

CABINET**HELD: 15 MARCH 2011**

Start: 7.30pm

Finish: 9.00pm

PRESENT:

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

Councillors		<u>Portfolio</u>
I Ashcroft		Human Resources and Partnership
M Forshaw		Planning and Transportation
A Fowler		Community Services and Health
P Greenall		Street Scene Management
Mrs V Hopley		Housing
A Owens		Deputy Leader & Regeneration and Estates
D Westley		Finance and Performance Management

In attendance Councillors: J Grice R A Pendleton

Officers

Chief Executive (Mr W Taylor)
Director Designate (Council Secretary and Solicitor) (Mrs G Rowe)
Director Designate (Assistant Chief Executive) (Ms K Webber)
Executive Manager Housing and Property Maintenance Services (Mr R Livermore)
Executive Manager Community Services (Mr D Tilleray)
Acting Executive Manager Planning (Mr J Harrison)
Executive Manager Regeneration and Estates (Mrs J Traverse)
Treasurer (Mr M Taylor)
Lead Human Resources Partner, LCC (Ms S Lewis)
Policy Officer: Equality and Diversity, LCC (Ms K Buddle)
Property Services Manager (Mr P Holland)
Access to Services and Performance Manager (Mr S Walsh)
Interim Head of Policy and Environment (Mr I Gill)
Strategic Housing Manager (Mr S Jones)
Housing Operations Manager (Ms L McGarry)
Tenant Participation Officer (Ms T Berry)
Assistant Member Services Manager (Mrs J Denning)

124. APOLOGIES

There were no apologies for absence.

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

There were no items of urgent business.

126. DECLARATIONS OF INTEREST

Councillor Westley declared a personal interest in Agenda Item 5(n) 'Single Equalities Scheme' as a Member of Lancashire County Council.

127. MINUTES

RESOLVED: That the minutes of the meeting of Cabinet held on Tuesday, 18 January 2011 be received as a correct record and signed by the Leader.

128. MATTERS REQUIRING DECISIONS

Consideration was given to reports relating to the following matters requiring decisions as contained on pages 1227 to 1414 and pages 1457 to 1492 of the Book of Reports:

129. TENANT SERVICES AUTHORITY (TSA) REGULATORY FRAMEWORK

The Leader welcomed the four reports from the Executive Manager Housing and Property Maintenance Services which detailed the extensive work undertaken by Members, Tenants and officers in preparing for the implementation of the new regulatory framework introduced by the Tenants Services Authority (TSA). He reminded members that the Audit Commission Inspection of Landlord Services had resulted in an evaluation of the service as poor with uncertain prospects for improvement and that as a result of this the TSA, as the regulatory body for social housing, had raised a number of concerns.

He referred to the letter from the TSA dated 27 January expressing their concerns and further correspondence. He advised that work would continue with tenants to address these concerns within the new regulatory framework and that the TSA could be reassured that their concerns are taken seriously. He acknowledged that the current service did not meet the required standard and that improvements were necessary and that there was a commitment not only to deliver improvements but also to maintain them.

Councillor Mrs Hopley introduced the main report which advised that the Council is required by 31 March 2011 to have suitable arrangements in place for tenants to have their voice heard, if they wish to, and to know specifically what the Housing Service will offer them in terms of service delivery. The report introduced three reports of the Executive Manager Housing and Property Maintenance Services which provided details on the work undertaken in order to meet the requirements of the regulatory framework as follows:

Agenda Item 5(a)(i) – Governance Arrangements and Final Report of the Corporate Overview and Scrutiny Committee

The report sought approval of the new governance arrangements which had been recommended by the Corporate Overview and Scrutiny Committee following an in depth Review. The Review undertaken had been informed by Housing Officers and representatives from the Tenants and Residents Forum, Lancaster City Council, Helena Homes, Salix Housing and an Independent Advisor from HouseMark.

Councillor Hopley referred to the new governance structure contained in Appendix A to the Committee's final Review report and provided a brief outline of the role of each Body proposed.

