

## CABINET

**HELD: 12 JANUARY 2016**

Start: 7.30pm

Finish: 7.50pm

## PRESENT:

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

Councillors: Portfolio

T Aldridge	Older People
Y Gagen	Deputy Leader of the Council & Leisure
J Hodson	Planning
J Patterson	Housing and Landlord Services
K Wilkie	Street Scene
K Wright	Health and Community Safety
C Wynn	Finance

In attendance: Pendleton  
Councillor

Officers:

- Managing Director (Transformation) (Ms K Webber)
- Managing Director (People & Places) (Mrs G Rowe)
- Assistant Director Community Services (Mr D Tilleray)
- Assistant Director Housing & Regeneration (Mr B Livermore)
- Assistant Director Planning (Mr J Harrison)
- Borough Treasurer (Mr M Taylor)
- Transformation Manager (Mr S Walsh)
- Principal Member Services Officer (Mrs S Griffiths)

## 70. APOLOGIES

There were no apologies for absence

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

There were no items of special urgency.

## 72. DECLARATIONS OF INTEREST

The following interests were declared:

1. Councillor Patterson declared a disclosable pecuniary interest in items 5(a) 'Sale of High Value Council Houses' and 5(j) 'Housing Account – Revenue and Capital Programme' but she was entitled to speak and vote by virtue of an exemption as nothing in the report related particularly to her respective tenancy or lease. \*

2. Councillor Aldridge declared an interest in relation to agenda item 5(h) 'General Revenue Account Budget 2016/17' and item 5(i) 'Medium Term GRA Capital Programme', as a Member of Lancashire County Council, as did Councillors Gagen as an employee of Lancashire County Council.\*
3. Councillors Moran declared a non-pecuniary interest in item 5(c) 'Community Infrastructure Levy (CIL) Funding Programme 2016/17' and a pecuniary interest in item 5(h) 'General Revenue Budget 2016-17' and item 5(i) 'Medium Term GRA Capital Programme' in relation to Parish Council matters, in view of his membership of a Parish Council.\*
4. Councillor Aldridge declared a disclosable pecuniary interest in relation to item 5(j) 'Housing Account – Revenue and Capital Programme' as a Tenant of a Council garage, but he was entitled to speak and vote by virtue of an exemption as nothing in the report related particularly to his respective tenancy or lease.\*
5. Councillors Aldridge and Wright declared non-pecuniary interests in relation to 5(a) 'Sale of High Value Council Houses' and item 5(j) 'Housing Account – Revenue and Capital Programme' as they have a connected person who is a tenant of rented Council accommodation. Insofar as that interest becomes a pecuniary interest (as it would affect the financial position of their relative and a member of the public with knowledge of the relevant facts would reasonably regard this as so significant that it is likely to prejudice their judgement of the public interest) they declared that interest but considered that they were entitled to speak and vote by virtue of an exemption as nothing in these reports related particularly to their relevant tenancy or lease.\*
6. Councillor Wynn declared an interest in relation to item 5(h) 'General Revenue Budget 2016-17' in relation to the reference to Policy Options, as he is employed by Essential Fleet Services Ltd to maintain Council vehicles and works at the Robert Hodge Centre and indicated he would not participate in any detailed discussions which affected his employer or employment.\*

\* By virtue of a dispensation granted by the Standards Committee all Councillors who have disclosable pecuniary or pecuniary interests in relation to relevant lines in the budget may participate and vote in the budget debates but not engage in detailed discussions about matters which affect those interests.

## **73. MINUTES**

RESOLVED                      That the minutes of the Cabinet meeting held on 10 November 2015 be approved as a correct record and signed by the Leader.

## **74. MATTERS REQUIRING DECISIONS**

Consideration was given to the report relating to the following matters requiring decisions as contained on pages 1397 – 1700 and 1719 – 1761 of the Book of Reports.

