

## CABINET

**HELD: 15 SEPTEMBER 2015**

Start: 7.30pm

Finish: 8.10pm

## PRESENT:

Councillor: I Moran (Leader of the Council, in the Chair)

Councillors: Portfolio

Y Gagen	Deputy Leader of the Council & Leisure
J Hodson	Planning
J Patterson	Housing and Landlord Services
K Wright	Health and Community Safety
C Wynn	Finance

In attendance: Dereli, Dowling, Furey, Owens, Pendleton, Pryce-Roberts, D Westley

Councillors

Officers:

- Managing Director (People and Places) (Mrs G Rowe)
- Managing Director (Transformation) (Ms K Webber)
- Assistant Director Housing & Regeneration (Mr B Livermore)
- Assistant Director Planning (Mr J Harrison)
- Borough Treasurer (Mr M Taylor)
- Borough Solicitor (Mr T Broderick)
- Deputy Assistant Director Housing & Regeneration (Mr I Gill)
- Transformation Manager (Mr S Walsh)
- Property Services Manager (Mr P Holland)
- Leisure Operations Manager (Mr S Kent)
- Environmental Strategy Officer (Ms T Iball)
- Principal Member Services Officer (Mrs S Griffiths)

## 20. APOLOGIES

Apologies for absence were submitted on behalf of Councillor Wilkie.

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

There were no items of special urgency.

## 22. DECLARATIONS OF INTEREST

Councillor Patterson declared a disclosable pecuniary interest in relation to the agenda items relating to housing issues, as a tenant of a Council house but as they related to the functions of the Council in respect of Housing and these functions did not relate to her particular tenancy she was entitled to speak and vote by virtue of an exemption.

**23. MINUTES**

RESOLVED That the minutes of the Cabinet meeting held on 16 June 2015 be received as a correct record and signed by the Leader.

**24. MATTERS REQUIRING DECISIONS**

Consideration was given to the report relating to the following matters requiring decisions as contained on pages 283 – 753 of the Book of Reports.

**25. ADOPTION OF DEVELOPMENT IN THE GREEN BELT SUPPLEMENTARY PLANNING DOCUMENT**

Councillor J Hodson introduced the report of the Assistant Director Planning which sought approval for the adoption of the Development in the Green Belt Supplementary Planning Document.

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

- RESOLVED
- A. That the contents of the Development in the Green Belt SPD Consultation Feedback Report set out at Appendix B to the report, and the agreed comments of Planning Committee at Appendix D be noted.
  - B. That the Adoption Statement at Appendix C (as amended) be approved, and the Development in the Green Belt SPD at Appendix A (as amended) be adopted subject to any amendments made by the Assistant Director Planning in consultation with the Portfolio Holder, following consideration of the Development in the Green Belt SPD by the Executive Overview and Scrutiny Committee, as per resolution C. below.
  - C. That the Assistant Director Planning be authorised, in consultation with the Portfolio Holder, to make any necessary amendments to the Development in the Green Belt SPD, in the light of agreed comments from the Executive Overview & Scrutiny Committee, before the document is published.
  - D. That call-in is not appropriate for this item as this report is being submitted to the Executive Overview & Scrutiny Committee on 1 October 2015.

**26. COMMUNITY INFRASTRUCTURE LEVY - PROTOCOL FOR LEVYING SURCHARGES**

Councillor J Hodson introduced the report of the Assistant Director Planning which sought approval for a protocol in relation to the application of surcharges and interest to developers/landowners that fail to adhere to the Community Infrastructure Levy (CIL) administrative requirements.

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

- RESOLVED
- A. That the Protocol for handling failures to adhere to the requirements of the Community Infrastructure Levy (CIL) Regulations (as amended) at Appendix A be approved.
  - B. That delegated authority be granted to the Assistant Director Planning to apply the surcharges in accordance with the Protocol and CIL Regulations 2010 (as amended).

**27. COMMUNITY INFRASTRUCTURE LEVY (CIL) FUNDING PROGRAMME 2016/17**

Councillor J Hodson introduced the report of the Assistant Director Planning which proposed potential options for consultation for a CIL funding programme for 2016/17 based on anticipated CIL monies collected by the Council by 31 March 2016.

