

CABINET**HELD: 13 SEPTEMBER 2011**

Start: 7.30pm

Finish: 9.10pm

PRESENT:

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

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

In attendance Councillors:	Mrs Atherley	Grice
	Furey	Hodson
	Gagen	R A Pendleton

Officers

Chief Executive (Mr W Taylor)
Director of People and Places (Mrs G Rowe)
Director of Transformation (Ms K Webber)
Assistant Director Housing and Regeneration (Mr R Livermore)
Assistant Director Community Services (Mr D Tilleray)
Borough Economic Regeneration and Strategic Property Officer
(Mrs J Traverse)

Borough Treasurer (Mr M Taylor)
Transformation Manager (Mr S Walsh)
Deputy Borough Planner (Mr I Gill)
Assistant Member Services Manager (Mrs J Denning)

30. APOLOGIES

An apology for absence was received on behalf of Councillor Ashcroft.

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

There were no items of urgent business.

32. DECLARATIONS OF INTEREST

The following declarations were received:

1. Councillors Forshaw and Hodson declared a personal and prejudicial interest in Agenda Item 6(m) 'Landlord Accreditation Scheme' as private Landlords and Councillor Fowler declared a personal interest due his employment as a Mortgage Broker.
2. Councillors Grant, Mrs Atherley, Fowler, Forshaw and Westley declared a personal interest in all items in the Capital Programme containing reference to Parish Councils as Members of a Parish Council.

33. MINUTES

RESOLVED: That the minutes of the meeting held on 14 June 2011 be received as a correct record and signed by the Leader, subject to Minute 3. 'Declarations of Interest' being amended to read:
"Councillor Owens declared a personal and prejudicial interest in agenda item 5(k) 'Proposed Appointment of Partner Registered Provider', as his sister-in-law was an employee of one of the suggested partners."

34. COMMENTS FROM EXECUTIVE OVERVIEW AND SCRUTINY COMMITTEE - IMPLEMENTING SELF FINANCING FOR COUNCIL HOUSING

Councillor Grant introduced the report of the Director of People and Places which set out comments referred from the Executive Overview and Scrutiny Committee at its meeting held on 30 June 2011, in respect of a report considered 'Implementing Self-Financing for Council Housing', also considered by Cabinet at its meeting on 14 June 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: A. That Minute 15 'Implementing Self-Financing for Council Housing' of the Executive Overview and Scrutiny Committee on 30 June 2011 and the comments from the Assistant Director Housing and Regeneration, detailed in paragraph 4 of the report, be noted.

B. That Call In is not appropriate for this item as the matter has previously been considered by the Executive Overview and Scrutiny Committee.

35. MATTERS REQUIRING DECISIONS

Consideration was given to reports relating to the following matters requiring decisions as contained on pages 389 to 761 of the Book of Reports:

36. RISK MANAGEMENT

Councillor Westley introduced the report of the Director of People and Places which set out details on the Key Risks facing the Council and how they were being 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, attached at Appendix A to the report, be noted and endorsed.

37. REVENUE OUTTURN 2010-11

Councillor Westley introduced the report of the Director of People and Places which set out the key features of the financial outturn position for the last 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 outturn position including the proposed contributions to reserves set out in Appendix 2 to the report be noted and endorsed.
 - B. That call in is not appropriate for this item as the report is to be submitted to the next meeting of Executive Overview and Scrutiny Committee on 29 September 2011.

38. REVENUE MONITORING 2011-12

Councillor Westley introduced the report of the Director of People and Places which provided an early assessment of the financial position on the Revenue Accounts in the new 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 the report is to be submitted to the next meeting of Executive Overview and Scrutiny Committee on 29 September 2011.

39. CAPITAL PROGRAMME OUTTURN 2010-11

Councillor Westley introduced the report of the Director of People and Places which provided a summary of the capital outturn position for the 2010/2011 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 2010/2011 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 29 September 2011.

40. CAPITAL PROGRAMME MONITORING 2011-12

Councillor Westley introduced the report of the Director of People and Places 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 in it.

- RESOLVED:
- A. That the progress on the Capital Programme as at the end of July, 2011 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 29 September 2011.

41. FEE CHARGING FOR STREET NAMING AND NUMBERING SERVICE

Councillor Forshaw introduced the report of the Director of Transformation which detailed the Council's responsibilities in relation to street naming and numbering and sought to formally adopt the Street Naming and Numbering process and approve the introduction of charging for the Street Naming and Numbering function.

