Areas described as performing well included:

- Local Land Charges: sustained improvements now being shown
- Cost of waste collection per head of population
- Income from trade waste
- Trinity Arts: audience figures, cost per user and surplus generated
- Management of assets: void rates.
- Complaints

Those areas described as risks included:

- Homelessness
- Enforcement
- Benefits Service - the cost per live claim
- Street Cleaning Income
- The award of grants

Further information was given on each of the above particularly of the work undertaken in respect of complaints, homelessness and enforcement.

Debate ensued and the report and general direction of travel was welcomed.

With regard to Revenues and Benefits, Members made reference to the recently approved Council Tax Support Policy and the phased introduction of Universal Credit across the District which, for a period, would result in two systems being in operation at a single time, and sought indication as to whether this posed any risks.

In response Officers advised, from a Homelessness perspective, an impact was already being seen. Again this was a national trend, however assurance was offered that this was being monitored closely and responded to accordingly. Furthermore the Challenge and Improvement Committee had, at their most recent meeting, received a full briefing on the situation within the Homelessness Service and the action plans which were in place to mitigate and address the challenges the service currently faced.

In respect of complaints, in response to a Member's question, Officers confirmed that more in depth data was being collected, in order that trends and patterns could be identified, both in terms of services and common themes, offering examples. This was within the role of the new Customer Experience Officer. It was further noted that a report of this nature and detail was submitted annually to the Governance and Audit Committee.

The performance and continued success and development of the Trinity Arts Centre was again praised. Congratulations were also paid to the Land Charges Team and Waste Collection Teams.

It was clarified that the air testing, referred to on page 32 of the report, related to an additional service offered by the Building Control department, in respect of a dwellings efficiency Air Testing in terms of air quality within the environment, was a function undertaken by the Environmental Protection Team. The District Council did have some responsibilities in regard to this, along with a number of other agencies, and testing did take place across the District, queries and concerns in respect of this should be directed to the Environmental Protection Team in the first instance.

It was confirmed that the newly installed CCTV cameras at Hemswell Cliff had assisted in monitoring 16 incidents during October, November and December. This was a relatively new installation and it was intended to provide usage statistics on this going forward.

Following much discussion it was: -

**RESOLVED** that having critically appraised the performance of services and key projects, and having had regard to the remedial measures suggested in the report, and the information provided in response to Member questions, no further formal action be requested at this stage, however the suggestions made throughout the debate be considered.

## **91 MARKET RASEN THREE YEAR VISION/STRATEGY & DISPOSAL/TRANSFER OF WEST LINDSEY AREA OFFICE**

Members gave consideration to a report which outlined a three year vision/strategy for the town of Market Rasen. Endorsement of and financial support to the Strategy were sought.

Mr Steven Bunney of Market Rasen Town Council addressed the Committee and outlined why the vision had been developed, the commitment to deliver and the importance of partnership working if successes were to be delivered.

Market Rasen over recent years had had a number of initiatives to stimulate growth and regeneration, it was considered each had produced something good however the collective impact sought had not materialised. It was now considered an opportune time to move forward. The adoption of the Local Plan provided a driver to maximise the benefits derived from housing led growth.

The Town Council had wished to produce the Vision document, which outlined partners' common goals and aimed to create a self-sustaining town with capacity to address social, economic and environmental issues. Mr Bunney spoke of the strong leadership and commitment to deliver that currently existed amongst partners. The creation of a social enterprise structure to help deliver projects and improved partnership working was acknowledged as the most likely way to deliver success and access the funding that would need be required. The financial support offered by West Lindsey would also assist in attracting additional funding and show a strong commitment to work together.

In conclusion Mr Bunney shared with the Committee some of the recent successes achieved in the Town and saw the Vision, with the support and commitment of West Lindsey, as opportunity to build on these. Thanks were expressed to Nicola Marshall for the support she had offered the Town Council in producing its vision and developing a number of initiatives.

Debate ensued and Members welcomed the paper and were encouraged by the commitment of the Town Council.

The Financial Services Team Manager clarified that funding would be from within earmarked reserves.

Members congratulated the Town Council and wished them much success.

**RESOLVED** that the emerging 3 Year Vision and Strategy, to ensure Market Rasen maximises the benefits from planned housing growth, be endorsed; and it be **RECOMMENDED** to Corporate Policy and Resources Committee that: -

- (a) an “in principle” allocation of £200k funding from the Capital Programme towards the delivery of growth projects detailed within the strategy be approved subject to:
- Consultation and support for the strategy
  - Setting up of an agreed implementation mechanism i.e. CIO
  - Suitable financial regulation; and
- (b) the recommendation to conclude disposal/transfer of the Area Office to Festival Hall be approved.

## **92 GAINSBOROUGH GROWTH FUND REVIEW**

Members gave consideration to a report which presented a review of the Gainsborough Growth Fund Scheme, its performance since its launch in 2014 and set out recommendations going forward.

Members were provided with information on how the scheme had been created, the funding which had been invested and the outcomes it had delivered, noting the scheme was officially launched in November 2014 with an original budget of approximately £600K of which £400k circa had already been awarded. To-date the total value of investment levered through the GGF amounted to circa £2.5m. In terms of employment the Scheme so far had assisted 9 businesses and it was anticipated that these projects together would create approx. 65 direct new jobs (FTE) in the next 2 years.

Section 3 of the report set out the key findings of the review and Section 4 set out the arising conclusions, including the potential to develop a Commercial Loan Policy and Framework.

Debate ensued and Members welcomed the report and considered the Fund had delivered good outcomes including job creation which was always to be welcomed.

In response to Members’ comments the rationale and reasoning for diverting residual funds to the capital programme was explained and Officers confirmed that consideration had already been given to the re-launch and re-branding of the Feasibility and Planning Fund. Invest West Lindsey was welcomed as a suggestion.

Members welcomed the support the Fund could offer rural business and how it could help deliver the aspirations in approved Neighbourhood Plans.

**RESOLVED** that: -

- (a) the Gainsborough Growth Fund Review Paper be approved and its key findings and conclusions as set out in Section 3 and 4 of the Report be endorsed;
- (b) the promotion of the Development Fund as set out in Section 5 of the Report be discontinued.
- (c) the Feasibility and Planning Fund as set out in Section 5 of the Report be retained; and

- (d) it be recommended to Corporate Policy & Resources Committee that the Fund budget, to support the launch of a district wide Feasibility and Planning Pilot Fund, be increased by £150k (subject to the confirmation of the GLLEP Housing Unlocking Grant )

### 93 COMMUNITY GRANTS PROGRAMME

Members gave consideration to a report which sought to establish an updated community grants programme for a five year period.

In presenting the report Officers outlined in detail what the recommended option would continue to see funded, what would be delivered and what funding schemes would cease, these being the small and large community grants.

In respect of those schemes being proposed for discontinuation, Officers provided background and rationale to this. Low level interest had been shown in the small community grant scheme, and it was suggested that this could be partly attributed to the very successful Local Councillor Initiative Fund, which was well supported and easy to administer.

With regard to the large community grants scheme, whilst this had been successful and often over-subscribed, this scheme had been originally funded by a one-off cash injection into the budget, which had now been fully allocated. The scheme had often served as the primary funder for large scale projects, covering up to 80% of the total cost.

The revised match funding scheme being proposed, as part of Option 1, would see the Council offer a maximum of 30% of the total cost up to a maximum of £8,000. This was to act as an enabling fund to attract external funding.

Debate ensued and Members welcomed the flexibility of and the support the Local Councillor Initiative Fund offered communities and welcomed its continuation.

A Member did raise one point for consideration in respect of the limit of 30% on match funding under the proposed scheme, suggesting whether consideration should be given to increasing the % threshold for modest projects where the total cost of the project was for example maybe 10-20k and offered rationale for this suggestion. No formal proposal was made.

Another Member shared with Committee how the proposed changes to this Fund would impact on projects already in the pipeline, indicating the recommended Option was not his preferred.

In response to Members' concerns and questions, Officers confirmed that the Community Grants Programme could be reviewed at any point, however Members needed to be mindful of budget implications which would need to be agreed by the Corporate Policy and Resources. Option 2 within the report did set out the cost of delivering the same schemes for a further 5 years, but this did require resources that were not currently budgeted for.

On that basis it was **RESOLVED** that: -



- (a) Option 1: "Continue our Community Grant Programme modified to meet current financial conditions" be approved; and
- (b) this Option be **RECOMMENDED** to the Corporate Policy & Resources Committee for financial approval.

#### **94 LINCOLNSHIRE WOLDS AONB MANAGEMENT PLAN 2018-2023 PUBLIC CONSULTATION**

Members gave consideration to a report which advised of an ongoing public consultation in respect of the Lincolnshire Wolds Area of Outstanding Natural Beauty (AONB) Management Plan 2018-2023.

The report had been submitted to provide Members a final opportunity to agree any additional comments to be included in the final consultation response. Members had previously been provided an opportunity, by way of e-mail invitation, to make representations to the ongoing consultation.

In presenting the report, Officers outlined the process which had been undertaken in carrying out the review, summarised the key changes which were being proposed, and highlighted some key actions within the proposed action, including the intention to seek a boundary review which would see a greater proportion of the AONB being within West Lindsey if successful.

Debate ensued and a number of Members indicated that they had already made representations and were supportive of the proposed management plan

**RESOLVED** that: -

- (a) there were no additional comments to be submitted as part of the Lincolnshire Wolds AONB management plan 2018-2023 public consultation; and
- (b) the draft Lincolnshire Wolds AONB Management Plan 2018-2023, subject to any changes recommended as a result of the consultation, be endorsed.

#### **95 DRAFT REVENUE ESTIMATES 2018/19 - 2022/23**

Members gave consideration to a report which sets out details of the Committee's draft revenue budget for the period of 2018/19 and estimates to 2022/23.

The process for preparing the budget was shared with Members and detailed at Section 1.3 of the report. The major variances when compared to the 2016/17 base budget and the reasons for these were also shared with Members and were detailed in Section 2 of the report. Members also noted the consultation and engagement which had been undertaken with regard to budget setting and this was outlined in Section 4 of the report.

Members welcomed the generally very pleasing picture and congratulated Officers on the work they had undertaken in what were financially difficult and challenging times.

In response to a Member's comment regarding the leisure contract savings, Officers clarified the level of savings which had been delivered and outlined how, through careful procurement, these had been realised.

**RESOLVED** that the draft Prosperous Communities budget for 2018/2019 and revenue estimates to 2022/23 be **RECOMMENDED** to the Corporate Policy and Resources Committee for inclusion in the Medium Term Financial Plan 2018/19 – 2022/23.

## **96 SAFEGUARDING COMPLIANCE (SECTION 11 ASSESSMENT)**

Section 11 of the Children Act 2004 placed duties on a range of organisations and individuals to ensure their functions, and any services they contracted to others, were discharged having regard to the need to safeguard and promote the welfare of children and young people.

As a District Council, West Lindsey District Council (WLDC) was subject to these duties. A compliance check in the form of a self-assessment and peer moderated audit by the Lincolnshire Safeguarding Children Board (LCSB) was carried out every three years.

Members received a report which provided details of WLDC's compliance, as set out in the LSCB moderated assessment, carried out during December 2017. It provided assurance that WLDC's policies, processes and practises were compliant with the requirements of Section 11 and that WLDC had a proactive approach to safeguarding and promoting wellbeing.

Members congratulated Officers for the work they undertook with regard to Safeguarding and the commitment they persistently demonstrated to ensuring the welfare of children and young people was promoted and maintained. .

In response to a Member's question, Officers confirmed that any contractor not deemed to be compliant with the safeguarding requirements, would not be successful in any contract bid they may make, as demonstrating compliance was a mandatory requirement in the evaluation of bids.

**RESOLVED** that the outcome of the Assessment, which demonstrates compliance across all requirements placed on WLDC by Section 11 of the Children Act 2004, be endorsed.

## **97 LINCOLNSHIRE HOMELESSNESS STRATEGY 2017 - 2021**

Local Housing Authorities were required to have in place, a long term strategic approach to preventing and managing homelessness through an evidence based Homelessness Strategy. Since 2002, the seven Lincolnshire Housing Authorities had collaborated to achieve this with a lot of success and additional investment in Lincolnshire as a result.

Members considered a report which presented Lincolnshire's fourth joint homelessness strategy (2017 – 2021). It set out the key challenges, priorities and objectives for preventing and tackling homelessness across Lincolnshire over the next five years.

The Strategy Overview, including details of Key national drivers for change, as well as information on the Local drivers/evidence that had shaped the Strategy were shared with Committee and summarised in Section 3 of the report. The Strategy would be supported by a delivery plan, a copy of which had also been provided to Members.

In response to a Member's question, Officers confirmed that the County Council had committed to sign up to the Strategy, a decision was awaited as to which of its governance processes would be responsible for ensuring this happened.

In respect of funding the work, Officers confirmed this was deemed "business as usual", the document however allowed work to be co-ordinated and facilitated collaboration with partners. For example the "Duty to Refer" responsibilities would necessitate the Team to change the way in which it worked but these changes would be accommodated within current resources. Furthermore, additional funding, would always be sought wherever possible. Previous successes included funding awards towards entrenched rough sleeping projects and domestic abuse. This approach would continue to be adopted.

In response to a Member's comment, Officers indicated that under the new Homelessness Reduction Act, the Authority's responsibilities to assist its residents would only increase. It was also stressed, the reasons for homelessness were often complex, embedded and those who used the service were often vulnerable.

A Member made reference to the previous ring-fencing arrangements for funding for supported housing provision held by the County Council, and how since ring-fencing requirements had been removed, funds had been diverted elsewhere, further compounding the issues. Supported Housing Provision across the County, as a result, had significantly reduced over recent years and assurance was sought that the remaining funds were still committed to supported housing provision.

In response, Officers acknowledged the reduced funding position and the impact this had had but outlined the various ways in which the County Council had indicated their commitment to deliver supported housing provision.

Their endorsement of the Strategy was a positive indicator and they had been actively engaged in the Strategy's development. The rough sleeper project earlier referred to had been mainstreamed, and the County Council had retained some investment in supported housing provision which was not the case across the country.

The County Council were currently reviewing provision to ensure this was fit for purpose and Officers were not aware that any reductions were being proposed.

**RESOLVED** that the Lincolnshire Homelessness Strategy (2017 – 2021) be approved.

## **98 WEST LINDSEY HOUSING STRATEGY 2018 - 2022**

Members gave consideration to a report which the presented the Draft Housing Strategy for adoption.

The draft Strategy had first been presented to Committee in July 2017, when it had been approved for consultation purposes.

Consultation on the draft Strategy had ran from 9<sup>th</sup> October 2017 to 20<sup>th</sup> November 2017 and the report summarised the findings of the consultation exercise, and a table of amendments made to the document since it was first presented, together with arising amended Strategy. It was noted that the changes to the document had not resulted in a fundamentally different document.

A map and diagram referred to in the Strategy but omitted from the copy circulated were provided to Members

Debate ensued and Members welcomed the document, including the links to Neighbourhood Planning.

Visiting Member Councillor Tom Smith addressed the Committee and expressed concern that the representation he had submitted on behalf of AFCAS had not been fully or adequately addressed in the revised document.

Officers indicated that consultation responses, received back by teams were anonymous, however having re-reviewed the responses received, Officers indicated they had potentially identified the response, and read this to the Committee and shared rationale for why this had not directly been addressed.

In response Councillor Smith indicated that this was not the consultation response he had submitted or was referring to, as this had amounted to some three pages and had posed a number of suggested amendments, none of which, he was of the view, had been addressed in the revised Strategy.

Officers indicated that they were not aware of such a response having been received and would need to look into the matter further. Councillor Smith indicated he would resend this to Officers

In light of this, it was proposed and seconded that an additional recommendation be added to the report, namely: -

“the additional consultation response, referred to in the debate, be further considered by Officers and delegated Authority be granted to the Executive Director for Commercial and Economic Growth, in consultation with the Chairman of the Prosperous Communities Committee to make any necessary amendments to the Strategy, as a result”

On being put to the vote the amendment was **CARRIED**.

On that basis it was **RESOLVED** that: -

- (a) having considered the feedback from, and response to the consultation exercise (appendix 1 of the report) it be noted; and
- (b) the amended West Lindsey Housing Strategy (appendix 2 of the report) and associated Implementation Plan (appendix 3 of the report) be approved for adoption, subject to (c) : -
- (c) the additional consultation response, referred to in the debate, be further considered by Officers and delegated Authority be granted to the Executive Director for Commercial and Economic Growth, in consultation with the Chairman of the Prosperous Communities Committee to make any necessary amendments to the Strategy, as a result.

## **99 SUPPORTING VULNERABLE COMMUNITIES PLACE BASED STRATEGY 2017**

Members considered a report which provided an overview of the rationale and proposed strategy to progress, resource and oversee delivery of individual strategies to promote social regeneration in the most vulnerable communities across West Lindsey. This work sat closely alongside, aligned with and supported the Councils regeneration objectives and recognised that addressing socio-economic and environmental risks was integral to supporting regeneration potential and aspirations.

Situating this as a key programme of work within the West Lindsey Housing Strategy allowed for a clear structure, clear delivery aims and accountable governance arrangements to be in place whilst also ensuring that the work was not considered or delivered in isolation of the Councils wider strategic objectives.

The work would need to be resourced and Members noted that a resource allocation of £300,000 had been approved by Council within the Medium Term Financial Plan (MTFP) 2013/14.

This allocation had not been accompanied at the time by a plan to allocate the resource to specific interventions to support vulnerable communities. The Supporting Vulnerable Communities Earmarked Reserve remained largely unspent.

The strategy provided a plan and framework for the allocation of this resource to enable direct intervention for the vulnerable communities within West Lindsey.

The specific projects recommended for progression using the Earmarked reserve were detailed at Section 5.5 of the report.

Debate ensued and Members welcomed the paper.

Assurance was sought that measures were in place to evaluate progress and measure success.

In response Officers advised that there was piece of work ongoing, subject to approval of the

Strategy to develop measures to evaluate success. Performance measures on the whole across the organisation were being reviewed to ensure Officers were reporting against the correct things.

Some of the activity within the Strategy was not in the direct control of the Council and therefore Partners would also need to be engaged in agreeing performance measures.

**RESOLVED** that:

- (a) the 'Supporting Vulnerable Communities Place Based Strategy 2017' be approved;
- (b) the projects listed against the recommended allocation of the Supporting Vulnerable Communities Ear Marked Reserve to support the delivery of this strategy (detailed below) be agreed and it be **RECOMMENDED** to the Corporate Policy and Resources Committee that the requested resources be released for the following projects:
  - SVC 01 Continuation of Community Payback (18/19 & 19/20 Revenue)
  - SVC 04 Private Sector Landlord Support (18/19 & 19/20 Revenue)
  - SVC 05 Vulnerable Communities Enforcement Officer (18/19 & 19/20 Revenue)
  - SVC 06 CCTV Expansion (One Off - Capital)
  - SVC 07 Lincolnshire Action Trust: Young Oasis (18/19 Revenue); and
- (c) the proposed two yearly review of the strategy to ensure it remains meaningful and able to deliver its objectives be supported.

**Note:** Councillor Gillian Bardsley declared a personal non-pecuniary interest in this item of business and the following item of business as she was a landlord.

## **100 GAINSBOROUGH SOUTH WEST WARD PLACE BASED STRATEGY 2017**

Gainsborough South West Ward was considered a vulnerable community. Members gave consideration to a report which provided an overview of a proposed strategy to progress, resource and coordinate necessary work programmes and improvements in Gainsborough South West Ward in order to stabilise and normalise the ward.

The report further demonstrated how this approach aligned with and supported the Council's regeneration and Growth objectives; recognising that addressing socio-economic and environmental risks was integral to supporting regeneration potential and aspirations

The report finally addressed concerns in respect of drug prevalence in Gainsborough South West Ward and provided an overview of proposed work programmes in response to the evidence base.

Debate ensued and a Local Ward Member spoke of the number of times initiatives had started and failed in the area. She was accepting that there would be no quick fix but spoke in support of the proposals and indicated she was hopeful for the future.

Making reference to drug prevalence within the Ward, another Ward Member expressed concern that the reported picture was still being down played and should be more of a priority.

In response Officers gave their absolute assurance that drug prevalence was not being played down and the Council was committed to doing everything within its power to identify and tackle crime. Investment had been made in enforcement, additional CCTV and Officers took their responsibility to share information and concerns with key partners very seriously.

However it was stressed that the Police could only act on evidence. In response to comments regarding the number of Officers deployed to the Ward recently from outside the County, again assurance was offered that this was not due to there being a particular single issue within the Ward. Regional policing was now common practice and not a reflection of a more serious crime or issue. However the action was as a result of evidence having been gathered and thus action could be taken.

Regular liaison meetings had been taking place since July 2017 and assurance was again given that this matter was being taken very seriously.

Other Members of Committee were very supportive of the work being undertaken in the Ward, making reference to the Flourish Academy Scheme, and of the need to act on evidence. Evidence did indicate the Ward had issues with drugs but not to the degree that was being implied and significant resource was being dedicated to resolve the issues.

In response to Members' questions, Officers further outlined the work being undertaken by Benjamin Adlard School which was receiving much local and national attention, confirming that this was being supported by the Council.

**RESOLVED** that: -

- (a) the Gainsborough South West Ward Strategy 2017 and associated delivery plan be approved; and
- (b) the proposed two yearly review of the strategy to ensure it remains meaningful and able to deliver its objectives be supported.

## **101 WORK PLAN**

Members gave consideration to the Committee Work Plan.

It was noted that the Lead Officer and Committee Chairman would be meeting in the coming weeks to start identify key reports for the 2018/19 civic year.

**RESOLVED** that the Work Plan as set out in the report, be received and noted.

Prosperous Communities Committee- 30 January 2018  
Subject to Call-in. Call-in will expire on 14 March 2018 at 5pm

**102 TO NOTE THE DATE AND TIME OF THE CONCURRENT COMMITTEE MEETING OF THE PROSPEROUS COMMUNITIES COMMITTEE AND CORPORATE POLICY AND RESOURCES COMMITTEE**

**RESOLVED** that the date and time of the Concurrent Committee Meetings of the Prosperous Communities Committee and the Corporate Policy and Resources Committee, this being 6 February 2018 commencing at 6.30pm, be noted.

The meeting concluded at 9.10 pm.

Chairman



## Prosperous Communities Matters Arising Schedule

### Purpose:

To consider progress on the matters arising from previous Prosperous Communities Committee meetings.