Agenda Item 5(a)(ii) - Feedback from Consultation

The report provided details of a consultation carried out with tenants and stakeholders in respect of 'Local Offers', monitoring, scrutiny and governance arrangements which needed to be put in place in April 2011. A revised Appendix was circulated at the meeting which contained all responses received to date.

The Executive Manager Housing and Property Maintenance Services advised that tenants had met that afternoon and no further changes needed to be made.

Agenda Item 5(a)(iii) – West Lancashire Borough Council 'Local Offers'

The report provided details on how Tenants provided information on what Services they wished to receive and the standards they expect for delivery of these services. The report advised that the TSA had developed 6 national standards which describe the outcomes that they want providers to achieve.

Councillor Hopley advised that tenants had been involved in this work since 2009 when the TSA launched a National Conversation and that the TSA framework had been based on the information gained through the National Conversation.

In reaching the decision below, Cabinet considered the comments made by Councillor Mrs Hopley and the details set out in the report before it and accepted the reasons contained therein.

- RESOLVED:
- A. That the final report of the Corporate Overview and Scrutiny Committee attached as an Appendix to report 5(a)(1), be received and the Committee be thanked for its work.
 - B. That the proposed Tenant Involvement Structure set out in Appendix A to the Committee's final report, be approved, taking into account the views of tenants and the Committee's wish to address the following matters:
 - Service reviews
 - Service improvements
 - Monitoring and scrutiny of the service
 - Capacity building to ensure rigour in holding the service to account
 - C. That the Executive Manager Housing and Property Maintenance Services, in consultation with the Housing Portfolio Holder, be authorised to recruit and establish the Tenant Service Evaluation Group (SEG) and the Performance Monitoring, Service Review, TSA Standards and Communications Service Improvement Groups, in accordance with Appendix E to report 5(a)(3), and set appropriate Terms of Reference.

D. That in accordance with the new Tenant Involvement structure a Landlord Services Committee Cabinet Working Group be established with a membership consisting of:

(i) Members

- 4 Conservative (Voting)
(Housing Portfolio Holder: Councillor Mrs V Hopley, Finance Portfolio Holder: Councillor D Westley, Chairman of Corporate Overview & Scrutiny Committee, Councillor J Kay and Councillor J Grice.
- 3 Labour (Voting)
(Councillors R A Pendleton, N Furey and N Delaney)

(ii) Tenants - 4 Tenants (Non Voting)

With the following Terms of Reference:

- (i) To support and enable the delivery of tenant led improvement and deliver the necessary action to meet the TSA regulatory requirements via existing Officer and Portfolio Holder delegations or by referring matters to Cabinet or Council as appropriate.
- (ii) To consider reports and recommendations from the SEG and refer matters to Cabinet as appropriate.
- (iii) To monitor the Landlord Services Improvement Action Plan.
- (iv) To consider preparations to manage the introduction of 'self-financing' investment in the housing stock.

and the existing Housing Self-Financing Cabinet Working Group be abolished.

- E. That the Corporate Overview and Scrutiny Committee continue to monitor the Landlord Services Improvement Action Plan as agreed by Council on 19 January 2011, in addition to the Landlord Services Committee Cabinet Working Group.
- F. That comments raised by tenants as part of the consultation process detailed in the revised Appendix to report 5(a)(2), be noted.
- G. That the Local Offers to Tenants, detailed in Appendix A 'Home Front News' to report 5(a)(3), be approved and published by 1 April 2011 as required by the Tenants Services Authority (TSA).
- H. That the Executive Manager Housing and Property Maintenance Services, in consultation with the Housing Portfolio Holder, be authorised to make any final amendments to the 'Local Offers' and governance arrangements, in order to take account of any further comments raised by tenants, if appropriate.