The Director of Transformation circulated a revised recommendation to take into account the consultation currently being undertaken on the Major Service Review and consideration of it at the Council meeting on 19 October 2011.

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

- RESOLVED:
- A. That the Street Naming and Numbering service process be approved, as detailed in Appendix 1 to the report.
 - B. That the fee charging schedule for the Street Naming and Numbering service set out in Appendix 2 to the report be approved and implemented by 1 November 2011, subject to the Council's decision (on 19 October 2011) on the consultation currently being carried out.
 - C. That authority to amend the policy, process and the charges, in the future, be delegated to the Borough Planner in consultation with the relevant portfolio holder.

42. DRAFT NATIONAL PLANNING POLICY FRAMEWORK

Councillor Forshaw introduced the report of the Director of Transformation which set out the Draft National Planning Policy Framework (NPPF) and its potential implications for the Council's Planning Service and sought approval for the draft response officers had prepared on behalf of the Council to the consultation.

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 responses to the Consultation Questions set out in Appendix A and B to the report be approved for submission to the Department for Communities and Local Government (CLG) along with a covering letter setting out the Council's general support of the draft NPPF, subject to particular aspects of concern within the document.

- B. That the Borough Planner, in consultation with the Portfolio Holder for Planning and Transportation, prepare a covering letter to CLG to reflect the content of the report, following consideration of any agreed comments from the Executive Overview & Scrutiny Committee and Planning Committee.
- 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 on 29 September 2011.

43. THE SEFTON/WEST LANCASHIRE VISITOR ECONOMY PROJECT (LOCAL SUSTAINABLE TRANSPORT FUND)

Councillor Forshaw introduced the report of the Director of Transformation which detailed the Council's involvement in the successful joint Local Sustainable Transport Fund bid between Sefton and West Lancashire Borough Council and sought authority for future Member and officer involvement.

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 officers continue to work on the project to ensure that West Lancashire benefits from this funding and that cross boundary opportunities, to promote the visitor economy, are not missed.
 - B. That the establishment of a Project Board be supported, and officers support the Project Board and Working Group, as appropriate.
 - C. That Councillors Forshaw and Fowler be appointed to the Project Board as representatives of West Lancashire Borough Council.
 - D. That the Borough Planner, in consultation with the Planning Portfolio Holder, agree the terms of reference for the Project Board and Working Group.
 - E. That the Borough Planner negotiate and enter into a formal Governance Agreement with Sefton MBC and Lancashire County Council.

44. EVENT SAFETY ADVISORY GROUP

Councillor Fowler introduced the report of the Director of People and Places which detailed information regarding the formation of a new multi-agency Group to provide a co-ordinated approach to events in West Lancashire, with the purpose of ensuring public safety and sought approval of a 'Safer Events Policy' for this Council, including the establishment of the Event Safety Advisory Group, together with its Terms of Reference.

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 'Safer Events Policy', as attached at Appendix A to the report, be approved.
- B. That the Assistant Director Community Services, in consultation with the relevant Portfolio Holder, be given delegated authority to review and make minor amendments to the policy as necessary, significant changes to the policy being referred back to Cabinet.

45. SUNBEDS (REGULATION) ACT 2010

Councillor Fowler introduced the report of the Director of People and Places which sought authority for officers to take enforcement action in respect of the Sunbeds (Regulation) Act 2010.

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 delegated authority be given to the Assistant Director Community Services to appoint authorised persons under the Sunbeds (Regulation) Act 2010, to authorise any prosecutions necessary under that Act and to administer the relevant provisions of the legislation.

46. REVISIONS TO THE INDUSTRIAL DEVELOPMENT ACT 1982

Councillor Owens introduced the report of the Director of Transformation which sought approval to submit comments on the proposed revisions to the Industrial Development Act 1982 (IDA).

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 response to the Department for Business, Innovation and Skills (BIS) consultation paper on revisions to the IDA, attached as an Appendix to the report be approved.
- B. That the Borough Economic Regeneration and Strategic Property Officer, in consultation with the Portfolio for Regeneration and Estates, be authorised to make final amendments to the response and submit to the BIS, taking into account the agreed comments of the Executive Overview and Scrutiny Committee.
- C. That Call In is not appropriate for this item as the report is being referred to Executive Overview and Scrutiny Committee on 29 September 2011.

47. MEANS TESTING FOR PUBLIC SECTOR HOUSING DISABLED ADAPTATIONS

Councillor Mrs Hopley introduced the report of the Director of Transformation which sought approval to means test the Council's public sector tenants when applications are made for disabled adaptations and to consult on this for introduction from the 1 April 2012.