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

- RESOLVED
- A. That the updated Infrastructure Delivery Schedule (IDS) at Appendix A of the report be noted.
  - B. That the three potential options for spending CIL monies in 2016/17 as set out in paragraph 4.11 of the report be approved for public consultation.

**28. COMMEMORATION OF FORMER ORMSKIRK RESIDENT WILLIAM HEATON VC WHO RECEIVED A VICTORIA CROSS DURING THE BOER WAR**

Councillor J Hodson introduced the report of the Assistant Director Planning which gave consideration to the way in which the bravery of William Heaton, a recipient of a Victoria Cross in the Boer War, should be commemorated.

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

- RESOLVED
- A. That a commemorative plaque in honour of William Heaton be erected within Victoria Park, Ormskirk in accordance with the design description referred to in paragraph 5.6 of the report.
  - B. That the commemorative plaque be sited in location A (in paving 2 metres in front of the memorial) as referred to at paragraph 5.5 of the report.
  - C. That the Assistant Director Planning in consultation with the Assistant Director Community Services be authorised to implement the works arising pursuant to resolutions A and B above.

**29. CONFIRMATION OF ARTICLE 4(2) DIRECTIONS - FULWOOD AND DOUGLAS AVENUE CONSERVATION AREA, TARLETON AND JUNCTION LANE CONSERVATION AREA, BURSCOUGH**

Councillor J Hodson introduced the report of the Assistant Director Planning which sought confirmation of the Article 4(2) Directions in relation to the Fulwood and Douglas Avenue Conservation Area, Tarleton and the Junction Lane Conservation Area, Burscough.

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

- RESOLVED
- A. That the Article 4(2) Directions for Fulwood and Douglas Avenue Conservation Area, Tarleton and the Junction Lane Conservation Area, Burscough, identified in Appendices A and B to the report, be confirmed.
  - B. That call-in is not appropriate for this item as the matter is one where urgent action is required because of the time limits for the confirmation of the Article 4(2) Direction.

**30. ENVIRONMENTAL IMPROVEMENT BUDGET**

Councillor Patterson introduced the report of the Assistant Director Housing & Regeneration which sought direction on the priority for investment of the Environmental Improvement Budget.

Minute no. 16 of the Landlord Services Committee (Cabinet Working Group) held on 10 September 2015 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 That in the light of the announcement on the national budget, the Environmental Improvement Budget not be allocated to a specific project until the budget has been reviewed in February 2016.

**31. NATIONAL BUDGET - IMPLICATIONS FOR TENANTS & HOUSING REVENUE ACCOUNT (HRA)**

Councillor Patterson introduced the report of the Assistant Director Housing & Regeneration which advised on the impact of the National Budget on tenants.

Minute no. 17 of the Landlord Services Committee (Cabinet Working Group) held on 10 September 2015 was circulated at the meeting.

A motion from Councillor Patterson was circulated at the meeting.

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

- RESOLVED
- A. That the report be noted.
  - B. That the Assistant Director Housing and Regeneration work with political groups and Tenants in order to bring budget proposals to Council in February 2016.
  - C. That the Assistant Director Housing and Regeneration provide any background information to organisations like Association of Retained Council Housing (ARCH), or the District Council Network (DCN) in order to protect the HRA.
  - D. 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 1 October 2015.
  - E. That the Executive Overview and Scrutiny Committee be requested to note the concerns of the measures and the impact on the Business Plan and HRA.

**32. BEECHTREES REVIVAL SCHEME**

Councillor Patterson introduced the report of the Assistant Director Housing & Regeneration which advised on the findings of the consultation on the Beechtrees Revival Scheme.

Minute no. 18 of the Landlord Services Committee (Cabinet Working Group) held on 10 September 2015 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 findings of the consultation be noted.
  - B. That the decision regarding the Beechtrees Revival Scheme be deferred, pending the 2016/17 budget setting process.

### **33. BATH/SOWER REPLACEMENT POLICY**

Councillor Patterson introduced the report of the Assistant Director Housing & Regeneration which proposed a new policy in relation to changing baths to showers.