**Recommendation:** That members note progress on the matters arising and request corrective action if necessary.

### Matters arising Schedule

Active/Closed	Active				
Meeting	Prosperous Communities Committee				
Status	Title	Action Required	Comments	Due Date	Allocated To
<b>Black</b>					
	<b>wellbeing board representation</b>	<p>extract from mins of meeting 18/7/17</p> <p>(a) a formal request for additional District Council representation at the Lincolnshire Health and Wellbeing Board be made by the following means: -</p> <p>(i) a formal request be made by WLDC in isolation, via a letter from the chair of the Prosperous Communities Committee and Health Commission; and</p> <p>(ii) the Chairman of Prosperous Communities Committee and Health Commission seek the collective support of the other six district councils to write to the Health and Wellbeing Board collectively; and</p>	<p><b>please confirm when request has been made. Please also advise of any response received through this matters arising.</b></p> <p><b>Request has been made and is awaiting board consideration.</b></p>	31/01/18	Michelle Howard

	<b>member champions</b>	extract from mins of meeting 6/6/17 a further report be submitted to a future meeting of the Committee regarding the role, purpose and positions held by Member Champions, in order that their future use could be better assessed. the full minutes from the meeting detail concerns raised and actions required when formulating this report	<b>this matter will be discussed at a future chairs briefing in the first instance (likely august) after which time a report will be added to the forward plan</b>  <b>MO and Chair have further discussed this matter, consultation will be undertaken with team managers, current champions and the leader regarding these roles. The outcome of such will be reported to the relevant committees in due course. This piece of work will likely take place over the Autumn/Winter.</b>  <b>Agenda Item for Meeting in March 2018</b>	30/03/18	Alan Robinson
<b>Green</b>					
	<b>CIL PARISH COUNCIL TRAINING</b>	This matter has been referenced 21 March 17. and May 2017	<b>training will be organised after the adoption of CIL</b>	12/05/18	Rachael Hughes
	<b>housing strategy - omitted consultation response</b>	extract from minutes of mtg 30/1/18 c) the additional consultation response, referred to in the debate, be further considered by Officers and delegated Authority be granted to the Executive Director for Commercial and Economic Growth, in consultation with the Chairman of the Prosperous Communities Committee to make any necessary amendments to the Strategy, as a result.	<b>The Chairman will verbally address this action at the meeting on 20 March 2018</b>	20/03/18	Mark Sturgess
<b>Grand Total</b>					



**Prosperous Communities  
Committee**

**20<sup>th</sup> March 2018**

**Subject: Parish Lighting Policy**

Report by:

Grant White  
Enterprising Communities Manager

Contact Officer:

Grant White  
Enterprising Communities Manager  
01427 675145

Purpose / Summary:

To introduce new policy for Council owned  
Parish Lighting

**RECOMMENDATION(S):**

1. Members approve the Parish Lighting Policy.

**IMPLICATIONS**

**Legal:**  
Any works relating to Parish Lighting shall be conducted with due regard to current legal requirements.

**Financial: FIN/160/18/CC**  
There are no financial implications arising from this report

**Staffing:**  
Any reviews and new requests shall be managed by Enterprising Communities staff. Additional advice may be required from other service areas when conducting reviews.

**Equality and Diversity including Human Rights :**  
None

**Risk Assessment:**  
None

**Climate Related Risks and Opportunities:**  
None

**Title and Location of any Background Papers used in the preparation of this report:**

**Call in and Urgency:**

**Is the decision one which Rule 14.7 of the Scrutiny Procedure Rules apply?**

*i.e. is the report exempt from being called in due to urgency (in consultation with C&I chairman)*

Yes

No

**Key Decision:**

*A matter which affects two or more wards, or has significant financial implications*

Yes

No

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## **1. Background**

- 1.1 As of 1<sup>st</sup> March 2018 the Council owns and maintains 1,068 parish lights across the district. They are distinct from street lighting which is the responsibility of Lincolnshire County Council as the responsible Highway Authority.
- 1.2 Maintenance is conducted by Lincolnshire County Council under the joint Shared Service agreement with City of Lincoln Council and North Kesteven District Council. This agreement has now been included with other community based service agreements to ensure regular reviews of performance and delivery take place.
- 1.3 The Council is in the early stages of a maintenance programme to move to LED lighting. This work will achieve running cost reductions on electricity and reduce maintenance costs. In addition the LED technology will reduce the environmental impact of parish lighting.
- 1.4 To ensure the Council's inventory of parish lights are maintained and managed effectively it is proposed to introduce a new Parish Lighting Policy.

## **2. Parish Lighting Policy**

- 2.1 The policy provides direction and guidance on how the council maintains parish lighting, conducts reviews of existing lights and considers requests for new lighting installations.
- 2.2 The policy introduces criteria for the council's parish lighting. The council will only provide and maintain parish lighting where it meets one or more of the criteria.
- 2.3 The Councils constitution shall be amended to provide delegation to officers for determining parish lighting reviews and new requests. This will be included as part of the Annual Review of the Constitution.

## **APPENDIX A – Parish Lighting Policy v1.0**

## **3. Recommendations**

- 3.1 Members approve the Parish Lighting Policy.



# **West Lindsey**

# **Parish Lighting Policy**

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## 1. Introduction

- 1.1 This policy details how West Lindsey District Council (WLDC) shall provide and maintain parish lighting on footpaths and open spaces. The Council owns and maintains over 1,000 parish lights across the district.
- 1.2 The term 'parish lighting' is used to differentiate between street lighting. Street lights are assets on the adopted highway including street lights, illuminated signs, bollards and other street lighting furniture. Street lighting is the responsibility of Lincolnshire County Council as the responsible Highway Authority.
- 1.3 There is no legal obligation for the council to provide parish lighting. The council provides and maintains parish lighting where an identified need exists. This is based on a set of criteria contained in this policy.
- 1.4 The council is committed to providing and maintaining safe and energy efficient parish lighting whilst also exploring opportunities to further reduce our environmental impact and on-going maintenance costs.

## 2. Contacts

2.1 For queries about this policy or to request a new parish light please contact:

**West Lindsey District Council**

E-mail: [parishlighting@west-lindsey.gov.uk](mailto:parishlighting@west-lindsey.gov.uk)

Telephone: 01427 676676

2.2 To report a lighting fault please contact:

**Lincolnshire County Council**

Report online: [www.highways.lincolnshire.gov.uk/highways](http://www.highways.lincolnshire.gov.uk/highways)

Telephone: 01522 782070 (8am to 6pm, Monday to Friday)

## 3. Parish Lighting Map

3.1 The Council maintains an interactive map showing the locations of all parish lights. Anyone can use the map to identify parish lights including their unique reference numbers.

3.2 You can view the map online at:

[https://drive.google.com/open?id=1Z7s2kLvXxBX\\_GhsZR1h1laQUC2s&usp=sharing](https://drive.google.com/open?id=1Z7s2kLvXxBX_GhsZR1h1laQUC2s&usp=sharing)

## 4. Parish Lighting Criteria

4.1 The Council shall only provide and maintain parish lighting where it meets one or more of the following criteria:

**Criteria 1:**

Footpath or public space (other than an adopted highway) for the identified benefit of local residents and users.

**Criteria 2:**

Area where there is a fear of or identified issue with crime or anti-social behaviour.

**Criteria 3:**

Area covered by District Council operated CCTV.

**Criteria 4:**

Asset or land owned by the Council.

4.2 The Council shall identify need by using available data and engaging with organisations such as local councils, Lincolnshire County Council and Lincolnshire Police.



## 5. Review Procedure

- 5.1 The Council shall conduct a full review of all parish lighting every 5 years. When completing a full review parish lights can be reviewed individually or by geographical areas.
- 5.2 The Council can conduct additional reviews as necessary. When completing an additional review parish lights can be reviewed individually or by geographical areas. Additional reviews may be required to make decisions following a request from a local council or complaints received from residents.
- 5.3 Any review shall assess the following:
- Parish Lighting Criteria (Section 4.1)
  - Costs of maintenance
  - Equipment standard
  - Complaints or other local issue
- 5.4 Based on the findings of the review one of the following options shall be selected:
- Continue to maintain
  - Relocation
  - Removal
  - Light dimming or modification
  - Asset transfer
- 5.5 All review decisions shall be recorded on the Council's Parish Lighting Inventory.
- 5.6 During any review the council shall engage with and invite comments from District Ward Members and Parish/Town Councils. Any comments received shall be used as part of the review assessment.
- 5.7 Final decisions on what action to take following any review shall be made by officers following careful consideration of all available information and comments received.
- 5.8 District Ward Members may request a review of any decision made by the officers. A Director of the Council shall conduct this review and assess whether the decision made complied with this policy and adequately assessed all available information and comments received.

## 6. New Request Procedure

- 6.1 The Council may receive requests from local councils, organisations, businesses and residents to install and provide additional parish lighting. Requests shall be considered subject to meeting the Parish Lighting Criteria (Section 4.1) and necessary funding being identified.
- 6.2 The Council does not budget for new parish lighting installations. It would be expected that any new request shall need to include identified external funding for installation and on-going maintenance and operation. (E.g. funding from a Parish Council's precept)
- 6.3 A new request must be made in writing to the Council identifying the location, reasons for the request, how it meets the Parish Lighting Criteria and what funding source shall be used.
- 6.4 Any new request shall be assessed in the same way as a review (Section 5.3).

## 7. Maintenance

- 7.1 The Council maintains a Service Level Agreement (SLA) with Lincolnshire County Council for the full maintenance of all parish lighting and associated assets.
- 7.2 The SLA shall be reviewed on a regular basis to ensure the Council is achieving compliance, quality standards and value for money.
- 7.3 Under the SLA all fault reporting is handled by Lincolnshire County Council's Customer Services to agreed response timescales.
- 7.4 The following response standards are used:
  - Standard repair time – within 7 calendar days
  - Emergency response within 2 hours in the case of situations threatening damage to property, life or serious injury
- 7.5 The Council is invoiced quarterly in arrears for any maintenance works and electricity supplies.

## 8. Environmental Impact

- 8.1 The Council is committed to achieving and maintaining the provision of all parish lighting with energy efficient LED bulbs.
- 8.2 Any maintenance works resulting in bulb or unit replacement shall use energy efficient LED bulbs.
- 8.3 Any new installations shall use energy efficient LED bulbs.
- 8.4 The Council shall embrace new technologies that help further reduce the environmental impact of parish lighting. Where appropriate new energy efficient technologies may be trialled to test effectiveness, quality and cost.

## 9. Heritage and Conservation

- 9.1 The Council shall ensure that any works undertaken to parish lighting, including the installation of new parish lighting, is fully compliant with all relevant legislation relating to the historic environment.
- 9.2 The Council shall give appropriate consideration to the style and design of parish lighting when replacing or installing new equipment.
- 9.3 The Council shall not install, remove or change the design of parish lighting where doing so would adversely impact heritage assets, the setting of heritage assets or the character of any Conservation Area, as defined by that area's Conservation Area appraisal.

## 10. Partnership Working

- 10.1 The Council shall pro-actively engage with and work in partnership with other organisations when appropriate in regards to parish lighting.
- 10.2 The Council shall be open to new ways of working and recognise opportunities to link the provision of parish lighting to other strategies, policies and areas of work as appropriate.

## 11. Policy Review

- 11.1 This policy shall be reviewed every 2 years or sooner to respond to any changes in regulations and/or legal responsibilities.





**Committee – Prosperous  
Communities**

**20 March 2018**

**Subject: *Waste Service Policies*** - an update to collection procedures following the introduction of a charge for garden waste and incorporating the latest Government guidance.

Report by:

Mark Sturgess  
Chief Operating Officer

Contact Officer:

Adrian Selby  
Strategic Manager Services  
[Ady.selby@west-lindsey.gov.uk](mailto:Ady.selby@west-lindsey.gov.uk)  
01427 675154

Purpose / Summary:

- The report provides commentary on proposed changes to the existing “Waste and Recycling Operational Policies” document covering all refuse and recycling related services provided by WLDC.
- Members are asked to approve the policy document, including the introduction of formal waste collection charges for some categories of premises.

**RECOMMENDATION(S):**

**1. That Members approve the proposed changes to the Waste and Recycling Operational Policies Document, as outlined at Appendix 2, incorporating changes relating to the introduction of garden waste charges and the Controlled Waste Regulations 2012.**

**2. That the new charges be formally introduced from the dates specified in Appendix 3.**

## IMPLICATIONS

**Legal:** The Controlled Waste (England and Wales) Regulations 2012, which came into force in April 2012, enables local authorities to charge for waste collection and disposal services which had previously been free. Authorities are now required to fully recover costs for commercial waste collections where they are able to do so. The regulations stipulate exemptions that may be applied according to Local Authority discretion. This report notes these exemptions and the proposed changes to West Lindsey District Council Operational Policies to incorporate them.

### **Financial : FIN/155/18/TJB**

These policies help support the attainment of the budgeted income targets within the Medium Term Financial Plan relating to Garden Waste and Trade Waste services.

The proposals relating to the formal introduction of charges for waste that is properly classified as 'commercial' have been considered and approved as part of the business case for the commercial waste service.

In accordance with the Fees and Charges Policy, additional income will be sought from levying charges to non-domestic customers who have previously received the service for free ie village halls etc.

Additional operating costs and administration of the charges will be minimum and will be contained within existing budgets.

Other policies and procedures have no impact on existing budgets.

**Staffing : HR049-2-18** There are no additional resource implications but improvements in performance should be a benefit, as there will be more clarity on waste policies which should result in notional savings in Operational and Customer Services staff time in dealing with some issues.

**Equality and Diversity including Human Rights :** Waste and Recycling Operational Policies have previously been introduced with following full equality impact assessments. A high level review has identified no new issues.

**Risk Assessment :** Although WLDC have long had a ban on garden waste being presented in refuse bins, there is a risk of unfavourable public reaction if a hard line enforcement approach is taken. Similarly, whilst proper waste collections are a legal requirement, and many of the charges are required by Government, the main risk is unfavourable public reaction from businesses and non-domestic establishments that have been used to receiving a free service.

As well as reputational risk, there is a risk that low take up of the chargeable WLDC services could potentially affect some of the income projections in the garden waste business case and commercial waste business case. These risks are minimised as the practical work in implementation will be continue to done by the commercial waste team. Marketing and communications strategies are in place and the team are experienced in this area. After appropriate education, enforcement measures are available to be used if they are required. Set against this are the risk management implications of not being seen to have a fair, transparent and equitable approach if clear policies are not adopted and publicised.

**Climate Related Risks and Opportunities :** The policies are designed to promote waste minimisation and facilitate recycling. Therefore, they will have a positive environmental impact locally and globally.

**Title and Location of any Background Papers used in the preparation of this report:**

The Controlled Waste (England and Wales) Regulations 2012:  
<http://www.legislation.gov.uk/uksi/2012/811/schedule/1>

**Call in and Urgency:**

**Is the decision one which Rule 14.7 of the Scrutiny Procedure Rules apply?**

i.e. is the report exempt from being called in due to urgency (in consultation with C&I chairman)

**Yes**

**No**

**Key Decision:**

A matter which affects two or more wards, or has significant financial implications

**Yes**

**No**

## **Executive Summary**

- 1.1 This report provides commentary on proposed changes to the existing “Waste and Recycling Operational Policies” document covering all refuse and recycling related services provided by WLDC. The aim of this Policies Document is to provide a standardised transparent approach, which can be used to manage the wider expectations of the service as well as providing a basis for which service standards can be monitored.
- 1.2 The Council last considered it’s policies document in its entirety in 2009. It is now in need of a refresh following the introduction of the Controlled Waste Regulations in 2012 and then, the launch of WLDC’s Commercial Waste Service in 2014 and the decision to charge for garden waste collections in December 2017.
- 1.3 This report considers the approach taken by other Lincolnshire authorities. In line with current practice for strategic waste decisions in Lincolnshire, these proposed policies were shared for consideration at Lincolnshire Waste Partnership on 8<sup>th</sup> March.
- 1.4 The Appendices lay out the proposed areas for change in the new Policies Document. It can be seen that the main policy changes involve a formal introduction of a number of charges for certain categories of waste under the Controlled Waste Regulations 2012 – both for garden waste and refuse and recycling collections. This report sets out the implications of these changes and recommends the formal introduction of new policies and practice to meet the discretionary power to charge for the collection and disposal of waste from certain classes of premises.
- 1.5 Most of the policies stay the same but are reworded to reflect new legislation and a more collaborative Lincolnshire approach. Members are particularly directed to sections 4-4-1 to 4-4-6 of this report which consider policies 22-26 within the policy document and specifies key proposed changes, these are also summarised in Appendix 2.



## **2. Background**

- 2.1 The Operational Policies Document has been in existence for some years. It was first published to coincide with the introduction of the Triple Bin Scheme in 2009 and it has been somewhat updated to reflect changes in service standards and procedures since then. A version is available on the WLDC website [www.west-lindsey.gov.uk/wastepolicies](http://www.west-lindsey.gov.uk/wastepolicies) and it has previously been presented to various stakeholders including customer services and collection operatives to ensure that the policy is fit for all involved in the provision of the service.
- 2.2 In 2017, a mixed group of WLDC officers reviewed the document to ensure policies are delivering against their aims, our corporate objectives and Government legislation. Input was received as to how improvements could be made. Where no formal change to policy is required, some of the recommendations of that group are already being incorporated to make improvements in operational procedures. In other cases, recommendations for change are presented in this report.
- 2.3 At the same time, Lincolnshire Waste Officers appointed a working party made up from representatives of each waste collection authority (WCA) to review the current arrangements across Lincolnshire relating to The Controlled Waste Regulations 2012 (CWR 2012). These Regulations define waste that should be classified as household waste and that for which a charge for collection and/or, disposal should be made. The results of the exercise revealed different approaches are currently in operation across Lincolnshire and a common approach has been proposed for service delivery, supported by Lincolnshire Waste Partnership. This is summarised in Appendix 3 and it can be seen that WLDC's position, and proposed changes to our Operational Policies document are in line with these Waste Officer recommendations. Other Lincolnshire WCA's are expected to amend their policies. The aim is to ensure a consistent application of the Regulations across Lincolnshire, but allow local discretion on pricing.
- 2.4 West Lindsey District Council has not, in the past, charged certain premises for collection of waste which have been incorporated into the domestic waste stream and until recently was the only authority in Lincolnshire not to make a charge for garden waste collections. However, the introduction of a charge, together with the continued expansion of the Commercial Waste and Recycling service has provided an opportunity to harmonise our policies with CWR 2012, to begin to deliver a fair and consistent approach, and ensure that the Council recovers costs for services provided. It is proposed that a formal set of policies and procedures are now introduced for collection of such waste as recommended in Appendix 2.
- 2.5 It is important to note that the majority of the changes in the CWR 2012 are already being applied to some degree in West Lindsey. Where the Regulations provide clarity and now classify waste as being 'Commercial Waste' WLDC recovers a charge for collection *and disposal* where we provide a service. The latter element of the charge is handed back to Lincolnshire County Council (the Waste Disposal Authority) under agreement. In several circumstances, there is a degree of flexibility in how the Regulations are implemented. Categories affected by such discretionary decisions are discussed in section 4 of this report and a standardised approach with clear written guidance is recommended for adoption in the Operational Policies document.

### **3. Proposed Changes To The Operational Policies Document**

- 3.1 The revised Operational Policies can be found at Appendix 1. The updated policies have been developed to ensure that the customer, officers and Members are all aware of the services which are being provided, the manner in which they are provided and what parties can expect of each other. The policies have been updated to ensure of residents know what to expect from the new garden waste subscription service and ensure that all parties know their responsibilities when disposing of this type of waste. The new policy document reflects changes in Government legislation such as CWR 2012 and they centre on being customer focused whilst delivering environmental performance and helping the service remain as cost efficient as possible.
- 3.2 The proposed changes within the document are outlined in Appendix 2. In fact most of these are not policy changes as such but clarification of existing policies which have needed rewording and/or updating. All areas but Policies 22-26, can be classified as 'business as usual' and it is from Policy 22 onwards where Officers would ask Members to focus their attention in this report.

Whilst there are a number of minor policy amendments proposed, largely around delivering a subscription based garden waste collection service rather than one paid for through Council Tax, it can be seen that the main policy changes involve a formal introduction of a number of new charges specifically for collections from non-domestic establishments. These charges are in line with CWR 2012 and the recommendations of the Lincolnshire Waste Partnership and they support the effective delivery of the Commercial Waste Service. Further detail and rationale for charges is presented in section 4 below.

Policy 25 provides a summary of the councils enforcement approach, but it is intended that the policy document will outline how West Lindsey District Council will deliver the refuse and recycling collection service and with appropriate education and support, enforcement should not be required.

Policy 26 simply gives general principles of how the council would operate during instances of severe weather, when snow, ice, floods or other conditions disrupt waste and recycling collection services. This has been discussed with the appropriate agencies, and a contingency action plan is in place.

## **4 Commentary on CWR 2012 and Proposed Policy Changes**

### **4.1 Background**

- 4.1.1 The Controlled Waste (England and Wales) Regulations 2012 (CWR 2012) replaced the Controlled Waste Regulations 1992 (CWR 1992) which specify which premises are required to pay for disposal and/or collection of their waste. The existing WLDC operations policy document was constructed under the 1992 rules -where the costs for waste from some private institutions and businesses was paid for by the taxpayer.
- 4.1.2 The 2012 Regulations classify waste as household, industrial or commercial, and also list types of waste for which local authorities may make a charge for collection and/or disposal. CWR 2012 re-classified a number of premises and also obliged local authorities to charge for the disposal of waste from a wider range of non-domestic premises than the CWR 1992 permitted. Following their introduction, the Government took steps to minimise the impact of the Regulations on small businesses and publicly-funded educational establishments and as such certain exemptions from disposal costs were included in an amendment to the Regulations made on 9 October 2012.
- 4.1.3 WLDC's fees and charges guidance, highlights the need for the Council to ensure that suitable recovery of costs is made for services provided. This is especially important given the economic climate which we are operating within.
- 4.1.4 West Lindsey District Council have previously not charged for collection of some of this waste, however changes to the Regulations allow greater scope for charging and introduction of the Commercial Waste and Recycling Service provided an opportunity to begin to ensure consistency of application. This approach to charging is one that is being followed jointly by the other Waste Collection Authorities in Lincolnshire.
- 4.1.5 For clarity, Members should be aware that West Lindsey District Council are responsible for waste collection, whilst Lincolnshire County Council is responsible for providing waste disposal. It is LCC's policy to levy a disposal charges where they are able to do so under CWR 2012, and WLDC pass on an element of the revenue collected from commercial waste customers under an agreement with LCC.

### **4.2. Proposed charges**

- 4.2.1 It is proposed that the charging principles that followed the introduction of West Lindsey's commercial waste service now be formally adopted as a policy and that generally a collection charge is levied where it is legal and we are obliged to do so. It is suggested that charges for non-domestic properties will follow those of the commercial waste service and are set to incentivise recycling over refuse collection. There is some variation in our commercial charges, but a fixed rate is recommended here, whereby the cost of service for individual premises would vary according to the number and size of bins needed and whether they would be liable to pay collection and disposal charges or a collection charge only.

When considering the level of charge to levy consideration has been given to:

- The level of charge levied by potential competitors – in order to maximise business retention a charging scheme is competitive to that that charged by the private sector would seem appropriate.
- WLDC's fees and charges guidance and the need to recover costs.
- The impact of introducing charges on the budgets of the organisations that have until now received a free service – introduction of a more modest charge would give organisations the ability to adjust to the charge. Charges would then be reviewed annually.