- I. That the Question of dispute resolution be further considered by the SEG and LSC with a report being presented to Cabinet at earliest opportunity to agree a way forward, our present view being to prefer mediation.
- J. That it be noted, that the Director Designate (Transformation) will be meeting with the TSA to seek to satisfy any remaining concerns.
- K. That Call In is not appropriate, as the matter has previously been considered by the Corporate Overview and Scrutiny Committee as an in-depth review and there is a requirement for the new governance arrangements to be in place by 1 April 2011.

130. REVENUE BUDGET MONITORING

Councillor Westley introduced the report of the Director Designate (Council Secretary and Solicitor) which provided a projection on the financial position on the General and Housing Revenue Accounts to the end of the 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 financial position of the Revenue Accounts be noted.
 - B. 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.

131. CAPITAL MONITORING 2010/2011

Councillor Westley introduced the report of the Director Designate (Council Secretary and Solicitor) which provided an update on the current position in respect of the 2010/2011 Capital Programme.

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 current position in respect of the 2010/2011 Capital Programme be noted.
 - B. That call in is not appropriate for this item as it is being referred to the next meeting of the Executive Overview and Scrutiny Committee.

132. FINANCIAL REGULATIONS

The Leader introduced the report of the Director Designate (Council Secretary and Solicitor) which sought approval of revised Financial Regulations. The Leader advised that the report had previously been submitted and approved at the Audit and Governance Committee on 26 January 2011.

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 existing Financial Regulations and Financial Procedures documents within the Constitution be replaced with the new set of Financial Regulations attached at Appendix 1 to the report.

133. REGULATION OF INVESTIGATORY POWERS ACT (RIPA) - ANNUAL SETTING OF THE POLICY AND REVIEW OF USE OF POWERS

The Leader introduced the report of the Director Designate (Council Secretary and Solicitor) which reviewed the Policy on the Use of the Regulation of Investigatory Powers Act 2000 (RIPA) and the use of covert surveillance and the acquisition of communications data in West Lancashire over the last 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 RIPA Guide and Guidance on completing RIPA authorisation forms at Appendix 1 to the report be approved.

B. That the Council's RIPA activity be noted.

134. PROPOSALS FOR IMPROVED ACCESS TO HACKNEY CARRIAGE VEHICLES IN ORMSKIRK TOWN CENTRE

Councillor Fowler introduced the report of the Executive Manager Community Services which gave consideration to additional provisions for improved public access to hackney carriage vehicles in Ormskirk Town Centre.

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 Executive Manager Community Services be authorised to proceed with the required procedures under Section 63 of the Local Government (Miscellaneous Provisions) Act 1976 so that 5 hackney carriage ranking spaces are designated within the bus station, Ormskirk, from 11.30pm to 6.00am daily.

B. That the Executive Manager Community Services, in consultation with the relevant Portfolio Holder, be authorised to proceed with the required procedures to designate suitable locations for 'hailing points' for use by hackney carriages in Ormskirk town centre.

135. INTRODUCTION OF PLANNING CHARGES FOR PRE-APPLICATION ADVICE, SPECIALIST ADVICE AND FOR THE DRAFTING, NEGOTIATING AND MONITORING OF LEGAL AGREEMENTS

Councillor Forshaw introduced the report of the Acting Executive Manager Planning which sought approval to introduce charging for planning advice and associated services and to agree a fee regime.

A copy of Minute 98 of the Planning Committee held on 10 March 2011 was circulated and the Leader advised that a presentation would be given to all Members of the Council on this matter.

In reaching the decision below, Cabinet considered the details set out in the report before it and accepted the reasons contained in it, but felt that the consultation period should be extended to six weeks.

RESOLVED: That the Acting Executive Planning, in consultation with the relevant Portfolio Holder, be authorised to consult for a six week period, on the charging regime set out in Appendix 2 to the report, to adopt a finalised charging regime, taking account of any consultation responses, and to make subsequent modifications in the future.

136. LDF CORE STRATEGY - PREFERRED OPTIONS PAPER FOR PUBLIC CONSULTATION

Councillor Forshaw introduced the report of the Acting Executive Manager Planning which detailed progress of the Core Strategy DPD for the West Lancashire Local Development Framework (LDF), particularly in relation to the proposed Preferred Options Paper on the Core Strategy for public consultation, and to determine whether this document should proceed to a six week public consultation period.