Councillor Mrs Hopley referred to the Minute of the meeting of the Landlord Services Committee (Cabinet Working Group) held on 5 September attached at Appendix 2 to the report, which endorsed the recommendations to Cabinet.

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 principle of introducing means testing for Public Sector Disabled Adaptations, be approved, subject to a consultation exercise being carried out.
 - B. That the Assistant Director Housing and Regeneration, in consultation with the Housing Portfolio Holder, implement the scheme subject to satisfactory consultation responses.

48. LANDLORD ACCREDITATION SCHEME

Councillor Mrs Hopley introduced the report of the Director of People and Places which sought approval to introduce a Landlord Accreditation Scheme in partnership with the Residential Landlords Association (RLA). She advised that following a meeting on Friday, 9 September Edge Hill University/the Student Union had agreed to support and make a contribution of £1,500 towards the scheme.

Councillor Hopley referred to schemes in Leeds and Oxford City Councils that had extended licensing to cover Houses in Multiple Occupation, regardless of their size, and circulated a Motion in that respect.

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

- RESOLVED:
- A. That the Assistant Director Community Services work with the RLA to develop and implement an Accreditation Scheme and be given delegated authority to review and update the scheme as required, in consultation with the relevant Portfolio Holder.
 - B. That the Assistant Director Community Services explore the advantages and disadvantages of the Council introducing an additional licensing scheme which would cover all Houses in Multiple Occupation regardless of their size and bring back a report to Cabinet.

(Note: Councillors Forshaw and Hodson declared a personal and prejudicial interest and left the room during consideration of this item.

49. QUARTERLY PERFORMANCE INDICATORS (APRIL 2011 TO JUNE 2011)

Councillor Westley introduced the report of the Director of Transformation which presented performance monitoring data for the quarter ended 30 June 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: A. That the Council's overall good performance against the indicator set for the quarter ended 30 June 2011, be noted.
- B. That Call in is not appropriate for this item as the report is being submitted to the next meeting of the Corporate Overview and Scrutiny Committee on 22 September 2011.

50. PROGRESS ON THE ICT DEVELOPMENT PROGRAMME 2010/11 AND THE PROPOSED DEVELOPMENT PROGRAMME 2011/12

Councillor Westley introduced the report of the Director of Transformation which detailed progress on the ICT development programme in 2010/11 and set out the proposed ICT development programme for 2011/12.

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 progress on the ICT development programme in 2010/11 be noted.
- B. That the proposed ICT development programme detailed at Section 5.2 of the report be approved, taking account of the capital funding available in 2011/12.

51. TENANT INVOLVEMENT STRATEGY

Councillor Mrs Hopley introduced the report of the Assistant Director Housing and Regeneration which set out the West Lancashire Borough Council Tenant Involvement Strategy (TIS).

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 report be noted and the TIS be endorsed.
- B. That the use of £60,000, from the budget provided for Service Improvement, be approved as detailed in paragraph 9.1 of the report.

52. CONSULTATION - IMPLEMENTING SOCIAL HOUSING REFORM: DIRECTIONS TO THE SOCIAL HOUSING REGULATOR

Councillor Mrs Hopley introduced the report of the Assistant Director Housing and Regeneration which set out the Government's consultation paper on 'Implementing Social Housing Reform: Directions to the Social Housing Regulator' and the proposed response.

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 response to the Department of Communities and Local Government (CLG) consultation paper on 'Implementing Social Housing Reform: Directions to the Social Housing Regulator', as set out in appendix C, be approved, taking into account the Minute of the Landlord Services Committee (Cabinet Working Group), attached at Appendix D to the report.
 - B. That the Assistant Director of Housing and Regeneration, in consultation with the Portfolio Holder for Housing, be authorised to make final amendments and submit the response to the CLG, taking into account the agreed comments of the Executive Overview and Scrutiny Committee.
 - 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 on the 29 September 2011.

53. CONSULTATION ON A NEW MANDATORY POWER OF POSSESSION FOR ANTI-SOCIAL BEHAVIOUR

Councillor Mrs Hopley introduced the report of the Director of Transformation which set out the Council response to the Consultation proposing a mandatory order of possession where Anti-Social and criminal behaviour has been perpetrated by a tenant or someone for whom the tenant is responsible.

