

CABINET**HELD: 17 SEPTEMBER 2013**

Start: 7.30pm

Finish: 9.10pm

PRESENT:

Councillor I Grant (Leader of the Council, in the Chair)

Councillors		<u>Portfolio</u>
Mrs Hopley		Landlord Services and Human Resources
M Forshaw		Planning and Development
A Owens		Deputy Leader & Housing (Finance), Regeneration and Estates
D Sudworth		Health, Leisure and Community Safety
D Westley		Resources and Transformation

In attendance	Ashcroft	Dereli
Councillors:	Furey	Oliver

Officers

- Managing Director (People and Places) (Mrs G Rowe)
- Managing Director (Transformation) (Ms K Webber)
- Assistant Director Housing and Regeneration (Mr B Livermore)
- Assistant Director Community Services (Mr D Tilleray)
- Borough Treasurer (Mr M Taylor)
- Transformation Manager (Mr S Walsh)
- Head of Leisure & Cultural Services (Mr J Nelson)
- Planning Policy & Implementation Team Leader (Mr P Richards)
- Organisational Re-Engineering Manager (Ms K Warmington)
- Principal Planning Officer (Ms G Whitfield)
- Senior Benefits Investigator (Mr N Elder)
- Principal Member Services Officer (Mrs S Griffiths)

23. APOLOGIES

There were no apologies for absence.

24. SPECIAL URGENCY (RULE 16 ACCESS TO INFORMATION PROCEDURE RULES)/URGENT BUSINESS

There were no items of special urgency.

25. DECLARATIONS OF INTEREST

1. Councillor Sudworth declared a pecuniary interest in agenda item 5(f) (Strategic Asset Management Project) as part owner of a property adjoining land referred to in the report. He left the meeting during consideration of this item.
2. Councillor Owens declared a pecuniary interest in agenda item 5(b) (Council Housing Lease Arrangements) as a trustee of the Birchwood Centre and he left the meeting during consideration of this item.
3. Councillor Westley declared a non-pecuniary interest in agenda item 5(f) (Strategic Asset Management Project) as a member of Lancashire County Council.

26. MINUTES

RESOLVED: That the minutes of the meeting of Cabinet held on 18 June 2013 be approved as a correct record and signed by the Leader.

27. MATTERS REQUIRING DECISIONS

Consideration was given to the reports relating to the following matters requiring decisions as contained on pages 521 – 830 and 915 - 925 of the Book of Reports.

28. COMMUNITY INFRASTRUCTURE LEVY - DRAFT CHARGING SCHEDULE

Councillor Forshaw introduced the report of the Assistant Director Planning which proposed a Community Infrastructure Levy (CIL) draft charging schedule and sought approval to commence a six week consultation on the proposals prior to it being submitted to the Planning Inspectorate for Examination in Public.

A motion which was seconded was circulated by Councillor Forshaw.

In reaching the decision below, Cabinet considered the motion from Councillor Forshaw and the details set out in the report before it and accepted the reasons contained therein.

RESOLVED: A. That the comments received from the Executive Overview and Scrutiny Committee (Appendix 4) and Planning Committee (Appendix 5) be noted and the draft schedule at Appendix 2 to the report be approved and made available for public representation for a 6 week period in September – November 2013 (the consultation period).

- B. That delegated authority be granted to the Assistant Director Planning in consultation with the Portfolio Holder for Planning & Development, to make any amendments to the draft schedule before submitting it to the Planning Inspectorate for Examination in Public, together with all the representations received during the consultation period and a statement detailing any such modifications.
- C. That call-in is not appropriate for this item as the report has been considered by the Executive Overview and Scrutiny Committee on 4 July 2013.

29. COUNCIL HOUSING LEASE ARRANGEMENTS

Councillor Mrs Hopley introduced the report of the Assistant Director Housing and Regeneration which reviewed the approach for Council housing being made available to organisations under lease arrangements.

Councillor Mrs. Hopley referred to revised appendices A and B to the report and minute 14 of the meeting of the Landlord Services Committee (Cabinet Working Group) held on 11 September 2013 which were circulated at the meeting, and she submitted a motion which was seconded and was also circulated at the meeting.

In reaching the decision below, Cabinet considered the revised appendices A and B, the Minute of the Landlord Services Committee (Cabinet Working Group), the motion from Councillor Mrs Hopley and the details set out in the report before it and accepted the reasons contained therein.

- RESOLVED: A. That the principle that Council housing will be leased at social rent values, with the exemption of those leases in Appendix A, and the policy approach shown in Section 5 be approved.
- B. That exceptions to the policy of charging social rent values be considered when an organisation provides a service of social and community benefit and can demonstrate that they cannot afford to pay social rent levels.
 - C. That the Assistant Director Housing and Regeneration be given delegated authority in consultation with the Portfolio Holders for Landlord Services and Human Resources and Housing (Finance), Regeneration and Estates to enter into leases of Council dwellings where below social rents are deemed appropriate and where this delegation is used, that it be reported via a Member Update and to the Landlord Services Committee.