**75. SALE OF HIGH VALUE COUNCIL HOUSES**

Councillor Patterson introduced the report of the Borough Solicitor which advised Members of the comments that had been made by the Executive Overview and Scrutiny Committee at its meeting on 28 November 2015 in respect of the above-mentioned report, which had been referred to it by Cabinet at its meeting on 10 November 2015.

She went on to introduce the report of the Assistant Director Housing & Regeneration which provided an update on Government proposals to force Councils to sell “high value” Council houses upon them becoming empty and sought authority to progress with sales prior to the legislation being introduced. The Assistant Director Housing & Regeneration’s response to the comments of the Executive Overview and Scrutiny Committee were also included within the report.

Minute no. 35 of the meeting of the Landlord Services Committee (Cabinet Working Group) on 7 January 2016 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 this item be deferred and a report be submitted to a future meeting of Cabinet following receipt of the detail of the levy within the Housing and Planning Bill. The report to include a range of options including the sale of property, other assets and raising necessary funds via other methods from within the Housing Revenue Account.
  - B. That the call-in procedure is not appropriate for this item as the report had been considered by the Executive Overview and Scrutiny Committee at its meeting on 28 November 2015.

**76. FUNDING OF VOLUNTARY & OTHER ORGANISATIONS WORKING GROUP**

This item had been withdrawn from the agenda by the Transformation Manager.

**77. COMMUNITY INFRASTRUCTURE LEVY FUNDING PROGRAMME 2016/2017**

Councillor Hodson introduced the report of the Assistant Director Planning which provided feedback on the consultation on the options for the CIL Funding Programme 2016/17 and proposed a final CIL Funding Programme for 2016/17 based on the CIL monies anticipated to have been 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 consultation feedback report and updated Infrastructure Delivery Schedule (IDS) provided at Appendices A and B be noted.
- B. That the allocation of CIL monies be approved for the delivery in 2016/17 of the following projects:
- New Allotments in Skelmersdale (£20,000)
  - Improvements to Public Open Space and associated car parking at Station Approach, Ormskirk (£15,000)
  - Haskayne Cutting Nature Reserve (£8,000)

## **78. SKELMERSDALE & UP HOLLAND (RE)CYCLE TO WORK SCHEME**

Councillor Hodson introduced the report of the Assistant Director Planning which provided an update on the performance of the (re)Cycle to Work Scheme, and sought approval to increase the grant offered and to provide the scheme providers with a springboard grant to improve stock availability.

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 report be noted.
- B. That the funding provided to the nominated supplier to cover the cost of each cycle together with associated safety equipment (helmet and lights) be increased in value from £50 to £100, and that a repayable springboard grant of £800 be provided to the nominated supplier to improve stock availability.
- C. That delegated authority be granted to the Assistant Director Planning to negotiate terms and enter into an agreement with the nominated supplier and, in consultation with the Portfolio Holder, to make any necessary further changes in the future to the value of the cycle grants.
- D. That delegated authority be granted to the Assistant Director Planning, in consultation with the Portfolio Holder, to decide whether to continue with the scheme should uptake remain low.

## **79. STATEMENT OF COMMUNITY INVOLVEMENT**

Councillor Hodson introduced the report of the Assistant Director Planning which sought approval for consultation on the draft West Lancashire Statement of Community Involvement 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 draft West Lancashire Statement of Community Involvement 2016 attached at Appendix A be approved for public consultation, subject to any amendments made by the Assistant Director Planning in consultation with the Portfolio Holder, following consideration of the Statement of Community Involvement by Planning Committee, as per resolution B. below.
  - B. That the Assistant Director Planning be authorised, in consultation with the Portfolio Holder, to make any necessary amendments to the Statement of Community Involvement in the light of agreed comments from Planning Committee, before the document is published for consultation.

#### **80. QUARTERLY PERFORMANCE INDICATORS (Q2 2015-16)**

Councillor Moran introduced the report of the Transformation Manager which presented performance monitoring data for the quarter ended 30 September 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 September 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 18 February 2016.

#### **81. REVISED EQUALITY OBJECTIVES 2015/18**

Councillor Moran introduced the report of the Transformation Manager which sought approval of the new Equality Objectives 2015-18 which included plans for the future monitoring of these objectives.