In light of the above factors a scheme of charges at the bottom of our commercial scale is recommended

- 4.2.2 Certain charging exemptions apply including allowing those publicly funded schools which currently benefit from free disposal to continue to do so. Other exemptions apply and more details of these in relation to each proposed type of premises is given in 4.4 along with the scale of any impact.
- 4.2.3 If the charges are adopted as policy, this will enable the Council as the Waste Collection Authority to show that it is meeting the requirements of CWR 2012, thereby delivering potential savings to the waste management budget and income to the commercial waste service. It will also provide clear guidance for communication to existing and potential users of the services, and ensure consistency of application. It may also cause those premises potentially affected to rethink how they manage their waste and look at more sustainable ways to either reduce or recycle it.
- 4.2.4 West Lindsey now has a comprehensive commercial waste collection service and there are number of other commercial waste operators in the district. There is an opportunity to continue to collect waste on the domestic rounds and receive an income for a service that was previously being utilised for free. Businesses will also be made aware that there are other commercial providers operating in the area.
- 4.2.5 It should be noted that not all premises to which these changes apply, currently utilise West Lindsey's domestic waste services. These premises may choose to continue with their current arrangements or switch to WLDC Commercial Waste Solutions if they provide a more attractive alternative.

### **4.3. Policy Detail**

- 4.3.1 As stated, where CRW 2012 presents clear guidance, charging arrangements have already been applied to some or all of the relevant premises across West Lindsey. It is intended that they will mirror wherever possible those of the other Lincolnshire collection authorities and the Waste Disposal Authority.
- 4.3.2 In accordance with the regulations, it is proposed that we now formalise the charges for collection of waste and these be levied on certain premises formerly classed as 'schedule 2 household waste' in the Operational Policies Document. The types of premises this applies to include the following:-

- Waste from a charity shop or community interest company which collects or sells donated goods from a non-domestic origin
- Waste from a residential or care home
- Waste from premises forming part of a university, school or other educational establishment (subject to certain exemptions see 4.4.3 below)
- Waste from a hospital
- Waste from prisons and penal institutions

4.3.3 The Regulations have re-classified the following premises as commercial waste and collection charges are now being applied. There are a number of exemptions which are described in section 4.4 below.

- Premises occupied by a club, society or association
- Premises occupied by a charity used for charitable purposes
- Self-catering holiday accommodation
- Camping and caravan sites
- Waste from any part of a composite hereditament\* used for the purpose of a trade or business

*\*These are premises which may be used for domestic and trade purposes such as public houses. It is proposed that any premise paying Council Tax will continue to have a free collection subject to standard domestic limits. Additional waste will be treated as commercial. It is proposed that this should also apply to other premises listed here which pay domestic Council Tax.*

#### **4.4. Decisions required concerning premises and waste types**

4.4.1 In several circumstances, there is a degree of flexibility in how the regulations are implemented. Categories affected by such discretionary decisions, or where a degree of pragmatism is required, are detailed below. It is intended that the Controlled Waste Regulations (2012) will be applied in all other cases. The Local Government Ombudsman has previously recommended that councils have a specific policy in these areas. The proposals below have been incorporated into the new draft version of the “Waste and Recycling Operational Policies” document to satisfy this requirement and provide clarity.

#### **4.4.2 Charity Shops, Community Interest Companies and Premises occupied by a Charitable Organisation**

The Regulations make a distinction between these categories. ‘Premises occupied by a charity and wholly or mainly used for charitable purposes’ is deemed to produce commercial waste and ‘A charity shop selling donated goods originating from domestic property’ produces household waste for which a collection charge should be made. In addition, the Regulations stipulates that where waste from the charity originates from a commercial source, disposal may be charged. However, it is acknowledged that differentiating between commercial and domestic sources of charity shop waste would prove challenging, particularly as all charity shops can currently dispose of their waste for free under a disposal permit scheme operated by Lincolnshire County Council.

### ***Proposed Policy Approach***

**Premises occupied by charities, but which are not charity shops, will be charged for collection and disposal. Charity shops will be charged for collection only if a service is required, but they will be sign-posted to Lincolnshire County Council's scheme where they can transport their own waste to a free disposal point if they wish.**

#### **4.4.3 Universities, Schools and Other Educational Establishments**

Local Authorities could previously only charge for the collection of waste, but not disposal, from educational establishments including universities, schools and colleges. The new regulations now allow local authorities to also charge for disposal of waste. However, an exemption applies; where a Council offered a waste collection service to a Local Authority funded educational establishments without a disposal charge prior to the 2012 regulations coming into force, they would be able to continue to receive free of charge disposal after the Regulations came into force on 6 April 2012. West Lindsey offered waste collections to all Local Authority schools and so now charge for collection only.

Charges for recycling collections have been levied since April 2016 and the immediate impact on West Lindsey's schools has been minimal with a number offsetting the recycling collection charge by switching all of their waste collections to West Lindsey. WLDC can, in most cases, offer a better service and rate for then the private sector can and to date, 45 schools have signed up for our commercial offering. The Council continues to work closely with schools and students to reduce, reuse and recycle their wastes and the reaction to the changes has been largely positive

### ***Proposed Policy Approach***

**No change to the current arrangements. Existing procedure is adapted as a policy statement.**

#### **4.4.4 Small and micro-businesses**

The government has included the following exemption to help minimise the impact of the Controlled Waste Regulations on small and micro businesses. The Regulations provided an exemption from waste disposal charges for businesses which immediately before CWR 2012 came into force were (a) eligible for free waste disposal and (b) entitled to Small Business Rate Relief (SBRR).

### ***Proposed Policy Approach***

**Where a business meets both requirements for this exemption they could be liable to pay a collection charge only for their waste. West Lindsey previously offered no service so it is recommended where a business operated from home and may be entitled to free disposal, they will have the option of utilising spare capacity in their domestic limits for their business waste. This will be standard household allocation of 180 litre refuse bins and 240 litre recycling bins (or sack equivalent) only. Extra waste will be charged for collection and disposal.**

#### 4.4.5 Businesses employing up to 20 people

To minimise the impact of the Regulations on firms employing up to 20 people, the Regulations have provided that local authorities shall have the freedom to decide whether to charge for collection and disposal on a case-by-case basis, allowing them to make decisions which best support local needs and aspirations. Those most likely to be affected are in self-catering holiday accommodation and childcare (pre-school) categories.

##### ***Proposed Policy Approach***

**In line with Lincolnshire County Council disposal charge policy, the Council will charge for *collection and disposal* where the regulations allow. Charges will not be discretionary as a consistent and fair approach needs to be adopted.**

#### 4.4.6 Community and Village Halls

CWR 2012 states that 'waste from premises used wholly or mainly for public meetings' is to be regarded as household waste for which a *collection charge*, but not disposal charge, may be made. However most village and community halls which host public meetings are very often also used by clubs or societies or are hired out for events such as parties etc. The Regulations state that 'premises occupied by a club, society or any association' is classified as commercial waste for which both collection and disposal charges apply.

There is an obvious conflict between these two classifications and a policy is needed to avoid doubt. Within West Lindsey there is a contrast of policies in different areas regarding the services provided and the charges for these services. There are many ways such venues deal with waste for example: some have a commercial contract, some receive a free collection, and others encourage users to take waste home.

Whilst it is appropriate that discretion is used not to charge for waste collected from halls in the first category, there is a possibility of an unfair competitive advantage given to such premises which also generates commercial waste and which may be in competition with other venues (which are not exempt from charges) for social events, hosting clubs etc.

##### ***Proposed Policy Approach***

**Halls used wholly or mainly for public meetings will be offered the same service as a domestic household (1 x 180 litre refuse bin, 1 x 240 litre recycling bin) free of charge. 1 garden waste collection bin will be offered, for which a *collection charge only* will be made at the standard household rate. Any additional waste generated at the premises would be treated as commercial waste and *collection and disposal charges* levied.**

## 5 Timescale and next steps

- 5.1 Following approval to proceed from Members, the new policy document would be adopted with immediate effect. Charges would be introduced as per the timescale in Appendix 3. Where there are new charges or procedures, Officers would like to follow a communication plan - similar to the one used to successfully introduce new charges for schools and garden waste. Many organisations potentially affected by the review of waste policies and charging have already been notified that the matter is under consideration, and that charges may be introduced.
- 5.2 Following discussion by Lincolnshire Waste Officers, all the WCAs have committed to discussing this matter further within their Councils as to their approach for charging for these categories of premises.
- 5.3 The Policies Draft Paper was considered by the Lincolnshire Waste Partnership (LWP) at its meeting on 8 March.. Recent decisions at the LWP regarding governance arrangements included an agreement to refer all strategic waste decisions for consultation to the LWP before implementation. The proposal to introduce charging for these waste categories could be seen to fall within that arrangement. The deliberations of the LWP are not however binding on member authorities.
- 5.4 If approved, adopting these policies will help us come into line with both Government policy and the standard within Lincolnshire.
- 5.5 Where a business does not have a current waste contractor they will receive a warning and a reasonable period of time to comply unless it is considered a serious enforcement breach. With residents, we would look to inform and educate before escalating if our policies are being contravened. In all cases, Further action would be undertaken via West Lindsey's Corporate Enforcement Strategy.

## 6. Alternative Options and reasons rejected

- 1) **To continue to collect waste from some of the premises under consideration free of charge** - This is considered inappropriate as some categories of premises are considered businesses.
- 2) **To continue to work under the Operational Services Policy Document written in 2009** – It is recommended that this is rejected as the policies document is now in need of a refresh following the introduction of the Controlled Waste Regulations in 2012 and then, the launch of WLDC's Commercial Waste Service in 2014. Failure to adopt new policies that incorporate CWR 2012 will jeopardise the ability of the Commercial Waste service to hit its customer projection level and expected contribution to WLDC's budget.



## WASTE AND RECYCLING OPERATIONAL POLICIES



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## INTRODUCTION

West Lindsey District Council's Refuse and Recycling Policy aims to ensure that our waste and recycling services operate effectively and efficiently in order to maximise recycling and reduce the amount of residual waste.

This policy document is designed to lay out agreed policies and procedures that are clearly defined, ensuring transparency and maintaining certainty for residents, council members and officers of the district council.

Under the terms of the Environmental Protection Act 1990, West Lindsey District Council is classed as a Waste Collection Authority, and as such, under section 45(1) we have a statutory duty to collect household waste from all domestic properties within our administrative area.

Under Section 46(4) of the Environmental Protection Act 1990, the Council has specific powers to stipulate:

- The size and type of the collection receptacle(s)
- Where the receptacle(s) must be placed for the purpose of collection and emptying
- The materials or items which may or may not be placed within the receptacle(s)

Any residents not complying with the Council's requirements, as per the Section 46 notification, may be subject to a fixed penalty ticket or other legal action, or a loss of the collection service.

It is intended that the policy document will outline how West Lindsey District Council will deliver the refuse and recycling collection service and with appropriate education and support, enforcement should not be required.

## POLICY 1: FREQUENCY OF COLLECTION

The council will collect household refuse and household recyclables on an alternate weekly basis in most areas of the District. For paid subscribers to the service, garden waste will also be collected on a fortnightly basis during the collection season. The collection season is currently set to run from the beginning of April to the start of December. Garden waste collections are organised to ensure that each household receives 18 collections, providing they sign up to the service prior to the start of the collection season. See Policy 21 for more information about the garden waste collections.

The collection day will normally be the same day of the week for refuse and for recycling.

The time of the day for collection may vary due to road works, vehicle breakdowns or other situations outside of our control. Therefore, please present your bin(s) before 7am on your designated collection day. Bins can be presented after 7pm on the evening prior to collection.

During Bank Holiday weeks, collections will usually be as per your regular collection day. However, there may be occasions when collection days are altered. This is normally over the Christmas and New Year period.

Information about alterations will be advertised through a number of methods including on the Council's website at [www.west-lindsey.gov.uk](http://www.west-lindsey.gov.uk), resident publications and local newspapers.

We aim not to change your collection day from year to year, but occasionally this is necessary to ensure that our collection rounds take account of new home building and are routed efficiently.

We currently provide collection calendars to all households in the district on an annual basis, to advise of collection arrangements throughout the year. Details of collection arrangements will always be made available on our website at [www.west-lindsey.gov.uk/mybinday](http://www.west-lindsey.gov.uk/mybinday)

## **POLICY 2: PROVISION OF WHEELED BINS**

All households are required to present their waste and separated recyclables in wheeled bins or bags issued by the council. Presentation must be made at the front boundary of their property where it meets the kerbside. We refer to this point as the *curtilage*. (See policy 5)

The exception to this policy will be where households are unable to move wheeled bins to the curtilage of the property, due to access difficulties, e.g. terraced properties with no viable access for wheeled bins from the rear of the property to the curtilage. In these or similar access or health and safety circumstances, alternative waste collection receptacles will be provided, by arrangement with and at the discretion of West Lindsey's Waste & Recycling Team Manager.

In the interests of waste minimisation, and therefore reducing costs to the council tax payer and lowering impact of landfill on the environment, the council issues black (refuse) wheeled bin capacity to households based upon household occupancy.

Household occupancy is defined as number of permanent, full time occupants. Please be aware that a charge also now applies for supplying additional wheeled bins.

A standard family wheeled bin (180L) is the default bin provided to the majority of residents. Separate policies are applicable for flats and premises of multiple-occupancy (see Policy 12.)

### **Large Family wheeled bin (240L)**

Only households that have four or more occupants, or a specific verified need, such as medical waste, (see Policy 20) can apply for additional refuse bin capacity. This request can be completed online by visiting [www.west-lindsey.gov.uk/doitonline](http://www.west-lindsey.gov.uk/doitonline) or alternatively you can call our Customer Services on 01427 676676. This request will only be approved subject to residents using the existing recycling facilities to the fullest extent. Once provided, a family wheeled bin may be taken away and replaced with a Standard Family wheeled bin (180L) if this condition is not satisfied. Households will then not be eligible for another assessment for a period of 6 months. Please be aware that a charge also applies for supplying wheeled bins.



## Second refuse wheeled bin

There will be a very limited number of households who will need greater waste capacities than is offered by the 240L bin. In such cases residents may be offered a second wheeled bin to enable them to safely dispose of the waste that they produce. The bin size offered will reflect the needs of the household which will be assessed by the Council. Examples include large families with more than 3 children in nappies and adults with large quantities of non-hazardous medical waste.

Two bins will be provided for a fixed period only and this will be reviewed at the end of this period. Once again, provision will be subject to households using the existing recycling facilities to the fullest extent.

At these properties both bins will display a sticker so that collection crews will know to empty 2 bins.

## POLICY 3: CHARGES FOR WHEELED BINS

Charges for supplying wheeled bins were introduced by West Lindsey District Council in 2012.

Due to the current financial situation, the council is under increased pressure to save money. The charges for bin provision solely cover the cost of the bins and their delivery. We also aim to encourage householders to take better care of their bins by labelling with their house number and bringing back in as soon as possible after collection.

This charge applies both to new properties and for replacement bin and payment will be taken prior to any replacement being ordered / delivered. The exception is where bins are damaged by our crews or reported as stolen to the Police. If your bin is stolen you should contact the Police and ask for an incident reference number. Please visit [www.west-lindsey.gov.uk/wastefees](http://www.west-lindsey.gov.uk/wastefees) for details of current charges.

Any requests to provide new wheeled bins (refuse or recycling) for a new build property or due to damage, loss or theft must be made to the Council; either by contacting the Customer Service Centre on 01427 676676 or using the online request service which can be found at [www.west-lindsey.gov.uk/doitonline](http://www.west-lindsey.gov.uk/doitonline)

Replacement wheeled bins will be delivered to householders as soon as practicable after the payment has been received, but in all cases within 10 working days.

All refuse and recycling receptacles supplied to householders shall always remain the property of the Council.

When householders move home they must leave the refuse and recycling wheeled bins at the property for the new occupant. Householders are responsible for the storage, safe keeping and cleaning of refuse and recycling receptacles.

For newly built properties, either the developer or the builder (if smaller estates or individual properties) will be responsible for the purchase of wheeled bins for the properties they have constructed. If developers fail to make this provision, the resident will be liable for the purchase of the wheeled bins. No collections will be made until such time as wheeled bins, of an approved design and colour, have been purchased.

These wheeled bins can be purchased from the Council or can be procured by the developers, provided they are approved for use by the Council. The wheeled bins will become the property of the Council and must be left at the property when residents move out.

## **POLICY 4: AUTHORISED SACK SCHEME FOR EXEMPT PROPERTIES**

Where agreed by the Waste & Recycling Team Manager (or designated Officer) individual households unable to utilise wheeled bins to contain their waste and recyclables, will be provided alternative receptacles. These will consist of blue (refuse) and clear (recycling) 'authorised sacks'. Sacks for the presentation garden waste can be provided for a small charge (See Policy 21)

Properties that **may be** exempted from the triple bin scheme include:

- Purpose built blocks of flats.
- Flats above shops.
- Properties with no frontage.
- Properties with very small front gardens (less than 1 metre deep) that have insufficient space for a wheeled bin.
- Very long drive.
- Properties the Council's regular fleet cannot access.

The suitability of a wheeled bin collection to properties with steps or steep frontages will be assessed on a case by case basis. If, for health and safety reasons, they are found to be unsuitable then they will be exempted.

Authorised sacks will be issued to households every 6 months and will provide the same capacity to contain waste and recyclables, as would be available if the householder were provided with wheeled bins. Unless a prior arrangement has been made, a maximum of four blue bags per collection will be picked up. Any more will be treated as side waste and not collected.

Table 1 below identifies the number of authorised sacks provided to households under this arrangement.

Where households use their allocation of 'authorised' sacks before they are replenished, the householder will be required to purchase 'pre-paid' authorised sacks in which to present their waste. (See Policy No 19)

Where households, not recorded as being on the authorised sack scheme present authorised sacks, the sacks will be rejected for collection.

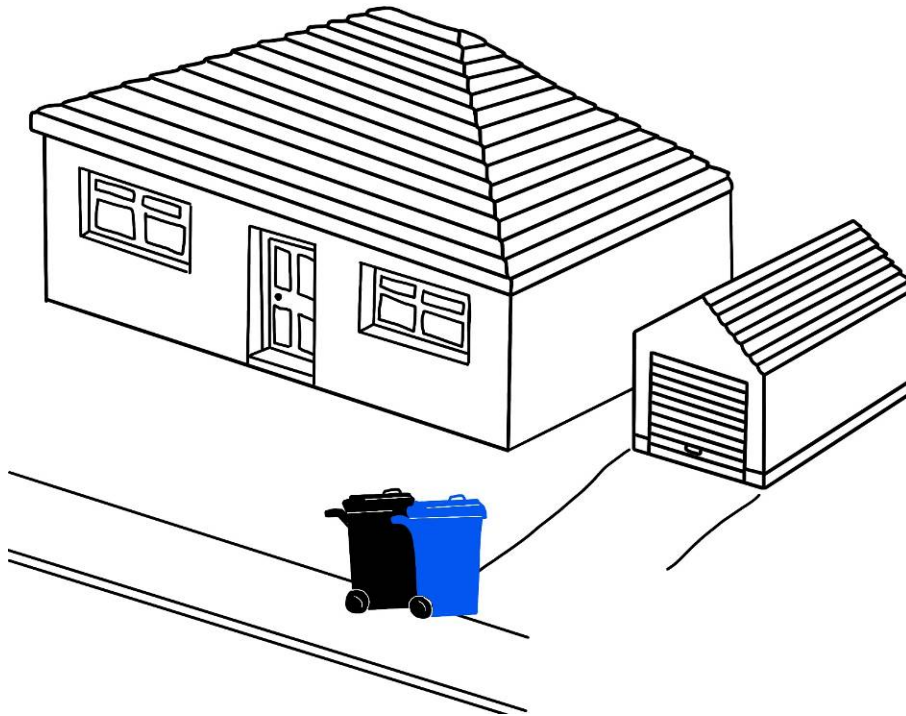
**Table 1 - Number of Authorised Sacks Issued to Households – per 6 months**

<b>Household Occupancy</b>	<b>Refuse (Blue)</b>	<b>Recycling (Clear)</b>
<b>4</b>	<b>65</b>	<b>78</b>
<b>5</b>	<b>78</b>	<b>100</b>
<b>More than 5</b>	<b>To be assessed *</b>	<b>To be assessed *</b>

\* At discretion of the Waste & Recycling Team Manager or Designated Officer

## POLICY 5: PRESENTATION OF REFUSE AND RECYCLABLES

Waste and recycling receptacles must be presented at the curtilage (front boundary) of the property, at the point nearest the highway by 7am on the appointed day of collection. The wheeled bins should then be taken back onto your property by the end of the collection day.



The Council will not empty any non-WLDC wheeled bins.

Where residents report difficulty in terms of being able to present their bin, due to access issues such as steep slope or steps to access their property, a council officer will visit the householder to determine the most appropriate solution.

Where householders share a driveway, they will be required to present their waste receptacles for collection at the end of the shared drive, at a point nearest to the highway.

Where an individual property is located down a 'long-driveway', the householder is required to present their waste receptacle for collection at the point nearest the highway. The Council's designated Officer will visit the householder to assess the most appropriate location to present the waste receptacles and the type of receptacles to be used. Where the 'long-driveway' serves several properties, the Council will arrange for the designated Officer to visit and assess if it is appropriate for a collection freighter to access the properties.

Any variation to this policy will be at the discretion of the Waste & Recycling Team Manager or designated Officer. Their decision will be deemed to be final.

## POLICY NO 6: COLLECTION OF REFUSE

All refuse receptacles are liable to inspection before collection.

The refuse receptacle should contain 'non-recyclable' household waste only:

The refuse receptacle **must not** contain:

- Liquid waste
- Garden/yard waste
- Soil
- High grade clinical waste, including sharps
- Tyres
- Hazardous waste
- Waste Electrical and Electronic Equipment
- Large 'bulky' items.
- Construction/DIY waste such as bricks, plasterboard; cement, aggregates, and timber.
- Paint (in liquid form)

The Council can be contacted regarding arrangements for disposal of the types of waste listed above or see [www.west-lindsey.gov.uk/householdwaste](http://www.west-lindsey.gov.uk/householdwaste).

Should the refuse receptacle contain wastes of the type detailed above, the refuse operator will not collect the waste. In this circumstance, should the refuse not be collected, the disposal of the waste will then become the responsibility of the householder, who will be required to dispose the waste in accordance with instructions provided by the Supervising Officer.

Generally the householder will be required to remove the incorrect waste item(s). The receptacle can then be presented on the next refuse collection day. In this circumstance householders are required to contain additional waste they are not able to fit into the wheeled bin, in WLDC pre-paid sacks until the next refuse collection. See Policy No 19.

Failure to comply with instructions of the Supervising Officer may result in enforcement action being taken under appropriate legislation. See Policy 24.

## POLICY NO 7: RECYCLING COLLECTION

Under Section 46 of the Environmental Protection Act 1990 the Council is exercising its powers to require households to segregate their waste for recycling purposes.

All recycling receptacles will be liable to inspection prior to collection, to establish that they contain only the designated recyclable materials, as detailed on the back of your collection calendar. Or visit [www.west-lindsey.gov.uk/recycling](http://www.west-lindsey.gov.uk/recycling) for further information.

The Council will provide additional printed information or a visit to explain which materials are suitable for recycling upon request.



Contamination can have a major impact on our recycling and composting schemes by reducing the quality of the material and the risk that it will be rejected by the re-processors. The rejection of loads increases disposal charges.

Recycling and garden waste receptacles considered by operatives to be contaminated' will not be collected. Should the operative observe a contaminated receptacle, a sticker will be attached to it, notifying the resident why it has not been collected.