- D. That the Assistant Director Housing and Regeneration be given delegated authority to obtain all necessary consents, approvals and permissions and to enter into all necessary documentation.

30. BENEFIT FRAUD SANCTIONS AND PROSECUTIONS POLICY

The Leader introduced the report of the Transformation Manager which sought approval for the proposed updated Benefit Fraud Sanction and Prosecution Policy.

In reaching the decision below, Cabinet considered the details set out in the report before it and accepted the reasons contained in it.

- RESOLVED: A. That the updated Benefit Fraud Sanction and Prosecution Policy as detailed at Appendix 1 to this report be approved for implementation as soon as practicably possible.
- B. That the Managing Director (Transformation) keep the Benefit Fraud Sanction and Prosecution Policy under review in light of developments to the Single Fraud Investigation Service anticipated for 2014/15 and report to Cabinet with proposed amendments to the policy when more information becomes available.
- C. That delegated authority be given to the Managing Director (Transformation) in consultation with the Leader, to vary the application of the policy and the sanctions offered in instances where it is in the public interest, or all parties concerned, or as a result of comments received from the courts in respect of prosecutions.

31. USE OF SECTION 106 MONIES IN TARLETON

Councillor Sudworth introduced the joint report of the Assistant Director Community Services/Assistant Director Planning which considered a proposal regarding the use of Section 106 monies received from housing developers for the enhancement of public open space and recreation provision within the ward of Tarleton.

In reaching the decision below, Cabinet considered the details set out in the report before it and accepted the reasons contained in it.

- RESOLVED: That the proposed project to provide a new English Cricket Board Approved practice cricket net available for use by the community be approved and the Section 106 commuted sum of £10,000 generated in this area be made available towards the £20,500 cost of this project.

32. ABBEY LANE PLAYING FIELDS - TRANSFER TO COMMUNITY SPORTS CLUB

Councillor Sudworth introduced the report of the Assistant Director Community Services which considered the transfer of Abbey Lane playing fields to a community sports club and the associated proposed draft community use agreement.

In reaching the decision below, Cabinet considered the details set out in the report before it and accepted the reasons contained in it.

RESOLVED: A. That the Assistant Director Community Services and the Assistant Director Housing and Regeneration in consultation with the Portfolio Holder for Health, Leisure and Community Safety and the Portfolio Holder for Housing (Finance), Regeneration and Estates be authorised to:

- (i) enter into and to grant a long term lease, subject to a Community Use Agreement, at a peppercorn rent to Burscough Juniors Football Club for the changing room and pitches located at Abbey Lane playing fields, as shown edged red on the attached plan, with provision for the club to seek funding for improvements to the site with restrictions that the site should be used for multi-sport activities and not restricted to single sport use.
- (ii) identify and engage a contractor to carry out the drainage works on the site.
- (iii) take all necessary steps, enter into all necessary agreements and to obtain any consents and permissions to facilitate the scheme.

B. That call-in is not available for this item as it has previously been considered by the Executive Overview and Scrutiny Committee on the 4th July 2013.

33. STRATEGIC ASSET MANAGEMENT PROJECT

Councillor Owens introduced the report of the Assistant Director Housing and Regeneration which updated Members on the progress of the Strategic Asset Management Project and advised on the outcomes of the Skelmersdale North ward and sites at Station Approach and Churchfields in Ormskirk, and sought authority for the disposal of assets.

In reaching the decision below, Cabinet considered the details set out in the report before it and accepted the reasons contained in it.

- RESOLVED: A. That the contents of the report, including the work undertaken by officers to date, and the progress on the assets previously identified for disposal be noted.
- B. That the Assistant Director Housing and Regeneration be authorised to take the actions recommended in Appendix A, B and C in relation to the 93 sites in the Skelmersdale North ward together with 2 Churchfields, Ormskirk, which is an opportunity site.
- C. That the sites set out in Appendix D that are no longer required for their current uses as set out in that Appendix be appropriated as required for regeneration purposes for the reasons set out in the report.
- D. That the Assistant Director Housing and Regeneration be authorised to take all necessary steps to appropriate the sites referred to in Appendix D and sign the memoranda of appropriation.
- E. That planning permission be sought for residential development on land off Station Approach, Ormskirk, together with improvements to the capacity of the Ormskirk railway station car park and recreational improvements to the adjacent woodland area, as detailed in paragraph 4.3.
- F. That if planning permission is granted for the development, a report be presented in the future to include detailed options for the long term management of the car park and the nature reserve and the disposal of the residential site.
- G. That an appropriate amount of the capital receipt for the sale of the residential land referred to in resolution F above be set aside to undertake the improvements to the capacity of the Ormskirk railway station car park, together with ecological and recreational improvements to the adjacent woodland area.
- H. That the decision to determine the appropriate amount to be set aside for the improvements be delegated to the Assistant Director Housing and Regeneration, in consultation with the Portfolio Holder for Housing (Finance), Regeneration and Estates and the Portfolio Holder for Resources and Transformation
- I. That the sites set out in Appendix E be re-categorised to category 2 given the recent decision made by the Homes and Communities Agency with regard to Clawback, as detailed in paragraph 4.7.