Minute no. 19 of the Landlord Services Committee (Cabinet Working Group) held on 10 September 2015 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
- That the Assistant Director Housing & Regeneration be granted authority to exercise discretion in applying the policy of changing baths to showers in sheltered accommodation, ground floor flats and bungalows in properties with less than 3 bedrooms.

### **34. OPTION APPRAISAL - EVENWOOD COURT**

Councillor Patterson introduced the report of the Assistant Director Housing & Regeneration which advised on the option appraisal work that had been undertaken in relation to Evenwood Court.

Minute no. 20 of the Landlord Services Committee (Cabinet Working Group) held on 10 September 2015 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 option 1 (as detailed in paragraphs 5.1 and 5.2) be adopted for implementation utilising the budget of £400k allocated at the Council meeting of 25 February 2015, to accelerate the kitchen and bathroom programmes and proceed with the replacement lift carriage and new lift and shaft installation, utilising the established lift budget.

- B. That the voids position within Evenwood Court be reviewed 12 months after the implementation of the above option to assess the impact on void levels and identify any further intervention that may be required.

**35. ORMSKIRK TOWN CENTRE STRATEGY 2015**

Councillor Moran introduced the report of the Assistant Director Housing & Regeneration which advised on the outcome of the consultation exercise on the draft Ormskirk Town Centre Strategy 2015 and sought agreement of the final version of the Strategy.

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

- RESOLVED
- A. That the final draft Ormskirk Town Centre Strategy 2015 as attached at Appendix C to the report be approved.
  - B. That the key delivery partners set out at paragraph 5.5 be invited to sign up to the final draft Ormskirk Town Centre Strategy 2015.
  - C. That the management arrangements for the delivery of the Ormskirk Town Centre Strategy, set out in paragraphs 5.4 and 5.5, be agreed and the Assistant Director Housing & Regeneration be given delegated authority, in consultation with the relevant Portfolio Holder, to implement these management arrangements and to make any appropriate adjustments to the management arrangements as required.
  - D. That the Assistant Director Housing & Regeneration be given delegated authority, in consultation with the relevant Portfolio Holder, to finalise and publish the final Ormskirk Town Centre Strategy 2015 when signed by key delivery partners, and to make any appropriate minor amendments before the document is finalised.
  - E. That the Assistant Director Housing and Regeneration be authorised to implement the Ormskirk Town Centre Strategy 2015.

**36. STRATEGIC ASSET MANAGEMENT PROJECT (SAMP)**

Councillor Moran introduced the report of the Assistant Director Housing & Regeneration which provided an update on the progress of the Strategic Asset Management Project and sought authority to dispose of assets.

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

- 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 in relation to the 90 sites in the Moorside Ward together with the windfall site at Laburnum Drive in Skelmersdale South, Appendix B, and take any actions necessary to secure disposal of category 1 sites.
  - C. That the sites set out in Appendix D are no longer required for their current uses as set out in that Appendix and that they be appropriated as required for regeneration purposes for the reasons set out in the report.

### **37. CAPITAL PROGRAMME OUTTURN 2014-15**

Councillor Wynn introduced the report of the Borough Treasurer which provided a summary of the capital outturn position for the 2014/15 financial year.

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

- RESOLVED
- A. That the final position, including slippage, on the Capital Programme for the 2014/2015 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 1 October 2015.

### **38. CAPITAL PROGRAMME MONITORING 2015-16**

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

In reaching the decision below, Cabinet considered 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, 2015 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 1 October 2015.

**39. QUARTERLY PERFORMANCE INDICATORS (Q1 2015/16)**

Councillor Moran introduced the report of the Transformation Manager which presented performance monitoring data for the quarter ended 30 June 2015.

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

- RESOLVED
- A. That the Council's performance against the indicator set for the quarter ended 30 June 2015 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 15 October 2015.

**40. DRAFT COUNCIL TENANTS' FINANCIAL INCLUSION STRATEGY**

Councillor Patterson introduced the report of the Assistant Director Housing & Regeneration which sought approval of the Draft Council Tenants' Financial Inclusion Strategy for consultation.