At the discretion of the Waste Operative he may remove contaminating materials from receptacles and empty the bin if contamination is not considered severe enough to warrant a bin rejection.

WLDC will not make an unscheduled return to collect recycling receptacles rejected for collection, even if the offending material has been removed by the householder. In this circumstance, should the recycling receptacle not be collected, the disposal of the rejected waste will be the responsibility of the householder, who will be required to dispose of the materials in accordance with instructions provided.

Generally the householder will be required to remove the waste causing the contamination problem. The receptacle can then be presented on the next recycling collection day. In this circumstance, householders are required to contain the recyclables they are not able to fit into the wheeled bin in their own clear plastic sacks, until the next recycling collection. It can then be presented next to the blue bin. Excess garden waste may not be presented in this way.

The Supervising Officer has the discretion to arrange for the contaminated recycling receptacle to be collected on the following refuse collection day. This option will be made available to the householder on one occasion only, following a receptacle being rejected for being contaminated.

Should a householder continue to present recycling receptacles containing contaminating waste material, the Council will take appropriate enforcement action under available legislation. See Policy 24

The Council will provide a reasonable level of advice and assistance to householders regarding how to recycle their waste effectively, prior to taking enforcement measures.

## **POLICY NO 8: REJECTION OF RECEPTACLES FOR COLLECTION**

The Council will reject for collection, refuse and recyclable receptacles for the following reasons:

- Bin lid not fully closed;
- Wrong receptacle presented, e.g. recycling bin presented on refuse week;
- Materials not suitable for recycling placed into the recycling receptacle;
- Refuse receptacle contains waste as detailed in Policy 6 above;
- Waste receptacle too heavy to lift, due to it containing heavy waste such as construction/DIY/soil/yard/garden wastes.

- Waste and recyclables presented in blue authorised sacks at properties not recorded as being part of the authorised sack scheme.
- Authorised sacks presented in dustbins.

## **POLICY NO 9: ASSISTED COLLECTION**

This policy outlines how householders can access the assisted collection service so they can participate fully in the refuse and recycling collection service.

Residents, who are unable to transport their wheeled bins/bags to the required collection point, because of ill health, infirmity or disability, and without other occupants in the household able to assist them (16 years and over), will be placed on the 'assisted collection' scheme, upon request.

Residents are required to provide information so that a simple assessment may be completed. Applications are considered on a case by case basis. Home visits are carried out where necessary.

Assisted collections are subject to the Council being satisfied that service provision is warranted.

Alternative receptacles, for example bags, can be provided on assessment of the needs of the customer as well as to facilitate collection by our operatives.

Residents on the assisted collection scheme will have their wheeled bins/bags collected by a collection operative from an agreed location and emptied into the collection vehicle. Wheeled bins will be returned to the same location.

It is the resident's responsibility to ensure the unobstructed availability of the receptacles i.e. gates etc. are unlocked by 7.00am on the date of collection. If the collection operative is unable to gain access to the wheeled bin/bags they will not be emptied/collected until the next scheduled collection.

If the householder's circumstances change, the resident must inform the Council.

The Council will periodically review the assisted collection register.

## **POLICY NO 10: PRESENTATION OF SIDE WASTE (REFUSE)**

The presentation of 'side' waste does not support waste minimisation principles or encourage residents to maximise recycling. Therefore, excess household refuse left beside the wheeled bin will not be collected, unless it is contained within pre-paid WLDC authorised refuse sacks.

Pre-paid authorised sacks are made chargeable so as to provide incentive to householders to recycle and compost their waste at home, thereby reducing waste arising.

Should households not be able to contain refuse within the refuse bin, they may take this waste to a Household Waste and Recycling Centre, (see [www.lincolnshire.gov.uk/recycling](http://www.lincolnshire.gov.uk/recycling) for a list) or purchase pre-paid excess refuse sacks.

The Council will provide advice to householders on reducing their waste, upon request.

Should the householder continue to present unauthorised side waste, the Council will take appropriate enforcement action under the relevant legislation.

## **POLICY NO 11: PRESENTATION OF ADDITIONAL RECYCLABLES**

The Council encourages households to maximise the presentation of recyclable materials for recycling.

Where insufficient capacity exists for the householder to contain additional recyclable waste in their blue wheeled bin, the householder may present additional recyclables outside the wheeled bin. Excess recycling should be placed within clear polythene sacks, open carrier bags, or open cardboard boxes. Black bags will not be accepted.

Where bulky items of cardboard packaging arise, householder may present this material outside the authorised receptacle for collection by the WLDC on recycling collection week. The bulky packaging must be free of polystyrene, plastic films, string, rope, banding and other non-recyclable waste.

Where a property is part commercial and part residential councils are entitled to charge for collection of all of the waste. The Council will provide only 1 x 240 litre recycling bin for the collection of the household element, but the occupier must be able to provide proof of disposal route for the commercial waste and where there are doubts as to the origins of the waste (i.e. where commercial waste is apparent) then additional recyclables will not be collected or a charge will be made.

## **POLICY NO 12: PREMISES IN MULTIPLE-OCCUPANCY**

This policy sets out the provisions for refuse and recycling collection within communal refuse storage areas.

It is the Council's preference to supply individual wheeled bins wherever possible, even for flats, but for multiple occupancy households/properties, the Council may supply an appropriately sized larger wheeled bin(s) for refuse and recyclables. It may be that a bag service as is deemed most suitable in some instances.

The developer/builder/management agent should engage with the council at the earliest opportunity when considering waste management arrangements for their complexes. Larger bins will only be serviced by prior arrangement and a fee must be paid to the Council for their provision. Only WLDC approved bins will be emptied.

Where residents of multiple occupancy properties do not segregate their waste for recycling in an effective manner, the Council will endeavour to work with residents to encourage recycling. If appropriate the Council will use its enforcement powers to achieve improvement in recycling performance from multiple-occupancy properties.

Where the reasonable efforts of the Council fail to improve the quality of recyclables presented for collection, the Council may remove the recycling receptacle. The refuse receptacle will still be collected fortnightly on refuse collection week. The combined

capacity of the refuse receptacles (in litres) should not exceed 180 multiplied by the number of occupied properties.

The Council will assess the servicing of flats/ mixed properties on an individual basis and cases will be considered on their merits. Property visits and discussions with the relevant management agencies will be carried out where appropriate.

Where there is contamination within the waste on a regular basis the Council will require the management agency/housing association/ landlord to, at their own expense, ensure all non-recyclable material is removed in readiness for the next collection.

It is the property management company / residents' role to present the bins in a manner that allows for a collection to take place. Where access is not possible due to locked gates etc the wheeled bins/bags will not be collected. Only where damage is caused as a direct result of the collection process will the Council pay for the repair or replacement of the receptacles.

Where bin stores have excess waste blocking access (bags, loose waste, furniture etc), the collection crew will not clean the area. If it is not possible for the collection crew to collect the wheeled bins/bags, they will be left and it will be the responsibility of the Management Company / residents to dispose of the waste.

Any disposal of wastes by residents or landlords should be carried out in compliance with current legislation.

Where a property is part commercial and part residential - for example a public house with living accommodation above or a shop with living accommodation, councils are entitled to charge for collection of all of the waste. The Council will provide standard capacity (1 x 180 litre refuse bin, 1 x 240 litre recycling bin) for the collection of the household element, but where there are doubts as to the origins of the waste (i.e. where commercial waste is apparent) then the waste will not be collected or a charge will be made.

## **POLICY NO 13: MISSED COLLECTIONS**

Waste and recycling receptacles are to be presented for collection by 7am on the designated day of collection.

If receptacles are not presented by 7am on the day of collection, bins reported as missed will not be considered a 'missed' collection. Responsibility for disposal of the waste will then become that of the householder.

Waste and recycling receptacles not presented for collection at the time the collection operatives arrive at the property will be recorded on the round sheet, which will be submitted to the Supervising Officer at the end of the working day.

If a receptacle is recorded on the round sheet as 'not presented', responsibility for disposal will become that of the householder. Therefore WLDC will not return to collect the bin.

A collection will not be recorded as missed collection until after 4:30 pm on the designated day of collection, as collection routes and times are liable to change. However if a householder has not had their bin collected and adjacent neighbours have, they should

contact the Council on 01427 676676. We will then attempt to revisit for collection on the same day subject to the record sheet failing to show the receptacle as not being presented for collection.

Should a missed collection be reported after 4.30pm on the designated day of collection, and subject to the record sheet failing to show the receptacle as not being presented for collection, WLDC will be required to go back within 5 working days and collect the waste.

Where householders do not present their refuse or recyclables for collection in accordance with Council requirements, the householder will have the following options:

- Take the waste to the Household Waste and Recycling centre;
- Store the waste until the next collection day;
- If required purchase authorised pre-paid sacks to contain the waste until the next collection.

### **POLICY NO 14: WHEELED BIN LOST IN COLLECTION VEHICLE**

There may be some circumstances where a bin is lost or damaged in the back of the collection vehicle. Should this occur, our operative is instructed to place a note through the householder's door advising of the incident.

In these cases, the Council will replace the wheeled bin free of charge as soon as reasonably practicable.

In the interim, the Council will send sufficient authorised sacks to the householder to cover the period between when the bin is reported missing, to the planned delivery date of the replacement receptacle.

### **POLICY NO 15: STOLEN WHEELED BIN**

When a resident reports their bin as stolen this must be supported by a police incident number. If this is not provided, a charge will be levied to cover administration and delivery.

The council will send sufficient authorised sacks to the householder to cover the period between when the bin is reported missing, to the planned delivery date of the replacement bin.

The report of the stolen bin will be recorded and should a further bin be reported as stolen within a 3 year period, the householder will be required to pay for a replacement bin.

If a stolen bin is reported from an address where the previous occupants had a bin stolen, the Council will provide the first replacement bin free of charge. Once again, this is dependent upon a police incident number being provided.

If we believe a bin has been misused, damaged or lost by a householder the Council will charge the householder for a replacement. Even when a charge is paid by the householder, the bin remains the property of the Council.

This policy is designed to encourage responsible use of containers, and because we consider it fairer that the cost of replacements be met by the residents requiring them, not council tax payers as a whole.”

### **POLICY NO 16: PROVISION OF NON-STANDARD WHEELED BINS**

Where household occupancy changes or circumstances arise so as to merit extra receptacle capacity, the Council can make arrangements to provide the additional capacity required upon receipt of the necessary payment.

### **POLICY NO 17: PROVISION OF WHEELED BINS TO NEW DWELLINGS**

The Council will provide wheeled bins to new dwellings upon receipt of the necessary payment for bins, the minimum requirement is for a black and blue bin, with the garden waste bin being optional.

The property developer should contact Operational Services regarding new developments in order that adequate and suitable storage is identified.

### **POLICY NO 18: PROVISION OF AUTHORISED SACKS TO NEW DWELLINGS**

New dwellings will not be provided with authorised sacks as an alternative to wheeled bins, unless Policy Statement 2 applies.

### **POLICY NO 19: PRE-PAID AUTHORISED SACKS**

To encourage effective recycling and waste minimisation, the Council does not collect ‘side waste’, in accordance with Policy Statement 8, unless contained within an authorised pre-paid sack.

Blue sacks are available to purchase from WLDC offices at Gainsborough and Market Rasen. They are also available by post (although a delivery charge applies).

For current charges of the authorised pre-paid sacks (including garden waste) please visit [www.west-lindsey.gov.uk/wastefees](http://www.west-lindsey.gov.uk/wastefees)

The Council will review provision of the service and increase the charge in-line with inflation, on an annual basis, thereafter.

### **POLICY NO 20: CLINICAL AND MEDICAL WASTE PROVISIONS**

West Lindsey is required to collect Clinical Waste (Healthcare) waste from domestic properties, (although it is classed as household waste for which a charge can be made).

#### **Hazardous Clinical Waste**

Some clinical waste, e.g. haemodialysis waste and sharps are classified as hazardous waste and need to be disposed of separately and sent for incineration.

West Lindsey currently only collect sharps waste and this service is available upon request by telephoning 01427 676676. An appointment will be given for collection (within a 48 hour slot). In order to make best use of resources we limit

Requests for collection of other hazardous clinical waste such as haemodialysis waste must be referred by the appropriate PCT, (Primary Care Trust) onto Lincolnshire County Council for a collection to be organised with a specialised contractor.

## **Non-Hazardous Clinical / Medical Waste**

Most types of low grade clinical waste, such as bandages, dressings, drainage bags, colostomy bags and incontinence pads are classed as low grade (non-hazardous) can be disposed of along with your normal domestic refuse, and placed within your black wheeled bin.

Upon request, the Council will provide larger or additional wheeled refuse bin to residents. For residents on a refuse sack service, the Council will also supply additional refuse sacks for this purpose and to enable the waste to be double-bagged.

To request a larger or additional wheeled bin for medical waste reasons, written confirmation of need is required from a qualified person (carer, nurse, doctor), which should include a description of the waste to be collected.

The Council does not provide a service for the removal / disposal of unused pharmaceuticals, which should be returned to a pharmacy.

## **POLICY NO 21: BULKY WASTE COLLECTION SERVICES**

The Council provides a bulky waste collection service for large household items such as:

- Table & chairs
- Washing machines
- Dishwashers
- Carpets
- Mattresses
- Suites
- Beds
- Wardrobes
- Cookers etc.
- Fridge/freezers



There is a charge for this service, see [www.west-lindsey.gov.uk/wastefees](http://www.west-lindsey.gov.uk/wastefees) for current charges. The minimum charge will consist of a number of items but not to exceed 6 points. If the points value is exceeded then an extra amount also applies.

An example of the points value is given below.

### **3 points**

- King sized bed base, mattress, headboard and fittings;
- 3 piece suite

### **2 points**

- Cooker;
- Dishwasher;

### **1 point**

- Chest of drawers;
- Kitchen table;
- Dressing table.

A collection date (within a 48 hour slot) is given to the customer when they request a collection. Means tested benefits no longer apply.

The bulky waste collection service does not include collection of items such as

- Bricks
- Concrete
- Tyres and car parts
- Cast Iron Boilers
- Oil tanks
- Plasterboard

## **POLICY 22: GARDEN WASTE COLLECTIONS**

**This policy sets out the optional garden waste service which is provided by the council.**

A separate, chargeable service for the collection of green garden waste is available to householders. Information on how to subscribe can be accessed on [www.west-lindsey.gov.uk/gardenwaste](http://www.west-lindsey.gov.uk/gardenwaste) or by calling the Customer Service Centre on 01427 676676.

Garden waste is not permitted in the residual or recycling waste wheeled bins/bags and will not be collected. Householders who do not subscribe to the service must make arrangements to dispose of their own garden waste either by composting or at a Household Waste Recycling Centre.



For paid subscribers to the service, garden waste will also be collected on a fortnightly basis during the collection season. The collection season is currently set to run from the beginning of April to the start of December. Garden waste collections are organised to ensure that each household receives 18 collections, providing they sign up to the service prior to the start of the collection season.

The charge for the service is £35 per year, there is no reduction for part year subscriptions.

Where agreed by the Waste & Recycling Team Manager (or designated Officer) individual households unable to utilise wheeled bins to present their garden waste will be able to purchase garden waste sacks. Households who purchase sacks will be added to our collection round database, and sacks will be picked up and taken for composting during the collection season. Sacks will be a minimum of 80 litres in capacity and will be available to purchase in bundles of 54 bags for a cost of £35 (including delivery.) This gives the same equivalent capacity to contain garden waste as would be available if the householder were provided with a wheeled bins and is priced at the same rate. In addition, there is no expiry date for the sacks, so any unused from the bundle can be presented in the next collection season.

Sacks purchased on an individual basis to be used as a top up to the standard service will be charged at £1.65 each + postage and packing.

Our standard collection vehicles will be unable to ensure that garden waste contained in sacks is recycled and therefore, the sack service will only be available to residents where a wheeled bin collection is unsuitable.

There is no limit to the number of garden waste wheeled bins or sacks which a householder may purchase.

It is possible to opt-out of the scheme once joined but no refunds will be given under any circumstances; householders are not required to return the wheeled bin to the Council.

Where householders have opted out of the service and subsequently wish to subscribe, there will be a charge of £15 for delivery of a garden waste bin to a property where that is required.

It is possible to opt back into the scheme at any time following payment of the appropriate fee.

If a resident is moving within the administrative area of the Council they will need to inform the Council either at the Customer Service Centre on 01427 67676 or online at [www.west-lindsey.gov.uk/gardenwaste](http://www.west-lindsey.gov.uk/gardenwaste) where arrangements will be made to transfer the service to the new property. The householder is required to leave the garden waste wheeled bin (and sticker) at the property they are moving from. If the householder is moving out of the administrative area of the Council they should inform the Council, but there is no entitlement to a refund for the remainder of the chargeable period. Full terms and conditions for the service can be found at [www.west-lindsey.gov.uk/gardenwaste](http://www.west-lindsey.gov.uk/gardenwaste)

## **POLICY NO 23: COMMERCIAL WASTE COLLECTIONS**

A commercial / trade waste and recycling collection service is offered to businesses in West Lindsey.

The service is be available to all schools, parish, church and village halls as well as shops and businesses of all sizes.

The service is available at an agreed charge, based on frequency, numbers of bins and number of collections.

The collections, where possible, will be co-mingled with domestically generated waste but may, where required by frequency of collection, be collected by a separate, designated vehicle.

The service will be based on wheeled bin collections but will be customer focussed in that bag collections may be available to those customers with insufficient storage capacity for wheeled bins.

Waste generated from residential premises being used for business purposes, where there is a requirement for planning permission for such use, will be dealt with as commercial waste.

Aside from the exceptions in Policy 24, free waste collection services to non domestic properties has ceased. Non-domestic customers, using a domestic wheeled bin, will have that bin removed.

### **POLICY NO 24: NON DOMESTIC PROPERTIES (VILLAGE HALLS, CHARITIES, SCHOOLS ETC)**

West Lindsey District Council will provide and empty, a set of bins, comprising of 1 x 180 litre refuse bin and 1 x 240 recycling bin to; Village Halls; Community Centres; places of worship and any halls attached. A charge for provision of any new bins applies.

The Council will make a charge for providing any additional capacity above this standard issue. Requests would be charged at our standard commercial rates (see policy 23) or alternatively, any request for additional waste bin capacity should be referred to a private contractor.

The Council would also charge in instances where the predominant activity on such premises is commercial in nature, i.e. operated to generate a profit, such as pre-school/child-minding or private fitness/slimming classes.

Activities that are set up and run as an adjunct from some external organisation (e.g. nurseries would be subject to a charge.)

Since free waste collection is only intended to benefit premises whose main function is hosting public meetings, in some cases, the Council will request that applications are made in writing detailing activities. We reserve the right to monitor and review periodically to see if such premises remain in scope.

Premises occupied by charities, but which are not charity shops, will be charged for collection and disposal of waste as charities are classified as producers of commercial waste. Charity shops will be charged a rate for collection only if a service is required, but

they should be aware that Lincolnshire County Council operate a scheme where charity shops can transport their own waste to a free disposal point if they wish. For more details, Charity shops should email: [Dev\\_HouseholdWaste@lincolnshire.gov.uk](mailto:Dev_HouseholdWaste@lincolnshire.gov.uk)

As per the Controlled Waste Regulations 2012, WLDC continues to charge for the collection of waste, but not disposal, from Local Authority educational establishments including universities, schools and colleges that were offered the service prior to 2012. Educational establishments that don't fall into this category are offered a commercial waste collection service at standard rates.

Waste generated from residential premises being used for business purposes, where there is a requirement for planning permission for such use, will be dealt with as commercial waste.

Premises such as public houses which are also used as domestic residential accommodation are known as a "mixed hereditaments" and as such are only entitled to the standard issue of wheeled bins.

It is recognised that some individual traders work from home and provided that any waste generated along with the normal household waste does not require any additional capacity or have any particular hazardous qualities it will be dealt with as normal domestic waste.

## **POLICY NO 25: EDUCATION AND ENFORCEMENT PROCEDURES**

This policy outlines the enforcement procedures for the Waste and Recycling Service. Building awareness and having an educational approach is important to help residents understand their role, and assist with improving recycling and operating efficient services. Enforcement activities will be in accordance with the Council's 'Corporate Enforcement Policy' and as such, any enforcement will follow these principles and be applied in a staged approach. There are no significant changes in approach to that presented in the existing waste enforcement policies, but this policy provides a summary:

All waste must be presented in Council approved receptacles to ensure it can be safely collected from the kerbside (or a position agreed by the Council).

The Council will reject for collection, refuse and recyclables receptacles for the following reasons:

- i) Overloaded wheeled bins (by weight and volume)
- ii) Wrong receptacle presented e.g. recycling wheeled bin presented on refuse week.
- iii) Wheeled bin is too heavy to lift, due to containing heavy waste e.g. construction, DIY or soil waste.
- iv) Contamination of recyclable materials.

v) Garden waste in residual collection (black wheeled bin or blue bag).

Repeated presentation of residual side waste will be dealt with by the Council in the same manner as contamination of recyclable materials.

Recycling wheeled bins containing major contamination will not be emptied. A sticker be placed on the bin to provide information as to the contamination types and it will be recorded on our system. It is the responsibility of the householder to remove the contamination and dispose of it in the correct manner.

The householder may be given two letter notifications for two separate occurrences of contamination of the recycling wheeled bin, the third incident may result in a notice being served to the householder, under Section 46 of the Environmental Protection Act 1990 and will allow a Fixed Penalty Notice (FPN) to be issued on the next occasion.

### **POLICY 26: SEVERE WEATHER**

In the event of severe weather, when snow, ice, floods or other conditions disrupt waste and recycling collection services, the following general principles will apply:

The Council will try to maintain services if they can be performed safely, for example from a gritted road or another area assessed as safe by the collection vehicle driver. Among key factors that apply are: road conditions, access past parked cars, risks to public or crews.

The condition of the roads in terms of the district as a whole will be assessed by the Waste and Recycling Team Manager.

A decision will be made by 9am as to whether normal collections will be attempted; thereafter hourly reassessments will be made until 2pm. Communication will be through our usual channels (West Lindsey District Council website and social media pages) with regular updates to local radio and via other media outlets (newspapers, local television).

Should it be necessary to suspend the service, staff will be re-deployed where appropriate (initially to assist residents deemed most vulnerable such as those in the Supported Housing Section) and thereafter to assist Lincolnshire County Council in the discharge of their duties i.e. gritting pathways and clearing snow.

In cases of flood, staff will assist in the provision of sandbags in line with the Council's Policy.

#### **Additional information regarding collections:**

Bulky waste collections may be suspended to maintain main services depending on the duration of the severe weather event.

Limited quantities of extra waste will be accepted alongside containers during any catch up period.