The Leader advised of a letter received by all Cabinet members from a consultant in respect of Lord Derby's Estate land.

Councillor Forshaw advised that the Planning Committee had deferred consideration of this item to a special meeting of the Committee being held on 30 March 2011. He also informed Cabinet that a summary leaflet would be circulated to all households in West Lancashire in May 2011.

In reaching the decision below, Cabinet considered the comments made by the Leader and Councillor Forshaw and the details set out in the report before it and accepted the reasons contained there in.

RESOLVED:

- A. That the comments of the LDF Cabinet Working Group provided at Section 9.0 of the report be noted.
- B. That the Core Strategy Preferred Options Paper be approved for a six week public consultation exercise commencing after the Local Elections in May.
- C. That the Acting Executive Manager Planning, in consultation with the Portfolio Holder for Planning and Transportation, be authorised to finalise and make amendments, prior to public consultation, to the Core Strategy Preferred Options Paper following consideration of any agreed comments from the Planning Committee and the Executive Overview & Scrutiny Committee.

- D. That call-in is not appropriate for this item as the report is being considered at the next meeting of the Executive Overview and Scrutiny Committee on 31 March 2011.

137. LDF CORE STRATEGY EVIDENCE BASE - DRAFT GREEN BELT STUDY

Councillor Forshaw introduced the report of the Acting Executive Manager Planning which set out the Draft Green Belt Study, that forms a key plank of evidence within the West Lancashire Local Development Framework (LDF) Evidence Base, and sought approval for the document to proceed to a six week public consultation period.

Councillor Forshaw advised that Planning Committee had deferred consideration of this item to a special meeting of the committee being held on 30 March 2011.

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

- RESOLVED:
- A. That the comments of the LDF Cabinet Working Group provided at Section 8.0 of the report be noted.
 - B. That the Green Belt Study be approved for a six week public consultation exercise commencing after the Local Elections in May.
 - C. That the Acting Executive Manager Planning, in consultation with the Portfolio Holder for Planning and Transportation, be authorised to finalise and make amendments, prior to public consultation, to the Green Belt Study following consideration of any agreed comments from the Planning Committee and the Executive Overview & Scrutiny Committee.
 - D. That call-in is not appropriate for this item as the report is being considered at the next meeting of the Executive Overview and Scrutiny Committee on 31 March 2011.

138. QUARTERLY PERFORMANCE INDICATORS Q3 2010/11

Councillor Westley introduced the report of the Director Designate (Assistant Chief Executive) which set out the performance monitoring data for the quarter ended 31 December 2010.

A copy of Minute 54 of the Corporate Overview and Scrutiny Committee was circulated.

- RESOLVED:
- A. That the Council's overall good performance against the indicators set for the quarter ended 31 December 2010, be noted.
 - B. That the call in procedure is not appropriate for this item as the report has previously been considered at the meeting of the Corporate Overview and Scrutiny Committee on 8 March 2011.

139. COAL MINING DISCLOSURE PROGRAMME

Councillor Owens introduced the report of the Executive Manager Regeneration and Estates which provided details of the Coal Authority's Disclosure of Information Programme and its implications for the Council and to seek authority to take the matter forward.

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 information provided about the Coal Authority's Disclosure of Information Programme be noted.
 - B. That delegated authority be given to the Executive Manager Regeneration and Estates, in consultation with other appropriate Divisional Managers, to (i) participate in the programme (ii) release the information requested by the Coal Authority (iii) embed the resulting polygons in the Council's land Terrier and (iv) sign the proposed memorandum of understanding.
 - C. That if there are any significant costs arising from the information released by the Coal Authority, this be the subject of a further report to Cabinet.