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 revised Equality Objectives for 2015-2018, as realigned to the Council Plan 2015-18, at Appendix 3 be approved.

**82. GENERAL REVENUE ACCOUNT BUDGET 2016-17**

Councillor Wynn introduced the report of the Borough Treasurer which provided a summary of the current General Revenue Account budget position.

The Appendix to the report was circulated by prior e-mail and at the meeting.

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

- RESOLVED
- A. That the financial position for 2016-17 and later years be noted.
  - B. That the Portfolio Holder for Finance be given delegated authority to submit firm proposals to Council on 24 February 2016 to enable the budget to be set.
  - C. That call-in is not appropriate for this item as it is to be submitted to the next meeting of the Executive Overview and Scrutiny Committee on 28 January 2016.

**83. MEDIUM TERM GRA CAPITAL PROGRAMME**

Councillor Wynn introduced the report of the Borough Treasurer which set out details on the GRA medium term capital programme position for the next 3 years.

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 medium term financial position be noted.
  - B. That the Portfolio Holder for Finance be given delegated authority to submit firm proposals to Council on 24 February 2016 to enable the capital programme to be set.
  - C. That call-in is not appropriate for this item as it is to be submitted to the Executive Overview and Scrutiny Committee on 28 January 2016.

**84. HOUSING ACCOUNT – REVENUE AND CAPITAL PROGRAMME**

Councillor Patterson introduced the joint report of the Assistant Director Housing & Regeneration and Borough Treasurer which provided a summary of the budget position for the Housing Account for the next financial year.

Minute no. 37 of the meeting of the Landlord Services Committee held on 7 January 2016 was circulated at the meeting.

Appendix B to the report was circulated by prior e-mail and at the meeting.

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

- RESOLVED
- A. That the financial position for 2016-17 be noted.
  - B. That the use of the delegated authority of the Assistant Director Housing & Regeneration in relation to rent and service charge changes be noted.
  - C. That this report be used for consultation purposes prior to the Council considering this matter in February 2016.
  - D. That the Housing Portfolio Holder be given delegated authority to submit firm proposals to Council on 24 February 2016 to enable the budget to be set.
  - E. That call-in is not appropriate for this item as it is to be submitted to the next meeting of the Executive Overview and Scrutiny Committee on 28 January 2016.

## **85. RICHMOND PARK**

Councillor Gagen introduced the joint report of the Assistant Director Community Services and Assistant Director Housing & Regeneration which considered a request from Burscough Richmond Football Club for revised arrangements for the club's use of changing rooms and a football pitch at Richmond Park, 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 Assistant Director Community Services be authorised to enter into a new 25 year lease with Burscough Richmond Football Club in relation to the changing pavilion at Richmond Park, Burscough (shown edged red on the plan at Appendix 1 to the report).
  - B. That the existing licence with the club on the football pitch at Richmond Park be extended to run concurrently with the new lease.
  - C. That a community use agreement for the changing pavilion and pitch area be developed as part of the lease/licence process.

- D. That to give effect to the arrangements at A. B. & C. above, the Assistant Director Community Services be authorised to conclude the termination of the existing lease and negotiate the terms of, and complete, the grant of a new lease and community use agreement with Burscough Richmond Football Club, subject to any necessary statutory consultations being undertaken and consents being obtained. This authorisation to include the advertising of the disposal of the public open space to enable the licence to proceed.

**86. COUNCIL TENANTS' FINANCIAL INCLUSION STRATEGY (HOUSING & REGENERATION)**

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

Minute no. 36 of the Landlord Services Committee (Cabinet Working Group) 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 Council Tenants' Financial Inclusion Strategy at Appendix 1 be approved.
- B. That the results of the consultation exercise and the revisions to the draft Council Tenants' Financial Inclusion Strategy be noted.