## MAIN CHANGES TO “WASTE AND RECYCLING OPERATIONAL POLICY DOCUMENT” PROPOSED BY OFFICER WORKING GROUP

<b>Change to existing / Inclusion</b>	<b>Rationale</b>	<b>Alternative Options</b>	<b>Working Group Recommendation(s)</b>
Policy 2: Provision of wheeled bins	Clarification of application procedure for households that require extra waste capacity. The web form for obtaining a larger bin online will be amended to ensure proper checks.	Extra capacity is agreed following minimal checks to ensure maximum recycling is taking place. We accept risk that existing procedure not robust.	To accept recommendation as simply proper application of existing procedure.
Policy 3: Charges for wheeled bins	This clarifies, without changing, the requirement for payment for replacement bins if they fall within certain categories.	No alternative as this is already policy but does not have appear to have been applied consistently.	There are no fundamental changes to the policy on the website, this just refreshes written policy. That the change is accepted and implemented in conjunction with customer services.
Policy 4: Authorised sack scheme	Further information on distributing sacks to residents who cannot have a bin, along with standardisation regarding numbers of bags to be presented each week to align with bin collections.	The alternate method would be to issue sacks as and when customers request them. This will be problematic with regards to monitoring usage and would be cost prohibitive.	That the change be accepted and implemented in conjunction with customer services.
Policy 5: Presentation of refuse and recyclables	Pictorial information regarding collection points to avoid confusion as to where bins/bags should be left i.e. where the property/ private land meets the public highway.	Do nothing	This is simply a visual representation of the policy already in place. That the change be accepted
Policies 10 and 11:	The standard household	This is already encompassed	To accept recommendation as

presentation of side waste and additional recycling.	allocation of 1 x 240 litre recycling bin and 1 x 180 litre refuse bin applies to premises which may be used for domestic and trade purposes such as public houses. Additional waste will be treated as commercial and chargeable.	in current procedures but needs highlighting in policy.	simply clarification of policy.
Policy 22: Garden Waste Collections	New policies approved by PCC in December 2018	N/A	N/A
Policy 23: Commercial Waste Collections	Update of Operational Policies document to reflect that WLDC service is now in operation	The commercial waste service is already operating under these policies.	N/A
Policy 24: Waste collections from Non-Domestic Properties	The new "Waste and Recycling Operations policy document" provides clarification of intended policy in these areas. Section 4 of the main report provides rationale. Appendix 4 sets out proposed charges.	Remain as is and lose the opportunity to set out a consistent approach in line with Government legislation, other Lincolnshire districts and take a less commercially orientated business like outlook.	Accept the LWP officer recommendations for these premises as outlined in Appendix 3 and charge as per CWR 2012 in all other cases.
Policy 25: Eduction and Enforcement.	Clarifies without fundamentally changing policy in this area.	This is already encompassed in current procedures but needs highlighting in policy	Incorporate this policy into the Waste and Recycling Operational Policies document to help ensure standard, transparent approach.
Policy 26: Severe Weather	This brings an existing internal procedure into the overarching public document.	The alternative would be to not make the procedure public, but this is not best practice.	Accept and keep under regular review.

## LWP CONSULTATION SUMMARY WITH WLDC OFFICER RECOMMENDATIONS

Type of waste	Original proposal considered by Waste Officers	Position of 7 WCAs (officers – for further consideration by each authority)	Collection and disposal chargeable (CWR 2012)	WLDC position and LWP Officer recommendation	Proposed date for introduction of charge policy
Waste collected from premises used wholly or mainly for public meetings	Free service from a place of worship but to charge for collection from Church Halls, Village Halls, Community Centres etc.	Proposal supported by officers of all 7 WCAs	Collection charge only for first bins up to household allocation, subsequent bins collection and disposal charge	WLDC currently offer free collections from some of these premises. <b>LWP recommend that a charge be levied for collections from these premises (other than places of worship). WLDC propose to continue to offer free collections of 1 x 180 litre refuse and 1 x 240 litre recycling bins and charge for commercial rates for any additional capacity.</b>	01 April 2018
Clinical waste and offensive waste produced at a domestic property	Free service	Proposal supported by officers of all 7 WCAs	Collection charge only	WLDC currently offer free collections from these premises. <b>It is recommended that no charge be levied.</b>	Not applicable
Waste from a residential hostel	Free service	2 other WCAs (CoLC/ELDC) wish to/do charge for collection	Collection charge only	There are no residential hostels in WLDC. <b>It is recommended that a charge would be levied.</b>	No change, but charging policy formally adopted from 01 April 2018
Waste from a charity shop selling donated goods originating	Charge for collection	Proposal supported by officers of all 7 WCAs	Collection charge only	WLDC currently charge for collections from these premises. <b>It is recommended that a charge be levied (for collection only) from these</b>	No change, but charging policy formally adopted from

from domestic property				<b>premises.</b>	01 April 2018
Waste from premises occupied by a community group that collects goods for re-use	Charge for collection	Proposal supported by officers of all 7 WCAs	Collection & disposal charge	WLDC currently offer free collections from these premises. <b>It is recommended that no charge be levied.</b>	Not applicable
Waste from a residential home	Free service	3 WCAs (CoLC/ELDC/WLDC) wish to/do charge for collection for all. 1 WCA (SKDC) wishes to charge for collection where business rates are payable.	Collection & disposal charge	WLDC currently charge for commercial waste collections from these premises. <b>It is recommended that a charge be levied for collections from these premises.</b>	No change, but charging policy formally adopted from 01 April 2018
Waste from a premises forming part of a university, school or other educational establishment	Charge for collection	Proposal supported by officers of all 7 WCAs	Collection charge only (for publicly funded schools)	WLDC currently charge for collections from these premises. <b>It is recommended that a charge be levied for collections from these premises.</b>	No change, but charging policy formally adopted from 01 April 2018
Waste from premises forming part of hospital or nursing home	Free service if no business rates are paid but Charge for collection if business rates are paid	2 WCAs (ELDC/WLDC) wish to/do charge for collection for all	Collection & disposal charge	WLDC currently charge for commercial waste collections from these premises. <b>It is recommended that a charge be levied for collections from these premises.</b>	No change, but charging policy formally adopted from 01 April 2018
Waste from a	Charge for	Proposal supported	Collection &	WLDC don't collect from these premises.	No change,



penal institution	collection	by officers of all 7 WCAs	disposal charge	<b>It is recommended that a charge would be levied for collections from these premises.</b>	but charging policy formally adopted from 01 April 2018
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**Prosperous Communities  
Committee**

**Date 20<sup>th</sup> March 2018**

**Subject: Gainsborough Market - Events and Traders' Term and Conditions**

Report by:

Chief Operating Officer

Contact Officer:

Adrian Selby  
Strategic Manager Services  
01427 675154  
Ady.selby@west-lindsey.gov.uk

Purpose / Summary:

*To update on progress with future delivery of Gainsborough Market and recommend to Committee a programme of events for 2018.*

*To recommend to Committee a new payment methodology for traders*

*To amend Terms and Conditions in order to give clarity on types of traders to be permitted to trade on the Market*

**RECOMMENDATION(S):**

- 1. Prosperous Communities Committee resolves to task Officers with arranging the events specified at section 3.1**
- 2. Prosperous Communities Committee resolves to introduce a 'pay on the day' methodology as soon as it becomes available**
- 3. Prosperous Communities Committee resolves to introduce limits on the number of specific traders as out-lined in section 5**
- 4. Prosperous Communities Committee resolves to amend Traders' Terms and Conditions to reflect the above decisions.**

## IMPLICATIONS

### **Legal: None**

**(N.B.) Where there are legal implications the report MUST be seen by the MO**

### **Financial :**

There is no budget provision within Markets for promotional and marketing activity from 2017/18 onwards.

During 2016/17 a budget for £25.5k was approved by;

- \* £0.5k Growth Board 17/03/16 – from Business Improvement & Transformation
- \* £25.0k approved carry forward from 2015/16 Economic & Tourism budgets to support Gainsborough Town Management Projects.

£18.1k was spent during the year. The balance was requested as a carry forward into 2017/18 but was rejected pending a review of the Markets.

It is recommended that £18.5k be dedicated from earmarked reserves which will enable officers to work in conjunction with this Partnership to deliver the events detailed in the body of the report. This can be found from within existing budgets.

**FIN REF:** FIN/158/18/SL

### **Staffing : None at this time**

**(N.B.) Where there are staffing implications the report MUST have a HR Ref**

### **Equality and Diversity including Human Rights :**

It is not envisaged that this report will result in a negative impact on any specific groups.

### **Risk Assessment :**

- Trader numbers reduce-*Events and promotions strategy implemented/continued work with Independent Traders Group*
- Traders don't pay on time- *Consultation period for new payment methodology*

### **Climate Related Risks and Opportunities :None**

**Title and Location of any Background Papers used in the preparation of this report:**

Wherever possible please provide a hyperlink to the background paper/s  
If a document is confidential and not for public viewing it should not be listed.

**Call in and Urgency:**

**Is the decision one which Rule 14.7 of the Scrutiny Procedure Rules apply?**

i.e. is the report exempt from being called in due to urgency (in consultation with C&I chairman)

Yes

No

**Key Decision:**

A matter which affects two or more wards, or has significant financial implications

Yes

No

**1. Background**

In December 2017, Prosperous Communities Committee resolved the following;

- (a) Officers be tasked to procure a partner organisation and/or market operator to run markets in the Market Square in Gainsborough on behalf of the Council. The operation of the markets by a partner or other organisation should adhere to the vision and objectives for the market agreed by the Committee at its meeting on 12 September 2017. Any agreement for a third party to run markets in the Market Square in Gainsborough should enable the Council to control the form, frequency and type of market operated, including a break clause which would allow the Council to take back control of the market in appropriate circumstances; and
- (b) in recognition that any procurement process designed to achieve recommendation 1 above would take time to complete, and that there is an urgent need to develop and improve the Markets in Gainsborough, Officers are tasked to implement the improvements associated with Option A, in-house delivery, immediately as set out in section 5 of the report and the business plan (appendix 1 of the report), including the development and implementation of a “Promotion and Events Strategy” using the in-house communications resource.

**2. Update**

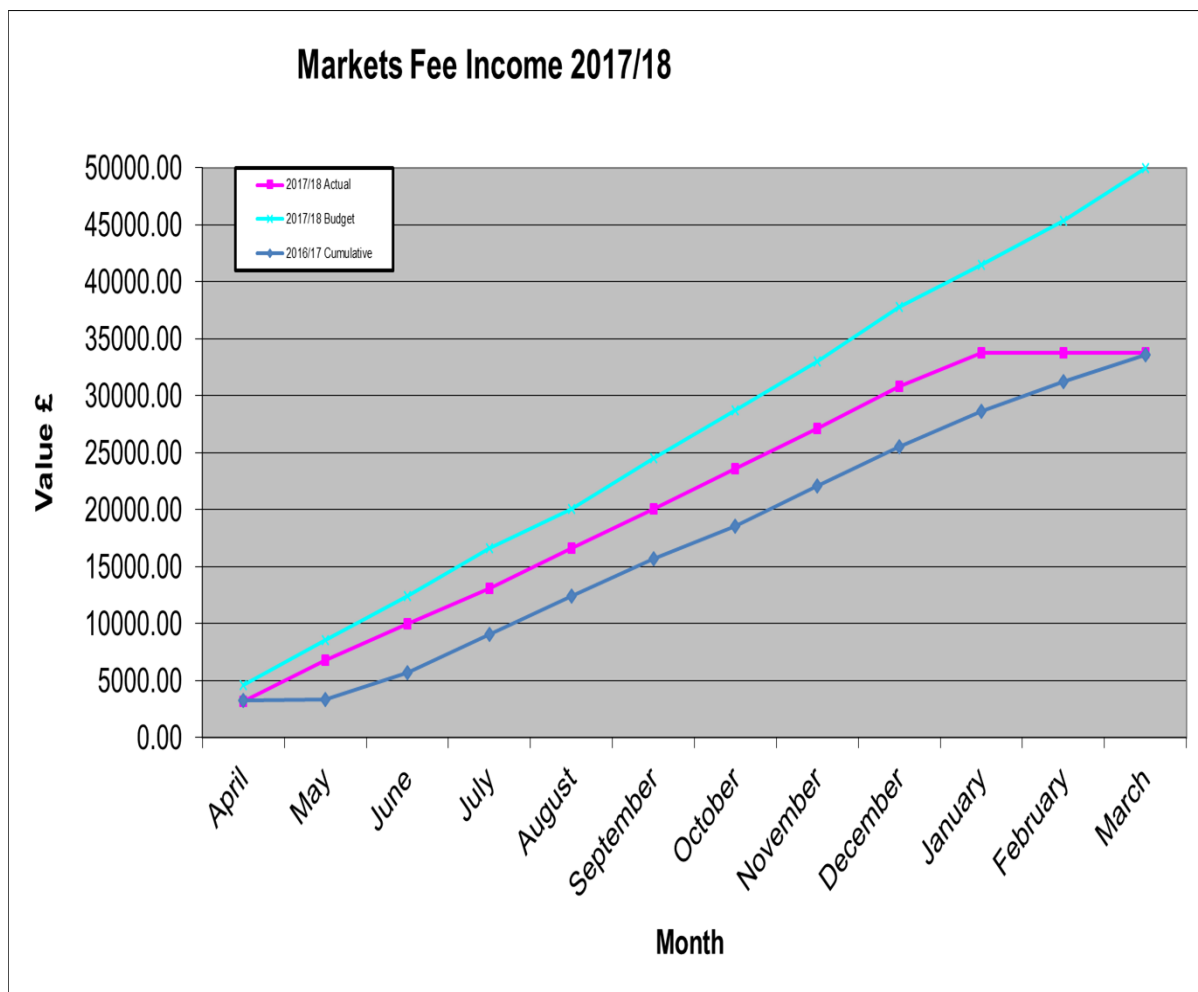
2.1 Resolution A

Since the Committee decision Officers have engaged with colleagues in Procurement Lincolnshire and Lincs Legal in order that they can support the procurement of a partner organisation, whilst considering the terms outlined above.

## 2.2 Resolution B

Good progress has been made in this area. The Team Manager Street Cleansing is now in control of the day to day delivery of the Market. He is now present at key times and issues are being resolved in a timely manner.

The graph below shows income for the current financial year compared with 2016/17 performance.



2.3 Whilst it is early days for the operational changes, it can be seen in the graph above that income has increased compared to last year. This should be treated with some caution as income is traditionally dynamic, is influenced by many influences and remains below levels predicted in the Medium Term Financial Plan, however it remains a positive direction of travel.

2.4 Other operational changes are planned and there is currently a period of consultation with those staff involved and unions regarding these planned changes. If implemented, further efficiency savings will be achieved.

- 2.5 Debt remains an issue following the implementation of payments via an invoicing system. The Team Manager has reduced levels of debt considerably, however the majority of traders remain dissatisfied with the current payment methodology and would prefer to pay on the day.
- 2.6 The system for booking stalls remains resource heavy and clunky, officers have been working with technical colleagues to find a more efficient solution.
- 2.7 Colleagues from the Communications Team have visited the Market regularly and increased the Markets' profile on social media, this has been received well by Traders.

### **3. Events**

- 3.1 The Communications Team are working up an Events and Marketing Strategy for 2018. Whilst it is not yet complete, it will recommend events to support the Market until a delivery partner is procured. The key events will be;
- Gainsborough Fun Day event in early July. This event has proven to be very popular with residents, visitors and traders in previous years. This event is organised by the Gainsborough Independent Traders and is part funded by WLDC - The cost of this event is £3000
  - A beach event – normally in late July/early August. Again this has proven to be very popular with residents, visitors and traders in previous years and attracts great local interest. The cost of this event is £6000
  - A Halloween event in October. Again, a very popular event in previous years and is a 'pull' for traders on the run up to Christmas. This event is organised by the Gainsborough Independent Traders and is part funded by WLDC - The cost of this event is £3000
  - Christmas Market – normally in late November/early December and held on a Sunday. Whilst this is not a traditional trading day it does attract many visitors into the Market Square. The cost of this event is £7000
  - Smaller bespoke events – these could include speciality food markets, flea markets, classic car meets, etc. It is estimated that three of these events would cost £1000
- 3.2 The strategy will also recommend general support of the Market and events through social media, roadside advertising and other media methods. It is estimated additional materials for this support will cost an additional £1k
- 3.2 Officers have an improved relationship with traders and town centre businesses through the Gainsborough Independent Traders Group.

That partnership has benefitted from Council funding in previous years to help support events. The Independent Traders Group has £2.5k funding which it is willing to utilise to organise events in the upcoming financial year, this will reduce the financial burden on the Council. It is therefore recommended that £18.5k be dedicated from existing budgets which will enable officers to work in conjunction with this Partnership to deliver the events above. There is currently no dedicated events budget within the Market cost centre and the Independent Traders Group has indicated all previous funding has been used.

#### **4. Debt**

- 4.1 In order to reduce debt, improve processing and to attract new traders, it is recommended that the Terms and Conditions are amended to remove the alternative of paying monthly via invoice. All Traders should pay on the day using a debit card as soon as this option becomes available.

#### **5. Trader mix**

- 5.1 There has been some debate on between Traders and Officers in recent weeks about the amount and mix of goods of traders who should be allowed to stand on the Market. Whilst the council wishes to allow the market to grow as much as possible, it recognises that too many traders selling the same lines could compromise all traders. The table below shows how many of each trader will be allowed to stand on each market taking into account the total number of stalls.

Trader type	Max Tuesday below 70 stalls	Max Tuesday above 70 stalls	Max Saturday below 40 stalls	Max Saturday above 40 stalls
Ladies clothing and fashions	3	4	2	3
Men's Clothing	3	4	2	3
Nightwear	2	3	2	2
Sports Wear	2	3	2	2
Fruit and veg	2	3	2	2
Cut flowers, plants, shrubs	2	3	2	2
Sweets, crisps, drinks	3	4	2	3
Hair care, perfume and cosmetics	2	3	2	2
Underwear	3	4	2	3
Net curtains	2	3	2	2
Knitwear	3	4	2	3
Hats, Caps and Socks	3	4	2	3
Shoes, footwear	2	3	2	2
Children's clothing	2	3	2	2
Greeting cards	2	3	2	2



Meat & game	2	3	2	2
Pet foods	3	4	2	3
Snack bars	2	3	2	2
Doughnuts	2	3	2	2
Tools	2	3	2	2
Books / magazines	2	3	2	2
Cakes, pies, pastries	2	3	2	2

Trader type	Max Tuesday below 70 stalls	Max Tuesday above 70 stalls	Max Saturday below 40 stalls	Max Saturday above 40 stalls
Eggs, chicken, poultry	2	3	2	2
Bags, suitcases	2	3	2	2
Stationery	2	3	2	2
Entertainment goods tapes, CD's, DVD's, Vinyl etc	2	3	2	2
PC & Console games	2	3	2	2
Haberdashery	2	3	2	2
PC hardware / software	2	3	2	2
Cycle spares	2	3	2	2
Fishing tackle	2	3	2	2
Fresh fish	2	3	2	2
Household textiles, soft furnishings, material.	2	3	2	2
Crockery	2	3	2	2
Cutlery	2	3	2	2
Pictures, frames, portraits	2	3	2	2
Toys and models	2	3	2	2
Vax, Hoover spares and parts	2	3	2	2
Watches, batteries	2	3	2	2
Window blinds	2	3	2	2
Workwear, overalls etc.	2	3	2	2
Carpets and rugs	2	3	2	2

# Agenda Item 6d



**Prosperous Communities  
Committee**

**Date 20<sup>th</sup> March 2018**

**Subject: Corporate Enforcement Policy**

Report by:

Head of Paid Service  
Mark Sturgess

Contact Officer:

Andy Gray  
Housing and Environmental Enforcement  
Manager

Purpose / Summary:

To provide Committee with a revised Corporate  
Enforcement Policy for adoption.

**RECOMMENDATION(S):**

**Elected Members are asked to:**

- a) Approve the Corporate Enforcement Policy as set out in appendix 1

## IMPLICATIONS

### **Legal:**

The legal framework for this policy is shown within the main body of the report and the relevant appendices.

It is a requirement for the Council to outline its corporate approach to enforcement in order to ensure that its enforcement activities are consistent, transparent and fair.

### **Financial : FIN/157/18/CC**

There are no financial implications within this policy.

Report agreed at Management Team – FIN/71/MT/18/SL

### **Staffing :**

There are no staffing implications within this policy

### **Equality and Diversity including Human Rights :**

### **Risk Assessment :**

The Legislative and Regulatory Reform Act (2006) specified the requirements of regulators in relation to their duties. If the Council fails to meet the requirements of this Act and the subsequent guidance developed from it there is a significant risk that it cannot fulfil its regulatory duties.

Failure to meet these duties places not only the Council at risk, but also its residents, businesses and visitors. If a robust policy is not in place the Council cannot operate effectively.

This risk could be financial, legal and also directly related to the health and wellbeing of all persons that could be impacted by the regulatory action that we take.

### **Climate Related Risks and Opportunities :**

None noted

### **Title and Location of any Background Papers used in the preparation of this report:**

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**Call in and Urgency:**

**Is the decision one which Rule 14.7 of the Scrutiny Procedure Rules apply?**

*i.e. is the report exempt from being called in due to urgency (in consultation with C&I chairman)*

**Yes**

**No**

**X**

**Key Decision:**

*A matter which affects two or more wards, or has significant financial implications*

**Yes**

**X**

**No**

## **1. Introduction**

The corporate enforcement policy was last updated in 2010. It is now time to review this document and update it. This report provides a brief overview of the policy content and the main areas in which it has been updated.

## **2. Background**

**2.1.** The Council carries out a wide range of regulatory roles in meeting its many statutory duties of protecting the public, individuals and the environment. This policy is an overarching policy that applies to all of the services within the Council that have enforcement duties. In some service areas these enforcement duties have specific guidance and regulations, which set out the requirements for enforcement within that specific area.

**2.2.** The Council recognises that fair and effective enforcement is essential and is committed to being consistent, fair and proportionate its approach to these matters. A clear policy ensures that all those who live in, work in and visit the district are able to have a clear understanding of what they can expect in regards to an enforcement matter.

## **3. Approach to Enforcement**

**3.1.** The Council recognises that most of its residents, business owners and visitors want to comply with the law and operate in a legitimate and responsible manner. Our approach will reflect this and we will always seek to help and advise where appropriate, but will take firm and decisive action against those who ignore legal requirements or act irresponsibly.

**3.2.** The policy is clear that in undertaking our duties, in line with the regulators code we will;

- Carry out our activities in a way that supports those that we regulate to comply and grow;
- Provide simple and straightforward ways to engage with those that we regulate
- Base our regulatory activities on risk
- Share information about compliance and risk
- Ensure that clear information, guidance and advice is available to help those that we regulate to meet their responsibilities to comply

- Ensure that our approach to regulatory activities is compliant

#### **4. Major Amendments**

- 4.1. The policy contains a revised section on “Shared Regulatory Role”. This is to reflect the change in partnership working that has occurred in relation to enforcement and the proactive approach we are now adopting with other enforcement agencies.
- 4.2. The remainder of the policy has been updated to reflect current legislation and guidance.

#### **5. Recommendations**

##### **Elected Members are asked to:**

Approve the Corporate Enforcement Policy as set out in appendix 1

# **Corporate Enforcement Policy**

Corporate Enforcement Policy - January 2018

## **1. Introduction**

- 1.1.** The Council recognises that fair and effective enforcement is essential to protect the economic interests and health and safety of the public, businesses and the environment. This policy sets out what the public, businesses and others being regulated by the Council can expect from enforcement officers.
- 1.2.** This policy commits the Council to fair enforcement policies and procedures and where required is supplemented by additional policies and statements of service standards relating to the specific enforcement service areas.
- 1.3.** This policy seeks to support the Council's corporate aims, objectives and approved strategies.