Minute no. 21 of the Landlord Services Committee (Cabinet Working Group) held on 10 September 2015 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 Draft Council Tenants' Financial Inclusion Strategy (Appendix 1) be approved for wider consultation with residents, partners and stakeholders; the consultation period to expire on 31 October 2015.
  - B. That the results of this exercise be reported back to Cabinet.

**41. DIGITAL INCLUSION STRATEGY 2015-2018**

Councillor Patterson introduced the report of the Assistant Director Housing & Regeneration which sought approval of the Digital Inclusion Strategy 2015-18 and action plan.

Minute no. 22 of the Landlord Services Committee (Cabinet Working Group) held on 10 September 2015 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                      That the Digital Inclusion Strategy 2015-18 (Appendix 1) and action plan be adopted.

**42. DIGITAL BY PREFERENCE - A NEW APPROACH**

Councillor Moran introduced the report of the Transformation Manager which set out a new approach in order to drive forward customer use of Council services on-line.

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

RESOLVED                      That the 'digital by preference' approach set out in the report attached at Appendix 1 to the report be approved.

**43. USE OF SECTION 106 MONIES IN BURSCOUGH AND ORMSKIRK**

Councillor Gagen introduced the joint report of the Assistant Director Community Services and the Assistant Director Planning which considered proposals regarding the use of Section 106 monies received from housing developers for the enhancement of public open space and recreation provision in Burscough and Ormskirk.

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

RESOLVED                      That the use of Section 106 monies for the funding of the projects identified in paragraphs 5.1 and 5.2 of the report be approved.

**44. OPERATIONAL ASSETS - MANAGED FISHING LAKES**

Councillor Gagen introduced the joint report of the Assistant Director Community Services and the Assistant Director Housing & Regeneration which proposed revised arrangements for the management of the Council's fishing lakes.

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

- RESOLVED
- A. That the new asset management arrangements, as set out in paragraphs 4.1 to 4.2 of the report, be applied to the Council's fishing lakes identified at Appendix 1.
  - B. That the Assistant Director Community Services be authorised to take all necessary steps to give effect to the revised management arrangements at resolution A above, subject to all necessary consents and approvals being obtained.

**45. ALLOTMENT LEASES**

Councillor Gagen introduced the joint report of the Assistant Director Community Services and the Assistant Director Housing & Regeneration which sought approval for an extension to the lease term for the Council's two statutory allotment sites in Skelmersdale.

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

- RESOLVED
- That the Assistant Director Community Services be authorised to take all necessary steps to extend the lease term of Skelmersdale Horticultural Society and Liverpool Road Allotment Society (respectively) from 7 years to 25 years, as identified at paragraph 5.1 of the report, subject to all necessary consents and approvals being obtained.

**46. INVESTMENT IN SOLAR PHOTOVOLTAICS (PV) ON COUNCIL HOUSING STOCK**

Councillor Moran introduced the report of the Assistant Director Housing & Regeneration which presented the potential environmental and financial benefits and associated risks for the Council and tenants in relation to the installation of solar Photovoltaics (PV) on Council housing stock and sought approval for investment up to £4.440 million for the installation of solar PV on Council owned housing.

Minute no. 23 of the Landlord Services Committee (Cabinet Working Group) held on 10 September 2015 was circulated at the meeting.

Additional information was circulated at the meeting by the Assistant Director Housing & Regeneration.

A motion from Councillor Moran was circulated at the meeting.

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

- RESOLVED
- A. That the opportunities, benefits and risks of investing in solar PV technology be considered and noted.
  - B. That Council be recommended to approve borrowing of up to £4.440M for investment in solar PV on Council housing stock, subject to a minimum 4% rate of return being achieved and noting the comments at paragraph 4.6 of the report.
  - C. That, subject to Council approval of funding, delegated authority be given to the Assistant Director Housing and Regeneration to procure, contract and install solar PV on suitable Council housing stock and to take all steps necessary to complete the project.
  - D. That the call-in procedure is not appropriate for this item as the report is being submitted to the Extraordinary Council Meeting on 15 September 2015 and the relevant project must proceed without delay to secure the relevant outcomes sought.
  - E. That the Assistant Director Housing & Regeneration be authorised to explore options for working with the not for profit sector to promote energy efficiency measures that would benefit local residents and/or businesses and to report back on any opportunities identified.

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LEADER