- J. That it be acknowledged that there will be some slippage in the previously agreed Ward Mapping Delivery Plan to allow for work on the Employment Area Remodelling Project to proceed.
- K. That funding of £10,000 be made available from contingencies to enable sites designated in previous reports as '1 – Seek to Dispose' along with those identified in Appendix A, to be progressed further as detailed in paragraph 8.2.

34. SUSTAINABLE ENERGY STRATEGY

Councillor Forshaw introduced the report of the Assistant Director Planning which presented the final draft of the Sustainable Energy Strategy that would assist in the delivery of carbon reduction and improved sustainability across the Borough.

Councillor Forshaw circulated a motion which was seconded which sought amendments to Chapter 3.0 (Renewable Energy) of the draft Strategy.

In reaching the decision below, Cabinet considered the motion of Councillor Forshaw and the details set out in the report before it and accepted the reasons contained therein.

- RESOLVED: A. That the Sustainability Energy Strategy appended to this report be approved and formally adopted subject to the removal of table 3.2.2 and associated commentary.
- B. That delegated authority be given to the Assistant Director Planning, in consultation with the Portfolio Holder Planning and Development, to assist in the delivery of the Strategy.

35. SEFTON LOCAL PLAN - PREFERRED OPTIONS CONSULTATION

Councillor Forshaw introduced the report of the Assistant Director Planning which outlined a proposed response to the Sefton Local Plan – Preferred Options Consultation.

A motion which was seconded was circulated by Councillor Forshaw.

In reaching the decision below, Cabinet considered the motion of Councillor Forshaw and the details set out in the report before it and accepted the reasons contained therein.

- RESOLVED: A. That the comments received from the Planning Committee be noted, and the proposed consultation response provided at Appendix A for submission to Sefton Council be approved.
- B. That call-in is not appropriate for this item due to the deadline for consultation responses of 27 September 2013.

36. QUARTERLY PERFORMANCE INDICATORS (Q1 2013/14)

Councillor Westley introduced the report of the Transformation Manager which presented performance monitoring data for the quarter ended 30 June 2013.

In reaching the decision below, Cabinet considered the details set out in the report before it and accepted the reasons contained in it.

- RESOLVED: A. That the Council's performance against the indicator set for the quarter ended 30 June 2013 be noted.
- B. That the call-in procedure is not appropriate for this item as the report is being submitted to the next meeting of the Corporate & Environmental Overview & Scrutiny Committee on 24 October 2013.

37. LICENSING ACT 2003 - EARLY MORNING RESTRICTION ORDER

Councillor Sudworth introduced the report of the Assistant Director Community Services which considered a request for funding in relation to the adoption procedure for an Early Morning Restriction Order for the Ormskirk area.

Councillor Sudworth circulated a motion, which was seconded.

In reaching the decision below, Cabinet considered the motion of Councillor Sudworth and the details set out in the report before it and accepted the reasons contained therein.

- RESOLVED: That the funding detailed in paragraph 7.2 of the report for use in accordance with the decision of the Licensing and Gambling Committee of 30 July 2013 be approved.

38. RISK MANAGEMENT

Councillor Westley introduced the report of the Borough Treasurer which set out details on the key risks facing the Council and how they are managed.

In reaching the decision below, Cabinet considered the details set out in the report before it and accepted the reasons contained in it.

RESOLVED: That the progress made in relation to the management of the risks shown in the Key Risks Register (Appendix A) be noted and endorsed.

39. REVENUE BUDGET POSITION

Councillor Westley introduced the report of the Borough Treasurer which set out key features on revenue budget performance in relation to the General Revenue Account (GRA) and the Housing Revenue Account (HRA).

Minute no. 12 of the Landlord Services Committee (Cabinet Working Group) held on 11 September 2013 was circulated at the meeting.

In reaching the decision below, Cabinet considered the minute of the Landlord Services Committee (Cabinet Working Group) and the details set out in the report before it and accepted the reasons contained therein.

RESOLVED: A. That the outturn position for the last financial year be noted and endorsed.