## **2. Aims and Objectives**

- 2.1.** The purpose of adopting a Corporate Enforcement Policy is to create one overarching policy encompassing the key factors and principles common to all aspects of enforcement undertaken by the Council.
- 2.2.** The policy is intended to create a framework to ensure that there is a fair and consistent approach to the way enforcement activity is carried out.
- 2.3.** A clear enforcement policy is required to ensure that all those who live in, work in and visit West Lindsey are able to have a clear understanding of what they can expect from the Council when we deal with an enforcement matter.

## **3. Scope of the Policy**

- 3.1.** This policy sets out the broad principles upon which the Council will carry out its duties under the laws that it is responsible for enforcing. The Council has due regard to Section 21 of the Legislative and Regulatory Reform Act 2006 and the regulators code, as well, as the broad range of investigatory laws applicable to the manner in which this work must be undertaken.
- 3.2.** This policy applies to all legislation enforced by officers of the Council and part IV of the Council's constitution sets out the relevant legislation and identifies who will undertake these functions.
- 3.3.** These laws almost all create criminal offences and where enforcement leads to prosecution the matters are dealt with in the Magistrates' Courts or sometimes in the Crown Court, where guilty persons may be fined and in some cases imprisoned.
- 3.4.** Overarching all of these powers are rules and codes that govern how officers must lawfully go about doing this work. The broadest explanation for why and how this is done is set out in Article 8 of the Human Rights Act 1998. This provides that everyone has a right to be entitled to respect for their private and family life. This in turn is further clarified in investigatory legislation, such as, the Police and Criminal Evidence Act 1984 and the Data Protection Act 1998.



## **4. Approach to Enforcement Matters**

**4.1.** The Council believes in firm but fair regulation and acknowledge that the majority of individuals and businesses are law abiding. The Council will provide assistance and advice to encourage compliance wherever possible, however, the Council will take firm action against those who contravene the law or act irresponsibly.

**4.2.** This policy intends to ensure that;

- Enforcement of these powers will be carried out in a way which is transparent, accountable, proportionate, consistent and targeted only at cases in which action is needed.
- Officers will engage with those they regulate and hear their views and base their regulatory activities on risk.
- The Councils resources will be focussed on the matters which provide the highest risk and harm

**4.3.** Enforcement includes any actions carried out by officers aimed at ensuring that individuals or businesses comply with the law. This is not limited to formal action including the service of statutory notices or starting prosecutions, but includes investigation of potential infringements, inspections, giving advice and informal steps taken to ensure compliance with Acts of parliament, regulations and approved Code of Practice.

**4.4.** Officers will maintain confidentiality so far as it is appropriate to do so and will not divulge information which is not relevant to the case, however the Council has a duty to inform certain government bodies of statutory notifications.

**4.5.** In undertaking our duties, in line with the regulators code we will;

- Carry out our activities in a way that supports those that we regulate to comply and grow;
- Provide simple and straightforward ways to engage with those that we regulate
- Base our regulatory activities on risk
- Share information about compliance and risk
- Ensure that clear information, guidance and advice is available to help those that we regulate to meet their responsibilities to comply
- Ensure that our approach to regulatory activities is compliant

## **5. Shared Regulatory Roles**

**5.1.** Where the Council has a shared regulatory role or is required to inform an outside regulatory agency of an incident or occurrence it will do so. These external agencies could include (but are not limited to):

- Police
- Fire Authority
- Other Local Authority

- Health and Safety Executive
- Environment Agency
- Utility Providers
- The Food Standards Agency
- Department for Environment, Food and Rural Affairs

**5.2.** The Council will look to work in partnership with the relevant agencies in order to ensure the most effective use of resources and to minimise the impact on the persons involved within any enforcement action.

**5.3.** Where there is a shared enforcement role the most appropriate authority will carry out the enforcement action. Information will be shared as part of this process where applicable in line with the relevant data protection requirements and information sharing agreements.

## **6. Investigation of Potential Infringements**

**6.1.** Where a service request has been received which may result in enforcement action against a business or individual the Council will notify the business or individual as soon as is practicable and explain what is being investigated. In some instances, the Council may have to take immediate or emergency action without the consent of the business or individual.

**6.2.** Where appropriate warrants for entry may be required to access premises or land. In some circumstances these warrants will be executed unannounced in order to ensure that the purpose of entry is not defeated.

**6.3.** In some circumstances surveillance may be considered appropriate in order to gather evidence, however this will only be authorised when it is demonstrated to be both necessary and proportionate and the relevant legal authorisation is in place.

**6.4.** Enforcement officers will utilise, where appropriate, body worn video cameras, which will be overt in their nature. This equipment will only be used in line with the respective policy relating to body worn video cameras. The usage of this equipment is aimed at collecting evidence relating to offences and to reduce the risk of confrontational situations.

**6.5.** Enforcement officers will identify themselves and provide contact details. All enforcement officers are required to carry identification in the form of an identity card bearing their photograph. It will include the legislation and powers they are authorised to use and this will be produced if so requested or where powers may need to be implemented.

**6.6.** The Council will treat all individuals with courtesy and respect regardless of whether they have reported an issue or whether they are subject to an investigation. We will take into consideration any likely impact upon the individual reporting the matter in regards to their safety and confidentiality.

6.7. The Council will comply with the Human Rights Act 1998 and the requirements of the appropriate legislation regarding investigations and evidence gathering, including the Regulation of Investigatory Powers Act 2000 and the Police and Criminal Evidence Act 1984.

## **7. Choice of Appropriate Enforcement Options**

7.1. The Council recognises the importance of achieving and maintaining consistency in our approach to enforcement. The Council also recognise that in many cases the decision to enforce is a discretionary one and so the Council have a choice whether to pursue enforcement action.

7.2. For many areas of our enforcement activity, guidance already exists in the form of codes of practice, planning policy guidance, government circulars, local or regional codes of practice and recognised industry guides. When making enforcement decisions officers must take into account any relevant national or local guidance as well as the provisions of the Human Rights Act 1998 and this enforcement policy and any enforcement policy or code specific to a particular service area.

7.3. Enforcement decisions must be consistent, balanced, and fair and relate to common standards to protect public health and safety, economic wellbeing or the environment. Each case is unique and must be considered on its own merits. The criteria the Council will consider includes:

- The seriousness of the offence
- Whether the offence has caused harm or is likely to cause harm
- The history of the activity
- The confidence in achieving compliance
- The consequences of non-compliance
- The likely effectiveness of the various enforcement options
- The ability of any witnesses and willingness to co-operate
- The public benefit of any proposed action
- These criteria are not exhaustive and it does not mean that all factors must be in favour of enforcement action rather than on consideration that the balance is in favour

7.4. Consideration will also be given to the following;

- Circumstances where a person is in ill health or was at the relevant time
- Our policies and duties for safeguarding in relation to children and adults
- Our policies and duties in relation to equality and diversity
- The codes of practice in place for our closed circuit television (CCTV) and body worn cameras

7.5. The options available to the Council to resolve an enforcement matter are as follows

- Take no action
- Take informal action
- Take formal action (including serving of statutory or fixed penalty notices)
- Suspend, revoke or refuse to renew a licence
- Take samples and seize goods or documents
- Impose an administrative penalty
- Issue simple cautions
- Prosecute
- Take action or do works in default and recover the costs from a householder or landowner

There may also be instances where no action is taken by the Council even when a breach has been established. These may include:-

- Where the breach is not causing harm or it is not expedient to take action
- Where the cost of compliance to the offender outweighs the impact of the contravention on the community
- Where the breach has ceased or been remedied
- Where it fails to meet the public interest test.
- Where it falls outside the Council's remit

## **8. Enforcement Actions**

### **8.1. Informal Action**

Informal action may be taken in the form of advice, guidance, monitoring and warning letters. This will be aimed at ensuring prevention of the matter being dealt with in the present and in the future. This approach will be considered where;

- The breach occurring is not serious enough to warrant formal action
- The immediate past history of the individual or business suggests that it is reasonably likely that informal action will achieve compliance
- The consequences of non-compliance will not pose a significant risk to public health, public safety, the environment or animal welfare
- Public confidence and the confidence of partners and agencies in the Council's role in protecting public safety and health, and in preventing or detecting crime or preventing disorder would not be jeopardised

- It is appropriate to seek voluntary co-operation before taking formal action
- Compliance can be achieved by a retrospective action via the required regulatory process

## **8.2. Statutory Notices**

There are a wide range of statutory notices available to the Council. The Council will issue statutory notices where there is a statutory duty to do so. These notices will be considered where;

- There are significant contraventions of legislation
- There is a lack of confidence in the offender to respond to an informal approach or a history of non-compliance
- The consequences of non-compliance could be irreversible, potentially harmful to public health or cause a statutory nuisance
- Where measures are needed to remedy conditions that are serious or deteriorating or where a notice needs to be served to support a prosecution

The Council may issue statutory notices requiring the recipient to take immediate action or cease an activity with immediate effect. These notices include Prohibition Notices, Closing Orders, Stop Notices and Temporary Stop Notices or Injunctions. These types of Notices may be necessary where:

- There is an imminent risk of injury to health, safety or wellbeing of the public, including the economic wellbeing of the environment
- There is an imminent risk of serious pollution to the environment
- An informal approach has proved unsuccessful
- The officer has witnessed the contravention
- Where unauthorised development is unacceptable and is causing serious harm to public amenity
- Where unauthorised development is unacceptable, continuing causing irreversible damage and remedial action is not a satisfactory option
- Where the consequences of not taking immediate and decisive action to protect the public would not be acceptable
- Failure to comply with a formal notice will generally result in prosecution and / or the carrying out of works in default where appropriate

## **8.3. Fixed or Civil Penalty Notices**

The Council may issue Fixed or Civil Penalty Notices or Penalty Charge Notices for offences including:

- Car parking
- Dog fouling
- Littering and fly-tipping
- Graffiti and flyposting
- Smoking in enclosed spaces (Health Act 2006)
- Housing Standards and Licensing (Planning and Housing Act 2016)
- Breach of a Community Protection Notice

#### **8.4. Approvals, Consents and Licenses**

The Council issues a wide range of licences and approvals most of which are subject to specific conditions.

Where there are minor breaches and there is apparent willingness to comply or undertake remedial action a verbal or written warning may be given in the first instance. Where there are more serious breaches or there is a failure to comply with informal approaches a formal report may be submitted to the relevant committee as to whether a licence should be granted, suspended, revoked or not renewed, these being heard under the Council's natural justice procedure.

#### **8.5. Impose an Administrative Penalty**

Where an allegation of benefit fraud has been investigated and officers are satisfied an offence has been committed but the offender does not admit to committing an offence it may, dependent upon the severity of the offence and other factors of the case, be considered appropriate to offer the offender the opportunity to pay an Administrative Penalty rather than prosecute. The Council will pursue full repayment of any benefit overpaid and recoverable in addition to any administrative penalty.

#### **8.6. Issue Simple Cautions**

Under relevant legislation there is provision for the use of simple cautions. The use of cautions may be considered where the criteria for prosecutions are met and it would be appropriate to:

- Deal swiftly and simply with a less serious offence
- Avoid unnecessary appearances in court
- To reduce the likelihood of re-offending.

Any simple caution will be recorded and may influence the decision to prosecute in the event of any further offence. Simple cautions may be cited in any subsequent court proceedings.

Before a simple caution can be issued the following conditions must be fulfilled:

- There must be sufficient evidence of guilt to offer a realistic prospect of conviction
- The offender must fully admit the offence
- The offender must understand the significance of a simple caution and give informed consent to being cautioned.

When issuing a simple caution regard will be had to the Home Office guidance. As a general rule a simple caution will not be considered in the case of a second or subsequent offence.

### **8.7. Prosecution**

The Council recognises that the decision to prosecute is significant and could have far reaching consequences for the person accused.

Prosecution may be considered where;

- The alleged offence includes a significant breach of the law affecting public health safety or well being
- There is reckless disregard for the environment or animal welfare
- There is fraud theft or dishonesty
- There is non-compliance with any statutory notice or fixed penalty notices have not been paid
- There is a history of similar offences

Before any prosecution is commenced the Council will take into account the Crown Prosecution Service code of practice and action will only be taken where the individual case passes both the evidential and public interest tests. Each case will be based on its own merit.

### **8.8. Work in Default**

In certain cases the Council may undertake work to achieve compliance on behalf of others and may seek a warrant to gain entry to land or premises to enable this to happen. This may occur if a person fails to comply, cannot comply by virtue of genuine hardship, or is unable to comply by virtue of being absent. In these cases the Council will recover the costs from the responsible person. If the costs cannot be recovered, they will usually be placed as a charge against a property, to be recovered at a later date.

### **8.9. Proceeds of Crime**

Where appropriate the Council will consider use of the Proceeds of Crime Act 2002. This Act allows Local Authorities to recover assets that have been accrued through criminal activity.

The Council will also consider the use of Rent Repayment Orders for relevant offences and will consider representing tenants that may wish to pursue their own action under the required legislation.

## **9. Training and Authorisations**

9.1. The Council's Constitution identifies the roles and responsibilities in connection with the enforcement function. A scheme of delegation is also in place which specifies the extent to which each officer is authorised to act and under what legislation they may do so.

9.2. All officers undertaking enforcement duties will be trained and competent in their specific work areas operationally and technically. The performance of officers will be monitored and reviewed and additional training needs identified in line with this.

## **10. Equality and Diversity**

10.1. The Council will take into account our statutory duty to promote equality and the Council's Corporate Equality Scheme when making decisions. Throughout any enforcement investigation, or when making any assessments or decisions on whether or not to recommend any particular course of action, the Council will strive to ensure that no person experience discrimination or is disadvantaged because of disability, race or national origin, gender, religion or belief, sexual orientation or age.

## **11. Feedback on Our Service**

11.1. The Council encourages and welcomes feedback on its services. If you wish to provide feedback you can do so by visiting: [www.west-lindsey.gov.uk/feedback](http://www.west-lindsey.gov.uk/feedback)

## **12. Review of the Policy**

12.1. This policy will be reviewed on a bi-annual basis or as required by any legislative changes.

### **Further Information**

#### **Housing and Environmental Enforcement Team**

West Lindsey District Council  
The Guildhall  
Marshall's Yard  
Gainsborough  
DN21 2NA

Phone : 01427 676676

E – Mail: [enforcement@west-lindsey.gov.uk](mailto:enforcement@west-lindsey.gov.uk)

Website: [www.west-lindsey.gov.uk](http://www.west-lindsey.gov.uk)



## Reference Material

Constitution – sets out how the Council operates, how decisions are made and the procedures which are followed to ensure that these are efficient, transparent and accountable to local people.

**<https://www.west-lindsey.gov.uk/my-Council/how-the-Council-works/constitution-of-the-Council/>**

Human Rights Act 1998 protects the fundamental rights we all have as human beings, and allows us to challenge the authorities if they violate them.

**<http://www.legislation.gov.uk/ukpga/1998/42>**

Code for Crown Prosecutors essentially poses two questions:

Is there enough evidence against the accused to bring the case? AND Is it in the public interest to prosecute?

**[http://www.cps.gov.uk/publications/code\\_for\\_crown\\_prosecutors/](http://www.cps.gov.uk/publications/code_for_crown_prosecutors/)**

Police and Criminal Evidence Act Codes of Practice set out how investigating officers must undertake their role and what defendants can expect in terms of their treatment.

NOTE \*Section 67(9) of PACE 1984 requires persons other than police officers who are charged with the duty of investigating offences or charging offenders to have regard to that Code.

**<https://www.gov.uk/guidance/police-and-criminal-evidence-act-1984-pace-codes-of-practice>**

The Regulators' Code is a statutory Code of Practice.

The Code has been developed following consultation feedback from national regulators, local authorities, businesses and trade bodies. The Code has now been brought into statutory force.

**<https://www.gov.uk/government/publications/regulators-code>**

Powers of Entry – code of practice

Relevant persons exercising a power of entry must have regard to this new code before, during and after exercising powers of entry (unless the exercise of that power is subject to another statutory code of practice, eg Code B of the Police and Criminal Evidence Act 1984. The code provides guidance and sets out considerations that apply to the exercise of powers of entry, including, where appropriate, the need to minimise disruption to business and is aimed at ensuring greater consistency in the exercise of powers of entry

**<https://www.gov.uk/government/publications/powers-of-entry-code-of-practice>**

Better Regulation Delivery Office

**<https://www.gov.uk/government/news/brdo-and-nmro-combine-to-simplify-regulation-for-british-business>**

Simple cautions: guidance for \*police and prosecutors - the aims of the simple caution are, amongst others:

- To offer a proportionate response to low level offending where the offender has admitted the offence;
- To deliver swift, simple and effective justice that carries a deterrent effect; and
- To reduce the likelihood of re-offending;

**<https://www.gov.uk/government/publications/simple-cautions-guidance-for-police-and-prosecutors>**

## Part 1: Equality Impact Screening/Pre-Assessment<sup>1</sup>

Name of Policy/Function/Strategy to be assessed: Corporate Enforcement Policy	Section/Directorate: Housing & Environmental Enforcement
Name of person responsible for assessment: Andy Gray	Date of Screening: 20/01/18
<b>Policy Aims</b>	
<p><b>What is the purpose of the policy/function/strategy? What are its intended outcomes?</b></p> <p>The Council carries out a wide range of regulatory roles in meeting its many statutory duties of protecting the public, individuals and the environment. This policy is an overarching policy that applies to all of the services within the Council that have enforcement duties. In some service areas these enforcement duties have specific guidance and regulations, which set out the requirements for enforcement within that specific area.</p> <p>Its intended outcome are to ensure that statutory obligations are adhered to and that the public are kept safe in regards to the various functions that the policy covers.</p>	
<p><b>Who are the main stakeholders in relation to the policy/function/strategy?</b></p> <p>The main stakeholders are as follows:</p> <ul style="list-style-type: none"> <li>• Residents</li> <li>• Land and Business Owners</li> <li>• Councillors</li> <li>• Parish and Town Councils</li> <li>• Planning Agents</li> </ul>	
<p><b>Do the identified stakeholders stand to be positively or negatively affected by the policy/function/strategy?</b></p> <p>Positively affected. The policy provides a framework for the Council to ensure its statutory obligations are met and that it carries out its enforcement functions in a fair, transparent and consistent manner.</p> <p>A robust approach to enforcement demonstrates to the residents of the district and its visitors that the Council will act where necessary to address issues where regulations and laws are flouted.</p>	
<p><b>Does this policy/function/strategy support the Council's stated equality objectives? (see overleaf.) Does it serve to impede them? Please explain.</b></p> <p>The policy does not seek to negatively impact upon any specific equality strand. It is designed to ensure that the relevant legislation is adhered to. The main objective that it contributes is</p>	

<sup>1</sup> Part 1 should be completed by the Lead Officer and signed by the Service Manager. Refer to the [Internal EIA Guidance](#) for more information on what EIAs are, why they are important, when they should be completed, who should be involved, and how they should be done.

objective 4, to promote safe and secure communities by fostering good relations between different groups of people.

The policy provides an objective and fair approach to regulation, which will benefit all parties including those that have identified the potential breach of planning and those that may be subject to enforcement action.

**Preliminary Impact Assessment**

	Yes	No	Unsure
1. Will this policy or function have an impact on:			
a. How services are delivered to the public?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Human Resources Policies?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Have any aspects of your policy/strategy already been covered by other EIAs?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
a. If yes, please indicate which ones and the dates. Also indicate which new/additional aspects would be covered under this EIA.			

If you answered Yes or Unsure for question1 please proceed to Part 2 of the EIA, which is to be completed with a small team of people.

Otherwise, if you are satisfied that there would be no additional benefit to completing a full impact assessment (noting that many issues with no apparent relevance may have hidden impacts) then please have your Service Manager sign and date this sheet to indicate that the EIA has been fully completed at this stage.

Manager's Signature:	This document may be published on the website <input checked="" type="checkbox"/>
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## **Equality Objectives**

1. Improve access to public services and basic amenities for elderly and disabled people through more efficient provision of Council services to sustain and improve their quality of life
2. Improve opportunities for youth to effectively engage in the community and to develop employment skills
3. Reduce mental and physical health inequalities within the district by providing support and promoting an active and healthy population
4. Promote safe and secure communities by fostering good relations between different groups of people.
5. Ensure participation and community engagement from all sectors of society for an accessible and connected district

## Part 2: Equality Impact Assessment<sup>2</sup>

### Identifying Potential Equality Issues

Use the information in Part 1, any other supporting documents, and the questions below to aid the group's discussion on the presence of potential equality issues.

- What do you know already about equality impact or need?

As the proposed policy is one that is required in order for the Council to carry out its statutory obligations in regards to regulation and enforcement no considerations have been made in specific relation to equality in its production.

- Is there any indication that particular features of this policy/function will create problems for specific groups?

No

- Is there any indication that particular features of this policy/function will benefit specific groups or advance equality between different groups of people?

No

### Evidence<sup>3</sup>

It is difficult to achieve an effective EIA without good evidence. Answer the questions below about the evidence relating to the project/policy/function.

#### What are the existing sources of evidence and mechanisms for gathering data?

The existing corporate enforcement policy has been in place since 2010 and is now required to be reviewed.

The policy has been developed with consideration of other similar policies and is in line with the wide range of guidance and legislation that underpins it.

#### Is there any evidence that different groups have different needs, experiences, issues and priorities in relation to the particular policy or function?

The policy recognises that an approach to enforcement must be fair and consistent in order to ensure it is effective. Where any specific needs within groups are identified they will be considered in line with the relevant guidance and legislation

#### Is there any evidence, or other reason to believe, that there is a higher or lower level of participation or uptake among different groups?

None

<sup>2</sup> Part 2 should be completed by the Policy/Project Lead with the help of a team of people invited to assist.

<sup>3</sup> See the "Evidence Collection and Data Use" section of the [Internal EIA Guidance](#).

**Does this policy/project impact a particular area of the District? Have there been any demographic changes or trends locally?**

The policy covers the whole district and ensures that the same approach to enforcement is taken across the whole area.

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**Is there any informal feedback from managers, staff or voluntary organisations?**

None noted

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**Are there gaps in the data or our knowledge? What further evidence is needed to understand the impact upon equality?**

Information relating to equality groups is not collected as part of the reporting process. This could potentially be worked into the customer first programme. It is not believed that this would change the approach to enforcement as the breach of regulations will not consider equality aspects in regards to the proposed course of action.

**Impact**  
Based on the identification of potential equality issues and the supporting evidence, the team can try to determine the impact of the policy/project/service/function on different groups.

Does the data show different impact upon different groups?

Yes  No

If yes, which groups are affected?

Group	May particularly benefit	May adversely impact	No impact anticipated
People from different ethnic groups	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Women	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Men	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Maternity/pregnancy impact	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Disabled people or carers	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
People from different faith groups	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Lesbian, gay or bisexual people	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Older or younger people	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
People in rural locations	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Married people or people in civil partnerships	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Group cont'd</b>	<b>May particularly benefit</b>	<b>May adversely impact</b>	<b>No impact anticipated</b>
Other	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Please explain the potential benefits or adverse impacts listed above.