**87. LAND TRANSFERS IN HESKETH BANK**

Councillor Moran introduced the joint report of the Assistant Director Community Services and Assistant Director Housing & Regeneration which gave consideration to a request from Hesketh with Beconsall Parish Council for the transfer of 3 areas of open space Borough Council land and a potential fourth area, should this be adopted by the Council in due course, to their ownership together with the transfer of any commuted sums negotiated from developers for the management of these sites.

The report also gave consideration to the sub-contracting of maintenance works on a further piece of land to the Parish Council.

Revised recommendations were circulated at the meeting by the Assistant Director Community Services.



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

- RESOLVED
- A. That the transfer of land at Ashbrook Close, Beconsall Gardens (when negotiations with the developer are completed) and Glen Park Drive in Hesketh Bank be approved as shown on the plans attached (Appendix 1) to Hesketh-with-Beconsall Parish Council subject to any necessary statutory consultations being undertaken and considered.
  - B. That negotiations be completed with the developers for the commuted sums of £35,000 for Ashbrook Close and £3,500 for Beconsall Gardens and these sums be transferred to the Parish Council subject to completion of the land transfers.
  - C. That negotiations continue with Morris Homes as developer of the Poppyfields site regarding the adoption of the open space and play area, and upon conclusion to the Council's satisfaction, the transfer of the facilities and commuted sum to the Parish Council be completed subject to any necessary statutory consultations being undertaken and considered.
  - D. That the request from the Parish Council for them to be sub-contracted to maintain land at Sydney Avenue be refused.

## **88. EXCLUSION OF PRESS AND PUBLIC**

- RESOLVED
- That under Section 100(A)(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 3 & 5 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.

## **89. MATTERS REQUIRING DECISIONS**

Consideration was given to the report relating to the following matters requiring decisions as contained on pages 1701 – 1718 of the Book of Reports.

## **90. STRATEGIC ASSET PURCHASES FUND**

Councillor Moran introduced the report of the Assistant Director Housing & Regeneration which sought authority to establish a Strategic Asset Purchasing Committee to purchase land and property for the Council if considered prudent to do so and the timeframe precludes the normal process.

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 report be noted.
- B.    That the establishment of a Strategic Asset Purchasing Committee be agreed and supported.

**91.    SKELMERSDALE LAND AUCTION AND DELIVERING PUBLIC REALM IN THE TOWN CENTRE**

Councillor Moran introduced the report of the Assistant Director Housing & Regeneration which gave consideration to the best approach in order to ensure the receipt of maximum return from the land auction sites at Whalleys, Skelmersdale and to develop proposals for the funding of public realm infrastructure for Skelmersdale Town Centre.

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 delegated authority be given to the Assistant Director Housing & Regeneration to enter into formal discussions about the purchase of the remaining land auction sites at Whalleys, Skelmersdale, from the HCA at the base values identified in the draft Memorandum of Understanding (MOU).
- B.    That delegated authority be given to the Assistant Director Housing & Regeneration, in consultation with the Borough Treasurer, Leader and Finance Portfolio Holder to determine whether there is a positive business case to purchase up to three of the remaining land auction sites, at Whalleys, Skelmersdale, (as shown at Appendix 1 to the report) prior to the 31<sup>st</sup> March 2018 deadline, and, if so, to proceed to purchase taking all necessary steps to do so.
- C.    That a future report be brought back to Cabinet and/or Council, as appropriate, to give consideration to how any Whalleys sites purchased by this Council will be brought forward for development and on any additional resources required to deliver this development.
- D.    That temporary borrowing be used, if necessary, to fund the delivery of public realm in Skelmersdale Town Centre alongside the St Modwen Scheme, should sufficient funds from the Land Auction not be in place at the relevant point in time.
- E.    That call-in is not appropriate for this item as the Council wish to be in a position to proceed urgently with development opportunities outlined in the report and the matter has been considered at a meeting of Council.

**92. LEADER'S CLOSING REMARKS**

The Leader announced that it was the last meeting to be attended by Gill Rowe, Managing Director (People & Places) and expressed his thanks for her long service to the Council.

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LEADER