140. RISK MANAGEMENT

Councillor Westley introduced the report of the Director Designate (Council Secretary and Solicitor) which detailed the Key Risks facing the Council and how they are being managed and sought approval to update the Risk Management Policy and Strategy.

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 proposed amendments to the Risk Management Policy and Strategy, as set out in Appendix A to the report, be approved.
 - B. That the progress made in relation to the management of the risks shown in the Key Risks Register, set out in Appendix C to the report, be noted and endorsed.

141. NEIGHBOURHOOD ENERGY EFFICIENCY SCHEME

Councillor Mrs Hopley introduced the report of the Executive Manager Housing and Property Maintenance Services which sought approval to enter into a 12 month partnership arrangement with South Ribble Borough Council to provide a Neighbourhood Energy Efficiency Scheme.

The Executive Manager Housing and Property Maintenance Services circulated a set of revised recommendations which, in addition to the original recommendations in the report, sought approval for an exemption to Contract Procedure Rules.

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

- RESOLVED:
- A. That the Executive Manager Housing and Property Maintenance Services be authorised to negotiate and enter into a 12-month contract with South Ribble Borough Council to provide a Neighbourhood Energy Efficiency Scheme.
 - B. That subject to 2.1 the Executive Manager Housing and Property Maintenance Services be authorised to appoint contractors to deliver the Scheme through the arrangements with South Ribble Borough Council.
 - C. That there be an exemption to Contract Procedure Rules 5, 6 and 7, as appropriate, to enable the:
 - (i) engagement of South Ribble Borough Council, as this will provide a comprehensive service, leveraging in funds, objectively assessed and operating at a low cost (as further detailed at paragraph 5 of the report); and
 - (ii) engagement of contractors to undertake relevant works as these are to be appointed in accordance with South Ribble Borough Council's Contract Procedure Rules.
 - D. That call in shall not be available as the scheme is dependent on securing funding and this funding stream will not be available after March 2011.

142. SINGLE EQUALITIES SCHEME

Councillor Ashcroft introduced the report of the Director Designate (Assistant Chief Executive) which sought approval of the West Lancashire Borough Council Equality Scheme: April 2011 – March 2015.

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 West Lancashire Borough Council Equality Scheme April 2011 – March 2015, attached as an Appendix to the report, be approved for implementation across the Authority.

143. 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 item of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A 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.

144. MATTERS REQUIRING DECISIONS

Consideration was given to reports relating to the following matters requiring decisions as contained on pages 1415 to 1456 of the Book of Reports:

145. STRATEGIC ASSET MANAGEMENT PROJECT - OUTCOME OF THE PILOT PROJECT

Councillor Owens introduced the report of the Executive Manager Regeneration and Estates which detailed the outcome of the Strategic Asset Management Pilot Project and sought further resources to continue 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 contents of the report and the work undertaken on the pilot by officers be noted.
 - B. That the Executive Manager Regeneration and Estates progress work on the remaining wards across the Borough using the methodology developed for the pilot, as outlined within the appendices and the proposals contained in the report.
 - C. That funding of £10,000 be made available from contingencies to enable the fourteen sites identified in the pilot and designated as '1 - Seek to Dispose' in the list attached at Appendix A to the report, to be progressed further, as detailed within paragraph 7.2.
 - D. That an additional staff resource be brought in to ensure the momentum of the project is maintained whilst these fourteen sites are investigated further and packaged for sale, and it be noted that an existing project staff budget will be utilised for this purpose.

146. PRIVATE SECTOR HOUSING HOME IMPROVEMENT LOANS SCHEME

Councillor Mrs Hopley introduced the report of the Executive Manager Housing and Property Maintenance Services which reviewed the first year of the Home Improvement Loans Scheme and considered options to change how such assistance is provided by the Council in future.

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 Executive Manager Housing and Property Maintenance Services be authorised to:

- A. Suspend the provision of loans assistance for 12-months to allow a review of such provision as part of a wider service review as outlined in Option 2 in the report.

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- B. Terminate the contract with ART Homes in accordance with paragraph 6 of the report.

THE LEADER