**Recommendations**  
Please select a recommended course of action and, where appropriate, explain your choice.

- No major change needed
- Adjust the policy
- Adverse impact but continue
- Stop and remove the policy

Future actions:

Ensure policy is reviewed annually and any amendments required are made

Ensure policy is available in a variety of formats

Lead Signature: 

Date<sup>4</sup>:20/01/18

<sup>4</sup> What happens next? – See the “Understanding the EIA process” section of the [Internal EIA Guidance](#).





**Prosperous Communities  
Committee**

**Date 20<sup>th</sup> March 2018**

**Subject: Local Enforcement Plan (Planning Enforcement)**

Report by:	Head of Paid Service Mark Sturgess
Contact Officer:	Andy Gray Housing and Environmental Enforcement Manager
Purpose / Summary:	To provide Committee with a revised Local Enforcement Plan (Planning Enforcement) and request its approval.

**RECOMMENDATION(S):**

**Elected Members are asked to:**

- a) Note the responses given in regards to the planning enforcement audit
- b) Approve the Local Enforcement Plan as set out in Appendix 1 to come into effect on the 1<sup>st</sup> April 2018

## IMPLICATIONS

### **Legal:**

The legal framework within which the Council operates its planning enforcement function is set out in the policy. The following guidance and legislation applies:

- The Town & Country Planning Act 1990 (as amended)
  - The Town & Country Planning (Use Classes) Order 1987 (as amended)
  - Planning (Listed Buildings & Conservation Area) Act 1990
  - Planning & Compensation Act 1991
  - Planning & Compulsory Purchase Act 2004
  - Localism Act 2011
  - National Planning Policy Framework (March 2010)
  - National Planning Practice Guidance (March 2014)
- <https://www.gov.uk/guidance/ensuring-effective-enforcement>

### **Financial : FIN/156/18/CC**

There are no financial implications within this report.

Works in default may be carried out as part of the enforcement process Any works in default are then recovered via the enforcement or civil debtor process,

**Report agreed at Management Team – FIN/MT/64/18**

**Report agreed at Challenge and Improvement - FIN/144/18/SL**

### **Staffing :**

There are no staffing implications within this report.

### **Equality and Diversity including Human Rights :**

There are not expected to be any adverse impacts on any of the specific user groups in relation to this policy being implemented.

The Policy itself sets out the approach that will be taken and the options available to the Council. Within each specific case

An Equality Impact Assessment has been carried out and is included as Appendix 2.

**Risk Assessment :**

Out of Date Policy: the existing policy requires updating to reflect the current legislative framework and priorities that are in place. The risk is mitigated with the development and approval of a new policy.

Audit: a risk is presented in regards to the “limited assurance” received by Planning Enforcement as part of the wider Development Management audit. This report and subsequent policy mitigates immediately some of the actions identified and proposes actions for addressing the remaining actions.

**Climate Related Risks and Opportunities :**

None noted

**Title and Location of any Background Papers used in the preparation of this report:**

Existing Planning Enforcement Policy:

<https://www.west-lindsey.gov.uk/my-services/planning-and-building/planning-enforcement/>

**Call in and Urgency:**

**Is the decision one which Rule 14.7 of the Scrutiny Procedure Rules apply?**

i.e. is the report exempt from being called in due to urgency (in consultation with C&I chairman)

Yes

No

X

**Key Decision:**

A matter which affects two or more wards, or has significant financial implications

Yes

X

No

## 1. Introduction

1.1. This report contains an updated version of the Council's Planning Enforcement Policy, which moving forward will be known as the Local Enforcement Plan. This sets out the approach that is taken when dealing with planning enforcement matters.

1.2. The report also provides information in response to the development management audit report completed in September 2017, within which the planning enforcement service received limited assurance.

## 2. Development Management Audit

2.1. The development management audit report completed in September 2017 included within its scope an audit of the planning enforcement work area. The service was given limited assurance as part of the audit.

2.2. The audit clearly identifies that the service are makes effective decisions, evidenced by the upholding of appeals and takes a proportionate, policy based approach to the matters that it deals with.

2.3. The audit found that the service was not meeting performance targets for a number of reasons, including a disparity between the resource available and the service offered.

2.4. The audit identified the following actions and alongside these actions are the steps taken by officers to ensure the actions progressed and completed.

	<b>Audit Action</b>	<b>How Addressed</b>
1	The Council reviews its long term plan for the enforcement service. There is an opportunity to increase resource on a permanent basis and address the backlog of work and performance issues.	<ul style="list-style-type: none"><li>- Increased resources agreed. New officer post advertised and in post from 22/01/18</li><li>- Overall case review to ensure that any backlog is reduced. To take place during Summer 2018.</li><li>- Review of performance measures in line with audit recommendations for progress and delivery in 18/19</li></ul>
2	Alternatively the enforcement policy could be reviewed with a view to and reduce the priority of cases that the Council currently actions.	<ul style="list-style-type: none"><li>- Policy review underway.</li></ul>

3	Reporting case by priority to add some context to reports.	- Review of performance measures to be undertaken for progress and delivery in 18/19
4	Reporting by year to add some context to reports.	- Review of performance measures to be undertaken for progress and delivery in 18/19
5	Closing down old cases or inactive cases to produce a more accurate relevant performance picture.	- Policy amended to reflect this recommendation - Customer Charter to be updated prior to policy implementation to reflect new policy timescales.
6	Defining the process for when cases can be closed off in the policy review.	- Process for closure of cases amended in line with the policy review.
7	Service and policy review to address performance.	- Policy review undertaken

2.5. The audit actions, subject to the Local Enforcement Plan being approved, will now become business as usual and embedded within the day to day work of the service.

### **3. Local Enforcement Plan**

3.1. The National Planning Policy Framework (NPPF) recommends that local planning authorities publish a local enforcement plan to manage planning enforcement proactively and in a way that is appropriate to their area. The plan should set out how the Council will monitor the implementation of planning permissions, investigate alleged cases of unauthorised development and take action where it is appropriate to do so.

3.2. The Local Enforcement Plan will replace the previous Planning Enforcement Policy. The principles of the plan and our approach to enforcement are still in line with the overall corporate enforcement policy.

3.3. The proposed Local Enforcement Plan for West Lindsey District Council is attached at appendix 1.

### **4. Feedback from Elected Members and Parish Councils**

4.1. In September 2017, Parish and District Councillors attending training on planning enforcement at the Guildhall. The training was aimed at providing

information in regards to the scope of planning enforcement and to seek feedback on the service.

4.2. The main points to note from this training were as follows:

- It was felt that communication needed to be improved to ensure that customers were up to date with what was happening and subsequently kept up to date.
- The policy position in relation to planning enforcement was not clearly understood. The revised plan will be sent to all Parish and Town Councils and District Councillors subject to approval.
- Further information was required in regards to the actions that may or may not be taken by the Council. The revised plan reflects this and the revised customer charter which will be produced prior to the plan coming into effect will contribute to this area being addressed.

## 5. Proposed Policy Amendments

5.1. The overall approach to enforcement has not been altered within this policy. The main changes that members should note are as follows:

- **Priorities** – reference to “priority” has been removed from the policy, the previous policy contained 4 priorities. These priorities are now referred to in relation to “impact”, of which there is High, Medium and Low impact. Lowest and low priority have been merged and are referred to as low impact.
- **Site Visits** – the proposed plan is clear that where a matter is deemed to be low impact, the approach to dealing with it will reflect this. Site visits will not be carried out as a matter of course for low impact cases.
- **Timescales** – revised timescales for responses, site visits and initial assessment have been added. These are aimed at ensuring resources are focussed on the highest priority cases and to reflect the customer first approach.
- **Powers** – detailed information on each power has been removed and the customer will be directed to the planning guidance on this matter or sent alternative information by officers when their complaint leads to formal action being taken.

## **6. Challenge and Improvement Pre-Scrutiny**

6.1. The Local Enforcement Plan has been considered and commented on by Challenge and Improvement Committee on the 20<sup>th</sup> February 2018. This pre-scrutiny discussed a wide range of topics, the three main areas for feedback related to:

Planning Conditions – members reiterated that they believed these needed to be realistic and not set out in such a way that makes them unenforceable.

Effectiveness – members made it clear that they wished for their constituents to see that any enforcement is effective and that clear breaches are rectified.

Feedback – members felt strongly that the customer service related to enforcement needed to improve in line with the proposals provide within the revised enforcement plan.

6.2. Subject to approval the Local Enforcement Plan will come into effect on the 1<sup>st</sup> of April 2018.

## **7. Recommendations**

Elected Members are asked to:

- a) Note the responses given in regards to the planning enforcement audit
- b) Approve the Local Enforcement Plan as set out in Appendix 1 to come into effect on the 1<sup>st</sup> April 2018



# Local Enforcement Plan



## 1. Introduction

1.1. The National Planning Policy Framework (NPPF) recommends that local planning authorities publish a local enforcement plan. The plan should set out how the Council will monitor the implementation of planning permissions, investigate alleged cases of unauthorised development and take action where it is appropriate to do so.

1.2. This Local Enforcement Plan sets out the Council's priorities for investigation, explains what will be investigated and what will not and the priorities for responses to complaints and the timescales for these responses. Planning enforcement is not statutory and is a discretionary power of Local Planning Authorities. It is not illegal to build something without the benefit of planning permission.

1.1. Paragraph 207 of the NPPF sets out that effective enforcement is important as a means of maintaining public confidence in the planning system, that planning enforcement action is discretionary, and that Local Planning Authorities should act proportionately in responding to suspected breaches of planning control.

1.2. This plan replaces the West Lindsey District Council Planning Enforcement Policy, last revised in 2010.

## 2. Legislation and Guidance

2.1. Planning enforcement matters are covered within a broad range of guidance and legislation. The most relevant are as follows:

- The Town & Country Planning Act 1990 (as amended)
  - The Town & Country Planning (Use Classes) Order 1987 (as amended)
  - Planning (Listed Buildings & Conservation Area) Act 1990
  - Planning & Compensation Act 1991
  - Planning & Compulsory Purchase Act 2004
  - The Planning Act 2008
  - Localism Act 2011
  - National Planning Policy Framework (March 2010)
  - National Planning Practice Guidance (March 2014)
- <https://www.gov.uk/guidance/ensuring-effective-enforcement>

2.2. The above guidance and legislation provide the scope for the Council to take action, where expedient

against breaches of planning legislation. More information on the legal framework can be found here <http://planningguidance.planningportal.gov.uk/>

### **3. Approach to Enforcement**

- 3.1. The general approach taken to enforcement by the Council is set out in its Corporate Enforcement Policy, this plan operates in conjunction with the policy. As an overview, decisions that are made in relation to enforcement will be consistent, balanced, proportionate and fair and relate to the relevant legislation and consider public interest. The Council's approach is relevant to the risk caused and ensures that we focus on the issues that cause the highest harm.
- 3.2. Within planning enforcement consideration is also given to "expediency". When determining whether or not to take enforcement action the Council has to decide whether or not it is expedient to do so (Section 172 (1) (b) of the Town and Country Planning Act 1990). The key test being whether the breach of planning control would unacceptably affect public amenity.
- 3.3. It would not normally be expedient to take enforcement action where a breach of planning control occurs but where there is;
  - (i) No significant conflict with national or local policy; or
  - (ii) A reasonable prospect that planning permission may be granted, subject to conditions; or
  - (iii) No significant or immediate harm to the amenity or safety of residents or to the environment or areas of acknowledged importance,
- 3.4. These considerations ensure that the Council are not taking enforcement action in regards to matters which are "not expedient" or in regards to matters which are minor or technical which cause no harm to amenity.
- 3.5. The Council will always attempt to persuade an owner or occupier of land to voluntarily remedy any harmful effects of unauthorised development, subject to reasonable timescales. The Council will use its formal enforcement powers as necessary should a voluntary resolution not be forthcoming.
- 3.6. The Council has a power of entry to investigate planning matters provided for under the provisions of Sections 196A of The Town and Country Planning Act 1990 (as amended). Officers can enter land specifically for enforcement purposes. This right is limited to what is regarded as

essential, in particular circumstances, for effective enforcement of planning control.

#### **4. The Planning Enforcement Service**

- 4.1. Prior to reporting suspected breaches, customers should refer to the Council's website and/or the Planning Portal to ascertain whether the matter is something that can be investigated. The Planning Portal can be accessed via <http://planningguidance.planningportal.gov.uk/>
- 4.2. Any reports of suspected breaches should be made to the Council via its online reporting system. This ensures that all the relevant information needed to initially consider the breach is provided. It will also enable the Council to determine at the earliest opportunity whether it is a matter that it can deal with. Reports can be made via [www.west-lindsey.gov.uk](http://www.west-lindsey.gov.uk)
- 4.3. Once a report is received the Council will determine its impact level and investigate accordingly within set timescales (see section 6). All initial reports will be acknowledged. For any case that is not high impact it is our aim to inform customers of our likely course of action within 20 working days of receiving a report.
- 4.4. Confidentiality for complainants is paramount and the Council will ensure that this will be respected at all times in accordance with the relevant data protection legislation.
- 4.5. The Council will not pursue reports of the following;
  - Boundary disputes
  - Neighbour disputes
  - Legal covenants
  - Damage to property
  - Devaluation to property
  - Unsafe structures
  - Trespass
  - Parking disputes
  - Cars for sale on the public highway
  - Internal alterations (unless a listed building)
  - Heights of hedges and trees (can be pursued under other legislation)
  - External security lights fixed to property (can be pursued under other legislation)
  - Fences and walls in rear gardens (Unless they are considered to have a substantial detrimental effect on residential amenity and/or visual amenity)

The Council will advise, where appropriate, if it can refer the matter to another agency or whether it has any other legislative power to enable it to address the issue. Customers should seek their own legal advice for civil or private matters.

4.6. The Council will also not pursue any enforcement complaints that are anonymous or vexatious or complaints which are non-specific or vague in their nature. The Council will attempt to further understand complaints such as this, but will not log them for investigation until the relevant information is obtained. If complaints such as this are received they will only be acted upon in circumstances where there may be an immediate criminal offence or a threat to public safety.

## **5. Breaches of Planning Control**

5.1. Enforcement action is necessary to ensure the integrity of the Development Management process and the Council recognises the importance of establishing effective controls over unauthorised development.

5.2. A breach of planning control is the carrying out of development without the granting of planning permission from the Council, or deemed permission by a Government Order. Development is defined by Section 55(1) of the Town and Country Planning Act 1990 (as amended) as

**‘the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land’.**

5.3. The type of matters that can be considered as breaches of planning control are as follows:

- Failure to comply with any condition or limitation attached by a planning permission
- Unauthorised advertisements
- Unauthorised works to protected trees, trees in a conservation area or protected hedgerows
- Unauthorised building works and/or engineering operations
- Works to a listed building without consent
- Land or buildings that are untidy or in poor condition and affecting the amenity of an area
- A change of use to land or building that has occurred without planning permission

5.4. Any matters that relate to time limits for taking enforcement action will be considered in line with Section 171B of the Town and Country Planning Act (1990).

5.5. In 2018 the Council will be introducing its Community Infrastructure Levy (CIL), in line with the CIL Regulations 2010. The enforcement of the requirements of CIL regulations will be approached in a manner consistent with the Local Enforcement Plan.

## 6. Level of Impact

6.1. To ensure the most effective use of resources all reports that are investigated are assessed for impact and then prioritised. The impact determines the speed within which the case will be investigated and includes the assessment of the type and extent of the harm caused.

6.2. There are three levels of impact;

**High** – i.e. where significant or irreversible harm is likely to be caused if the Council do not act immediately. For example;

- Unauthorised works to listed buildings
- Unauthorised works to trees covered by a Tree Preservation Order (TPO) or in a Conservation area
- Development that causes irreversible demonstrable harm
- Development of an access that could cause significant risk to the public

**Medium** – i.e. where there is significant public concern or where there is potential for significant harm to be caused. For example;

- Breaches of planning conditions
- Unauthorised developments or uses
- Unauthorised advertisements that affect highway safety

**Low** – i.e. smaller scale infringements which do not result in significant or irreversible harm. For example;

- The erection of unauthorised advertisements
- Unauthorised building of walls or fences
- Unauthorised development, which is likely to be permitted development, receive planning permission or has minimal or no impact on local amenities

6.3. For any case that is not high impact it is our aim to inform customers of our likely course of action within 20 working days of receiving a report. Our standards for responding to each level of impact are shown below;

Task	Impact		
	High	Medium	Low
Register and Review	Immediately	Within 3 working days	Within 5 working days
Site Visit	Within 24 hour (excluding weekends)	Within 7 working days (only if necessary)	Within 15 working days (only if necessary)
Customer informed of course of action	Within 2 working days	Within 20 working days	Within 20 working days

6.4. As any investigation commences the impact level of a case may change and we will endeavour to ensure that customers are kept up to date for the duration of the case. After the Council has informed the customer of the initial course of action, the regularity of update will be proportionate to the action that is being taken.

6.5. The level of investigation undertaken for matters that are low impact will be in proportion to the risk that is presented and the quality of information and evidence received. Site visits will only be undertaken where it is necessary to obtain further evidence before determining a course of action. We will not as a matter of course visit all sites and will initially assess all low impact reports in line with the criterion set out in 3.3.

6.6. Where formal enforcement action commences the customer and the land owner will be provided with specific information in relation to the action in order to ensure they understand what action is being taken and the timescales attached to this. These timescales will vary and reflect the impact level given to the specific matter.

6.7. When an investigation is closed, the customer will be advised and the reasons for closure will be explained to them.

6.8. The Council will record and monitor performance in relation to the above timescales alongside other key measures. These will be included within the corporate performance reporting process.

## 7. Interventions and Powers

7.1. There are a variety of formal powers available to the Council in relation to planning enforcement. The Council will, where appropriate, seek to resolve any breaches voluntarily in the first instance.

7.2. When formal powers are used to address specific circumstances the timescales and requirements for these vary depending on the power used. Specific guidance on the powers available can be found on the Councils website and when a specific power is used within a case, the customer will be provided with information in relation to that power. Some of the powers available to the Council are as follows ;

- Planning Contravention Notice (PCN)
- Enforcement Notice
- Breach of Condition Notice (BCN)
- Stop Notice
- Temporary Stop Notice
- Injunction
- Section 215 Notice
- Section 330 Notice
- Listed Building Enforcement Notice
- Repairs Notice
- Discontinuance Notice
- Removal Notice
- Prosecutions in relation to advertisements and TPOs

7.3. For more information on the specific power, related timescales and rights of appeal please refer to <https://www.gov.uk/guidance/ensuring-effective-enforcement> .

7.4. As part of the formal process the Council will also consider carrying out works in default or direct action to directly resolve any breaches that relate to a S215 Notice or an enforcement notice that have not been complied with. The Council will then take steps to recover these costs from the land or property owner.

## **8. Review**

8.1. This plan will be reviewed on a bi-annual basis or as required subject to changes in legislation

## **9. Feedback on Our Service**

9.1. The Council encourages and welcomes feedback on its services. If you wish to provide feedback you can do so by visiting:  
[www.west-lindsey.gov.uk/feedback](http://www.west-lindsey.gov.uk/feedback)

## **Further Information**

**Housing and Environmental Enforcement Team**

West Lindsey District Council  
The Guildhall  
Marshall's Yard  
Gainsborough  
DN21 2NA

Phone : 01427 676676

E – Mail: [enforcement@west-lindsey.gov.uk](mailto:enforcement@west-lindsey.gov.uk)

Website: [www.west-lindsey.gov.uk](http://www.west-lindsey.gov.uk)



## Appendix 2

### Part 1: Equality Impact Screening/Pre-Assessment<sup>1</sup>

Name of Policy/Function/Strategy to be assessed: Local Enforcement Plan (Planning Enforcement)	Section/Directorate: Housing & Environmental Enforcement
Name of person responsible for assessment: Andy Gray	Date of Screening: 12/12/17
<b>Policy Aims</b>	
<b>What is the purpose of the policy/function/strategy? What are its intended outcomes?</b>	
<p>The local enforcement plan provides an update to the Planning Enforcement policy from 2010. The plan sets out to customers our approach to planning enforcement and provides information on the relevant legislation, what types of matters will be considered for action and the powers that are available to us.</p> <p>The policy will face scrutiny via the Challenge and Improvement Committee and then be presented to Prosperous Communities Committee for approval.</p>	
<b>Who are the main stakeholders in relation to the policy/function/strategy?</b>	
<p>The main stakeholders are as follows:</p> <ul style="list-style-type: none"> <li>• Residents</li> <li>• Land and Business Owners</li> <li>• Councillors</li> <li>• Parish and Town Councils</li> <li>• Planning Agents</li> </ul>	
<b>Do the identified stakeholders stand to be positively or negatively affected by the policy/function/strategy?</b>	
<p>Positively affected. The plan provides a framework for the Council to ensure that the relevant development management controls are adhered to and sets out how we will address situations where the controls are not.</p> <p>A robust policy and approach to enforcement ensures that the development management process retains its integrity and helps to protect that natural and built environment.</p> <p>Where formal action is taken, it will demonstrate to the stakeholders that the Council are using their formal powers to address situations where regulations are not adhered to.</p>	

<sup>1</sup> Part 1 should be completed by the Lead Officer and signed by the Service Manager. Refer to the [Internal EIA Guidance](#) for more information on what EIAs are, why they are important, when they should be completed, who should be involved, and how they should be done.

**Does this policy/function/strategy support the Council's stated equality objectives? (see overleaf.) Does it serve to impede them? Please explain.**

The plan does not seek to negatively impact upon any specific equality strand. It is designed to ensure that the relevant legislation is adhered to. The main objective that it contributes is objective 4, to promote safe and secure communities by fostering good relations between different groups of people.

The plan provides an objective and fair approach to regulation, which will benefit all parties including those that have identified the potential breach of planning and those that may be subject to enforcement action.

**Preliminary Impact Assessment**

	Yes	No	Unsure
1. Will this policy or function have an impact on:			
a. How services are delivered to the public?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Human Resources Policies?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Have any aspects of your policy/strategy already been covered by other EIAs?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
a. If yes, please indicate which ones and the dates. Also indicate which new/additional aspects would be covered under this EIA.			

If you answered Yes or Unsure for question 1 please proceed to Part 2 of the EIA, which is to be completed with a small team of people.

Otherwise, if you are satisfied that there would be no additional benefit to completing a full impact assessment (noting that many issues with no apparent relevance may have hidden impacts) then please have your Service Manager sign and date this sheet to indicate that the EIA has been fully completed at this stage.

Manager's Signature:	This document may be published on the website <input checked="" type="checkbox"/>
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## **Equality Objectives**

1. Improve access to public services and basic amenities for elderly and disabled people through more efficient provision of Council services to sustain and improve their quality of life
2. Improve opportunities for youth to effectively engage in the community and to develop employment skills
3. Reduce mental and physical health inequalities within the district by providing support and promoting an active and healthy population
4. Promote safe and secure communities by fostering good relations between different groups of people.
5. Ensure participation and community engagement from all sectors of society for an accessible and connected district

## Part 2: Equality Impact Assessment<sup>2</sup>

### Identifying Potential Equality Issues

Use the information in Part 1, any other supporting documents, and the questions below to aid the group's discussion on the presence of potential equality issues.

- What do you know already about equality impact or need?

As the proposed plan is one that is required in order for the Council to carry out its duties in relation to planning enforcement no considerations have been made in specific relation to equality in its production.