B. That the financial performance in the current year to date be noted.

C. That call in is not appropriate for this item as the report is being submitted to the next meeting of the Executive Overview and Scrutiny Committee.

40. CAPITAL PROGRAMME OUTTURN 2012/13

Councillor Westley introduced the report of the Borough Treasurer which provided a summary of the capital outturn position for the 2012/2013 financial year.

In reaching the decision below, Cabinet considered the details set out in the report before it and accepted the reasons contained in it.

- RESOLVED: A. That the final position, including slippage, on the Capital Programme for the 2012/2013 financial year be noted and endorsed.
- B. That call-in is not appropriate for this item as the report is being submitted to the next meeting of the Executive Overview and Scrutiny Committee on 3 October 2013.

41. CAPITAL PROGRAMME MONITORING 2013/14

Councillor Westley introduced the report of the Borough Treasurer which provided an overview of the current progress on the Capital Programme.

Minute no. 13 of the Landlord Services Committee (Cabinet Working Group) held on 11 September 2013 was circulated at the meeting.

In reaching the decision below, Cabinet considered the minute of the Landlord Services Committee (Cabinet Working Group) and the details set out in the report before it and accepted the reasons contained therein.

- RESOLVED: A. That the progress on the Capital Programme as at the end of July 2013 be noted.
- B. That call-in is not appropriate for this item as the report is being submitted to the next meeting of the Executive Overview and Scrutiny Committee on 3 October 2013.

42. PARKING ENFORCEMENT

Councillor Forshaw introduced the report of the Assistant Director Community Services which advised on the revised arrangements for parking enforcement adjudication.

In reaching the decision below, Cabinet considered the details set out in the report before it and accepted the reasons contained in it.

- RESOLVED: A. That Cheshire East be nominated as the replacement for Manchester City Council as lead authority in relation to the Parking and Traffic Regulation Outside London (PATROL) adjudication body.
- B. That the Assistant Director Community Services be authorised to administer the decriminalised parking arrangements and agree amendments to PATROL arrangements as appropriate.

- C. That call-in is not appropriate for this item in view of the immediate deadline for a response.

43. EXCLUSION OF PRESS AND PUBLIC

RESOLVED: That under Section 100A(4) of the Local Government Act 1972, the public be excluded from the meeting during consideration of the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in paragraphs 1, 2 & 3 of Part 1 of Schedule 12A of that Act and as, in all the circumstances of the case, the public interest in maintaining the exemption under Schedule 12A outweighs the public interest in disclosing the information.

44. MATTERS REQUIRING DECISION

Consideration was given to the reports relating to the following matters requiring decision contained on pages 831 -913 of the Book of Reports.

45. ORGANISATIONAL RE-ENGINEERING - PLANNING SERVICES MANAGEMENT REPORT

Councillor Forshaw introduced the joint report of the Assistant Director Planning and the Transformation Manager which considered the findings and recommendations for savings and service improvements within Planning Services.

Councillor Forshaw circulated a motion, which was seconded.

In reaching the decision below, Cabinet considered the motion of Councillor Forshaw, the details set out in the report and the reasons contained therein.

- RESOLVED: A. That the contents of the Organisational Re- Engineering – Planning Services Management Report Appendix 1 be noted.
- B. That with the exception of recommendation 1.b, the recommendations at Appendix 2 (as commented on within column 3 of the table) be approved, subject to any additional resource requirements being agreed in the future.
- C. That a two year fixed term graduate post be created at a budgeted cost of £30,450 per annum funded from the projected favourable budget variance on planning income.

46. SKELMERSDALE TOWN CENTRE REGENERATION - PROGRESS UPDATE

The Leader introduced the report of the Assistant Director Planning which informed of progress made in relation to the Skelmersdale Town Centre Project and sought authority to proceed with certain elements of the project.

In reaching the decision below, Cabinet considered the details set out in the report before it and accepted the reasons contained in it.

- RESOLVED: A. That the progress be noted.
- B. That the proposed way forward set out in the report in relation to the main Town Centre scheme in terms of periodic marketing of the supermarket led scheme and the disposal of the three housing sites, be endorsed.
- C. That delegated authority be granted to the Managing Director (Transformation), in consultation with the Leader and the Portfolio Holders for Planning and Development and Housing (Finance) and Regeneration and Estates to
- i) negotiate and agree amendments to the Skelmersdale Town Centre Development Agreement to allow the housing sites at Findon, Delf Clough and Skelmersdale Sports Centre to be brought forward for development, including the obtaining/granting of all licences, easements, permissions and all other matters necessary to facilitate the development;
 - ii) agree which tender St Modwen can accept; and
 - iii) agree a revised developer role for St Modwen in the delivery of the three housing sites and a commensurate revision to the proposed developer return.

Note

No representations had been received in relation to the above items being considered in private.

.....
LEADER