- Is there any indication that particular features of this policy/function will create problems for specific groups?

No

- Is there any indication that particular features of this policy/function will benefit specific groups or advance equality between different groups of people?

No

### Evidence<sup>3</sup>

It is difficult to achieve an effective EIA without good evidence. Answer the questions below about the evidence relating to the project/policy/function.

#### What are the existing sources of evidence and mechanisms for gathering data?

The existing planning enforcement policy has been in place since 2010 and evidence is gathered in relation to its effectiveness on a monthly and annual basis.

It is important that users of the revised plan can understand the Council's approach to enforcement in order to ensure that they recognise what can and cannot be achieved by it. The plan itself will be made as accessible as possible and officers working to the plan will ensure that customers are provided with clear information in relation to it.

#### Is there any evidence that different groups have different needs, experiences, issues and priorities in relation to the particular policy or function?

In most cases there will be a complainant and a land owner. Both have different needs and the plan helps to ensure that the approach we take is consistent and that it ensures that we understands both points of view prior to proceeding with any action, where appropriate.

#### Is there any evidence, or other reason to believe, that there is a higher or lower level of participation or uptake among different groups?

None

<sup>2</sup> Part 2 should be completed by the Policy/Project Lead with the help of a team of people invited to assist.

<sup>3</sup> See the "Evidence Collection and Data Use" section of the [Internal EIA Guidance](#).

**Does this policy/project impact a particular area of the District? Have there been any demographic changes or trends locally?**

The plan covers the whole district and ensures that the same approach to enforcement is taken across the whole area.

---

**Is there any informal feedback from managers, staff or voluntary organisations?**

Informal feedback from Parish and District Councillors provided evidence to enable the policy to be updated. This was mainly in regards to timescale for the taking of formal action and the communication of updates in regards to cases.

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**Are there gaps in the data or our knowledge? What further evidence is needed to understand the impact upon equality?**

Information relating to equality groups is not collected as part of the reporting process. This could potentially be worked into the customer first programme. It is not believed that this would change the approach to enforcement as the breach of regulations will not consider equality aspects in regards to the proposed course of action.

**Impact**  
 Based on the identification of potential equality issues and the supporting evidence, the team can try to determine the impact of the policy/project/service/function on different groups.

Does the data show different impact upon different groups?

Yes  No

If yes, which groups are affected?

Group	May particularly benefit	May adversely impact	No impact anticipated
People from different ethnic groups	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Women	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Men	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Maternity/pregnancy impact	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Disabled people or carers	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
People from different faith groups	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Lesbian, gay or bisexual people	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Older or younger people	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

People in rural locations	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Married people or people in civil partnerships	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Group cont'd</b>	<b>May particularly benefit</b>	<b>May adversely impact</b>	<b>No impact anticipated</b>
Other	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Please explain the potential benefits or adverse impacts listed above.

### Recommendations

Please select a recommended course of action and, where appropriate, explain your choice.

No major change needed

Adjust the policy

Adverse impact but continue

Stop and remove the policy

Future actions:

Ensure plan is reviewed annually and any amendments required are made

Ensure plan is available in a variety of formats

Lead Signature:



Date<sup>4</sup>:12/12/17

<sup>4</sup> What happens next? – See the “Understanding the EIA process” section of the [Internal EIA Guidance](#).



**Prosperous Communities  
Committee**

**Date 20<sup>th</sup> March 2018**

**Subject: Member Champions Review**

Report by:

Alan Robinson  
Monitoring Officer  
01427 676509  
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Contact Officer:

James Welbourn  
Democratic and Civic Officer  
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Purpose / Summary:

To propose changes to the way in which Member Champions report back to fellow Members, and to look at the way in which the appointments are structured.

**RECOMMENDATION(S):**

- 1) The number of Member Champions be reduced from the start of the 2018/19 civic year;**
- 2) To not nominate Member Champions for areas where a committee Chair or Vice-Chair already has responsibility from the start of the 2018/19 civic year;**
- 3) Updates from Member Champions to come every 6 months through the West Lindsey newsletter from the start of the 2018/19 civic year;**
- 4) Areas that Member Champions are responsible for to be reviewed again in May 2019; Member Champion roles to be determined for the first meeting(s) of the 2018/19 civic year for both Corporate Policy and Resources and Prosperous Communities;**
- 5) Members are asked to comment on the proposed job description attached at Appendix 4, and recommend its adoption to**

**Governance and Audit committee.**

**IMPLICATIONS**

**Legal:**

None arising from this report

**Financial : FIN/159/18/CC**

At present no member champions are entitled to receive Special Responsibility Allowances. Any change to this position would require recommendation by the Remuneration Panel and approval of Full Council. Travel expenses can be claimed for Member Champion duties.

**Staffing :**

None.

**Equality and Diversity including Human Rights :**

None arising from this report.

**Risk Assessment :**

**Climate Related Risks and Opportunities :**

None.

**Title and Location of any Background Papers used in the preparation of this report:**

None.



**Call in and Urgency:**

**Is the decision one which Rule 14.7 of the Scrutiny Procedure Rules apply?**

i.e. is the report exempt from being called in due to urgency (in consultation with C&I chairman)      **Yes**       **No**

**Key Decision:**

A matter which affects two or more wards, or has significant financial implications      **Yes**       **No**

**1 Background**

1.1 Currently, there are 13 Member Champions that were appointed at Prosperous Communities committee on 6 June 2017. These were:

<b>Heritage and Tourism</b>	<b>Paul Howitt-Cowan</b>
<b>Housing</b>	<b>Jessie Milne</b>
<b>Planning</b>	<b>Stuart Kinch</b>
<b>ED/Town Centre</b>	<b>Sheila Bibb</b>
<b>Health</b>	<b>Angela White</b>
<b>Localism/Neigh Plans</b>	<b>Steve England</b>
<b>Community Safety/ASB</b>	<b>Trevor Young</b>
<b>Young People/Skills</b>	<b>Reg Shore</b>
<b>Transport</b>	<b>Lewis Strange</b>
<b>Safeguarding/Mental Health</b>	<b>Gill Bardsley</b>
<b>Volunteering</b>	<b>Jessie Milne</b>
<b>Democracy</b>	<b>Roger Patterson</b>
<b>Armed Forces</b>	<b>Tom Smith</b>

1.2 At the same meeting, Prosperous Communities committee asked that 'a further report be submitted to a future meeting of the Committee regarding the role, purpose and positions held by Member Champions, in order that their future use could be better assessed'.

1.3 On 15 September 2017 an email was sent out to Team Managers asking them for their feedback on work they had done with Member Champions, and how aware of Member Champions they were. The feedback received is summarised in Appendix 1 (full, anonymous responses can be provided on request). There was also the chance at this stage to comment on a draft job description;

1.4 Following this, a further email went to the Member Champions themselves gauging opinion on how the role of a Member Champion could be improved or changed. These responses are collected in Appendix 2 (again, full, anonymous responses can be provided on request);

1.5 Lastly, a second email went to member Champions following this asking for feedback on the draft job description, as well as asking the following questions:

- Within the job description, would you like to see further definition on the different Member Champion roles?
- Some of the Member Champion roles overlap with the roles of committee Chairs and Vice-Chairs. Should this lead to collaborative work between a Member Champion and a committee Chair, or should there be no Member Champion under these circumstances?
- What, in your view, are the areas that need Member Champions?
- Would you favour a review of Member Champion roles every 18 months at Prosperous Communities committee?
- Would you favour reports coming to Prosperous Communities committee every 6 months with an update to committee on the work that has been undertaken by each Member Champion (due to the current number of Member Champions, this would need to be done at two separate meetings)?

The feedback for this email can be seen in Appendix 3. The draft job description is attached at Appendix 4;

1.6 Currently, either the Corporate Policy and Resources committee or Prosperous Communities committee can appoint Member Champions for a civic year. In 2017, only Prosperous Communities appointed any Member Champions.

## **2 PROPOSALS**

2.1 Currently there is no job description for the role of Member Champions, and no single route for them to feed back to their fellow Members, or into the Committee structure. A proposed Job Description is attached at Appendix 4. Having a Job Description would bring Member Champions into line with other positions within the Council that Members can hold;

2.2 All of the areas named in 1.1 are already covered by the remit of a committee. In particular, the Constitution lists Prosperous Communities as having responsibility for many of these areas; this would mean that the Chair and Vice-Chairs of Prosperous Communities have responsibility for these streams of work already.

## **3 REVIEW**

3.1 Out of the research carried out with Member Champions, there were many different ideas on how often a review of roles should be carried out. 2 years seems to be the best option (from May 2019). Clearly, if an important topic arises that would be ideal for a Member Champion (and cannot be covered by a Chair or Vice-Chair of a committee), then it could still be brought to the relevant committee by either of the Policy Chairs for approval;

- 3.2 It is proposed that updates from Member Champions will come six monthly through the new West Lindsey newsletter as from the start of the 2018/19 civic year;
- 3.3 One piece of feedback that came from the Prosperous Communities meeting in June 2017 was that Member Champions should be appointed on 'expertise as opposed to a general interest of a Member'. In the main, Member Champions will be suggested by Policy Chairs at the start of the civic year and voted on by members of the respective Policy committees.
- 3.4 Another piece of feedback from current Member Champions was that overall, it seemed preferable for Members to approach relevant officers once appointed to a Member Champion role, rather than expecting officers to make the first approach.

#### **4 OTHER COUNCILS**

- 4.1 **Havering Borough Council:** Havering have six Member Champions supporting Portfolio Holders, and other Councillors with 'designated responsibilities'. Member Champions all provide an annual report to Council;
- 4.2 **Test Valley Borough Council:** Test Valley have five Member Champions commissioned by Cabinet. These are appointed on a yearly basis;

#### **5 CONCLUSION**

- 5.1 This report and job description aims to give some structure to the appointment and role of Member Champions, whilst still allowing some flexibility particularly when it comes to appointments. It also gives members an insight into how the role is seen by other Member Champions, and Team Managers.

**Member Champions Summary**

I asked questions of Managers, the Leader, and current Member Champions. The response from Managers was good, and the questions asked were as below (in addition to asking for opinions on the Job Specification that Katie had drafted previously):

*I want to find out how aware of 'Member Champions' you all are, and how much involvement you have all had with them (if any). Even if you have had no involvement with any of the Member Champions, can you let me know?*

- I haven't had any involvement with Member Champions. It seems a bit strange that some Champions mirror individual service areas (Planning/Housing), etc, while others don't. Also feels strange that there is no Champion for Ops in some form, even if it is linked to the Environment;
- We have met with Jessie Milne previously, however we haven't for a number of months. If I am honest, I don't know how useful it is and in some ways it has been confusing as we are normally dealing with the relevant committee chair. I am not clear as to what we are being asked to do with the champion in terms of engaging them and I think it would be helpful to review their role and effectiveness;
- I was not aware of the full list of champions so thanks for sending that – I have been involved with Tom Smith and I did know he was Armed Forces and I have previously been involved with Jessie for Housing matters and I would have no hesitation in contacting either of them if I needed and advice or support on Housing Benefits or Armed Forces customers. I have been involved with some of the Safeguarding work that Michelle Howard leads and I do know Gill Bardsley is very informed and supportive;
- I knew about Gill Bardsley as she has been to a safeguarding meeting I attended, but I wouldn't have known she was the champion otherwise. I don't know about the others;
- The only one I've had dealings with in the last 2 years is Anne Welburn as web champion, but she's not on your list;
- I was aware of the member champions but not really clear on the role vis a vis committee chairs. Sheila would always be my 'go to' member but in her role as PC chair rather than member champion, and likewise Jeff in his role as CPR chair. In Sheila's case I see she is both chair and member champion so no problems there but leads to the question of whether we need both and how they interact. Certainly I think the role needs more promotion and clarification;
- I engage frequently with Cllr Howitt-Cowan in his role as Heritage and Tourism Champion. We have a bi-monthly Leisure, Culture, Events and Tourism group meeting which works really well and has good level of nominated Member attendance. Cllr Howitt-Cowan chairs this meeting as part of this Member Champion role and this has worked really well when taking papers to Prosperous Communities as recommendations have had scrutiny at our meetings and Members

then become your ambassadors in Committee. Also I've had involvement with Cllr Bardsley who is very supportive of the Safeguarding group and their work.

- I think it's a missed opportunity, we tend to engage with committee chairs who are up the speed with the key challenges and work we are doing.

In terms of others I'm aware of:

1) safeguarding & mental health - Cllr Bardsley actively engaged with us and attends the corporate working group. This role is part of the corporate safeguarding structure and included in the yearbook to give members a member point of contact for safeguarding. This role seems to have more structure and fit.

2) health - Cllr White has been appointed as health champion and part of this is on the health commission. However, given Cllr Bibbs role as chair of the health commission and chair of prosperous she has been much more actively involved in the health work. The health commission has shown me how valuable a member and officer relationship can be and I would advocate this model for key areas of work.

3) armed forces - Cllr Smith has taken an active interest and ensures that armed forces considerations are articulated.

Personally I think there is a role for member champions. However I'm not sure the current model is right and it is not achieving the value it could. Without portfolio holders in our structure, I think there is a place for a champion role for key services / themes and I would welcome further discussion on the champion role and what would be most effective and valuable.

- I am aware of the Member Champions and the role that they play within the organisation. My only real involvement has been with Cllr Young relating to ASB issues which was not really my area and Cllr Bardsley as I sit on the safeguarding working group;

## Appendix 2

I then asked current Member Champions a series of questions on their role and how they saw it.

- a Champion may be appointed if there is felt to be a need for one Councillor to take an interest in a particular area of the Council's work
- there may only be a need for a specific champion for a limited period of time, while that area of work is developing, or there is a new Government initiative being rolled out. Other areas may be needed long term;
- In the past the champions role has not been clearly defined, and as such very much what the member made of it, and depended on just what it was being championed. In all cases it should be about representing members views at the same time supporting officers in delivering council's strategy and promoting that strategy to the public and other stakeholders;
- Each champion is chosen because they have a specific interest or expertise to bring to the role, in my case neighbourhood planning (NP) and localism. How that is done is down to the individual, there are no guidelines;
- The relationship between the two is the key to success, one without the other is doomed to fail. The level of co-operation will of course vary dependent on the subject, but mutual respect leads to mutual understanding in all things;
- Neither myself or the officers have taken steps to meet and in planning I think we should be working together rather than me plough a lonely furrow. To give staff their due, I think the creation of champions was ill defined, nebulous and some of us have been left on our own!
- I think there is an important role for champions, in that they are able to flag up both interest and knowledge to facilitate council business;
- I suppose that I ought to do more, but the dice are loaded against anyone trying to change anything. Other councillors represent West Lindsey on health matters:- Councillor Bibb on the Wellbeing Board and Paul Howitt-Cowan on the Lincolnshire Health Scrutiny Committee.
- The relationship between the lead officer and member champion should be one of mutual respect and an ability for the member champion to ask for advice and guidance;
- A Champion is one who focuses on a specific area of council work and supports the responsible officer(s) in their work as well as keeping other members informed. It also involves making members views known to officers and on occasion being the public voice for the relevant area.

### Appendix 3

There was one final round of emails to Member Champions asking specifics on the job description, and whether champions wanted to see further definition on the role. Responses were received from Cllrs Bardsley, Howitt-Cowan, Bibb, England, Kinch and Smith. Points are highlighted as below:

- Essentially in my opinion, they are nominated ad hoc, and not set in stone.
- They should not replace or duplicate any other member activity, nor complicate decision making, nor offer another layer of scrutiny which could or is carried out within existing frameworks;
- We may need re assurances that officers have a clear understanding and appreciation of the role of champions;
- Areas of need will come and go, however neighbourhood plans  
Heritage/ tourism  
Health  
Forces Covenant  
for eg are staple areas;
- At the end of the day the role is dependent on the enthusiasm, and commitment of the champion, and those who fall short need to be removed;
- There needs to be flexibility as the subject areas and opportunities to engage will differ greatly;
- I would tend to favour no member champions where there is an overlap with a Committee Chair for two reasons - first it is not efficient to have this duplication; secondly where the member champion is a member of an opposition party it could lead to a conflict of interests and also make something political when it shouldn't be.
- Areas for MC's to cover would be those which are not automatically covered in normal committee work e.g. Safeguarding, Employment & Skills, Armed Forces etc. I don't think we need them for areas such as Housing, Planning, Economic Development etc as those should be picked up by the relevant Chairs.
- They do need to be reviewed regularly and 18 months would enable any changes to be made in time for the next civic year;
- There does need to be a reporting mechanism. This could be Prosperous, or alternatively the newsletter;
- I see no conflict in a chair or vice chair being a champion, rather the opposite. Collaboration between all concerned is essential;
- I would suggest annual review before the first full council of the new administrative year, but again with the flexibility to appoint a champion at any time if it was deemed worthwhile;
- Reporting every six months is worthwhile, all though in my case officers provide all members with a monthly progress report, useful given that most members have a neighbourhood plan at some stage in their ward;
- Planning needs a Member Champion for sure! I was member champion for a while but I found it difficult in my position to be critical! I think all other areas are covered;

- where there is a clear overlap between committee chairs and vice chairs they should actively seek the views of the member champion and their knowledge along with the lead officer who works with the member champion to ensure the best outcome is achieved.
- i believe areas that require a member champion are areas that require specialist knowledge, understanding or interest and/or dedication by the elected member to ensure that the issue is given due weight and prevalence in council policies, such as the armed forces children and young people and skills health and safeguarding;
- i would favour the role of member champions being reviewed every four years unless the majority of member champions requested an earlier review and could site reasons for such a request;
- In respect to your question on how frequently should member champions report to prosperous I think every six months is too frequent and would favour a yearly report this would again reduce the risk of any issues relating to committee time and would also enable the member champion to focus on their area of responsibility rather than worrying about writing a report every six months;



**Member Champion Role Description**

**1. Introduction**

- 1.1 Member Champions are Councillors who act as an advocate or spokesperson for a specific area of the Council's business and activities. The main responsibility of each Member Champion is to encourage communications and positive action over the issue they represent.

**2 Role of Member Champions**

- 2.1 All member Champions will have an allocated area of responsibility agreed at the first relevant Policy committee on an annual basis
- 2.2 All Member Champions must act reasonably in their role and recognise and work within the Political management and working arrangements adopted by the Council. As such the Member Champion must work with and communicate regularly with the relevant Committee chairs
- 2.3 A member champion cannot make decisions and must not commit the Council in any way or in a manner that could be interpreted as being contrary to established policy and practice. They may however confirm a position as stated in a published policy.

**3 Leader and Committee Chairs**

- 3.1 The Leader and Chairs of Policy Committees will:
- a) Acknowledge the right of member Champions to be consulted on matters relating to their area of interest
  - b) Take full account of any views offered by the Member Champions prior to making decisions relating to the their area of interest
  - c) Co-operate with member Champions in the formulation of action plans they have developed with lead officers
  - d) Consider nominating champions to represent the Council at relevant conferences/seminar on the subject matter of the member's interest

**4. Allowances**

- 4.1 At present no member champions are entitled to receive Special Responsibility Allowances. Any change to this position would require recommendation by the Remuneration Panel and approval of Full Council.
- 4.2 Member Champions can, if they wish, claim dependant carers', travelling and subsistence expenses at a meeting or event deemed relevant to the appointed Member Champion position.

## **5. Terms**

- 5.1 In year changes and additions (where necessary, and after consultation with either of the Policy Chairs) to be appointed at the next available relevant policy committee.

## **6. Roles of champions**

- To represent their area of interest both within and outside the Council in line with Council policy.
- To contribute to the review and development of policies pertaining to their area of interest
- To challenge and question the Council, the Leader and the Policy Committees on issues relevant to their area of responsibility
- To act as a catalyst for change and improvement in service delivery
- To monitor the forward plan and seek information from the Leader, Committee Chairs and Officers about forthcoming business and exert influence on behalf of the interest
- To keep councillors of all parties up to date with activities in relevant to the area of interest
- To network with member champions from other local authorities with the same interest to keep up to date with current developments
- To provide positive support and on occasions constructive challenge to officers in driving forward the Council agenda on relevant issues

To act as the Council's representative on relevant external bodies where appointed to by the Council.

## Prosperous Communities Committee Work Plan

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### Purpose:

This report provides a summary of reports that are due on the Forward Plan over the next 12 months for the Prosperous Communities Committee.

### Recommendation:

1. That members note the schedule of reports.

<b>Prosperous Communities Committee</b>			
Active/Closed	Active		
<b>Date</b>	<b>Title</b>	<b>Lead Officer</b>	<b>Purpose of the report</b>
01/05/2018	p and d - period 4	Mark Sturgess	to present the year end position for p and d
	Revised Housing Assistance Policy	Andy Gray	To put in place revised Housing Assistance Policy for member approval
	Health Commission Review	Michelle Howard	Six Month Review: - to review the progress outcomes and future need and remit of the Health Commission. In accordance with the decision made by PC cttee on 18 July 2017.  Neighbourhood Networks be considered as a work plan item over the coming year as part of the review of the Health Commission work, already included in the work plan;
	FEZ	Marina Di Salvatore	TO BE CONFIRMED
	West Lindsey Commercial Loan Policy and Framework	Marina Di Salvatore	to consider the viability of a Commercial Loan Policy and Framework that would allow the local authority to lend money to third party organisations

	<b>Housing Act Civil Penalties Policy</b>	Andy Gray	To ask elected members to consider and approve a policy to enable the Council to issue civil penalties for Housing Act offences
	<b>NNDR - Growth Businesses</b>	Amanda Bouttell	To propose a policy of discretionary rate relief for Growth Businesses
	<b>Revoke superseded WLDC Affordable Housing SPD</b>	Rachael Hughes	Following the adoption of the Central Lincolnshire Developer Contributions Supplementary Planning Document, it is necessary to revoke WLDCs existing Affordable Housing SPD.
	<b>Community Lottery</b>	Grant White	To propose the introduction of a community lottery in West Lindsey
	<b>Joint Municipal Waste Strategy for Lincolnshire</b>	Ady Selby	Opportunity for Members to comment on the draft refreshed Joint Municipal Waste Strategy for Lincolnshire
01/05/2018 Total			
<b>23/10/2018</b>	<b>Market Rasen Car Parking Charges - 12month Review</b>	Eve Fawcett-Moralee	to reviewing the car parking charges in Market Rasen to come into effect April 2019. as resolved by Cttee in October 2018
	<b>Selective Licensing 12 month review</b>	Andy Gray	to provide a further update re progress achievement issues, as resolved by PC Cttee in October 2017
	<b>Councillor Initiative Fund</b>	Grant White	To present Members with an update on the Councillor Initiative Fund and give options for it's continued delivery after March 2019.
23/10/2018 Total			
<b>04/12/2018</b>	<b>Public Realm Task &amp; Finish Group</b>	Grant White	Final report to scrutinise the effectiveness of the services offered by public agencies in maintaining the rural public realm.
04/12/2018 Total			
<b>Being scoped</b>	<b>Gainsborough Marina - Final Approvals</b>	Elaine Poon	to determine whether to proceed in light of funding outcome
Being scoped Total			
<b>Grand Total</b>			

Note: P and D 2018/19 to be scheduled in  
Work from Motion to Council re Hsg Company to be scheduled in