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 response to the Department of Communities and Local Government (CLG) consultation paper on 'A New Mandatory Power of Possession for Anti-Social Behaviour', attached at Appendix 3 to the report be approved, taking into account consideration of the Minute of the Landlord Services Committee (Cabinet Working Group), attached at Appendix 4 to the report.
 - B. That the Assistant Director Housing and Regeneration, in consultation with the Portfolio for Housing, be authorised to make final amendments to the response and submit to the CLG, taking into account the agreed comments of the Executive Overview and Scrutiny Committee.

- C. That Call In is not appropriate for this item as the report is being referred to Executive Overview and Scrutiny Committee on 29 September 2011.

54. HEALTH AND SAFETY ANNUAL REPORT 2011

Councillor Grant introduced the report of the Director of People and Places which provided an update on the progress made in relation to the Health and Safety Management of the Council.

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 Annual Health and Safety Report 2011, 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 29 September 2011.

55. ELMSTEAD DEVELOPMENT PROPERTY ALLOCATION

Councillor Mrs Hopley introduced the report of the Director of Transformation which provided an update in respect of the Elmstead new build development and sought approval to allocate the 17 Council properties through the Choice Based Lettings system (Home finder) using a local connection criteria for the initial allocations only.

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 taking into account the minute of the Landlord Services Committee (Cabinet Working Group), attached as an Appendix to the report, initial allocation of properties at Elmstead be approved, using the local connection criteria of applicants living in Tanhouse 1&2 (Egerton, Ennerdale, Enstone, Elmridge, Elmstead and Elswick).

56. HOUSING SERVICE IMPROVEMENT PLAN

Councillor Mrs Hopley introduced the report of the Director of Transformation which set out the Housing Improvement Plan to ensure that that the Council is doing all it can to provide an excellent service for tenants and is meeting all the requirements of the regulator, the Tenant Services Authority (TSA).

The Leader advised:

- That Helena Housing Association had been appointed as the Council's 'Critical Friend'.
- That Gas Inspections for Council housing had met the 100% target

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 comments of the Landlord Services Committee (Cabinet Working Group) at its meeting on 5 September 2011, as detailed in the Minute at Appendix B, be noted.
- B. That progress on the Housing Service Improvement Plan be noted.
- C. That Call in is not appropriate for this item as the report will be presented to the Corporate Overview and Scrutiny Committee on 22 September 2011.

57. KEY DECISION FORWARD PLAN - QUARTERLY REPORT ON SPECIAL URGENCY DECISIONS - 1 APRIL - 30 JUNE 2011

Councillor Grant introduced the report of the Director of People and Places which advised that no decisions had been made during the last quarter in respect of Access to Information Procedure Rule 16 (Special Urgency).

RESOLVED: That it be noted that Access to Information Procedure Rule 16 (Special Urgency) was not exercised during the quarter ending 30 June 2011.

58. 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 it they involve 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.

59. MATTERS REQUIRING DECISIONS

Consideration was given to reports relating to the following matters requiring decisions as contained on pages 765 to 781 of the Book of Reports:

60. STRATEGIC ASSET MANAGEMENT PROJECT

Councillor Owens introduced the report of the Director of Transformation which detailed progress on the Strategic Asset Management Project and the outcome of the Knowsley Ward review and sought authority to dispose of the assets identified.

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 identified as Category 1s for Burscough West, be noted (Appendix A).
- B. That the thirty eight sites identified within Appendix B to the report, relating to Knowsley Ward, be actioned as recommended.

- C. That the Assistant Director Housing and Regeneration be authorised to dispose of all sites marked * in Appendices A and B and site NMI (land at Todds Lane, Banks).

61. ASSET MANAGEMENT BUSINESS PLAN - CONSULTANCY WORK

Councillor Owens introduced the report of the Director of Transformation which sought approval to appoint consultants to provide independent options and recommendations in relation to the Council's income generating property portfolio.

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 Borough Economic Regeneration & Strategic Property Officer be authorised to prepare a consultants brief, seek quotations and appoint the most suitable company to undertake an options appraisal and provide recommendations in relation to the Council's income generating property portfolio and operational assets.

THE LEADER

**CORPORATE OVERVIEW AND SCRUTINY
COMMITTEE**

HELD: 22 SEPTEMBER 2011

Start: 7.30pm

Finish: 10.25pm

PRESENT:

Councillors: Kay (Chairman)
Mee (Vice Chairman)

Aldridge	Mrs. Houlgrave
Mrs. Atherley	S. Jones
Cheetham	Lea
Gartside	Mawdsley
Gibson	R. Pendleton
Griffiths	Pratt
Hodson	

Officers: Director of Transformation (Ms K Webber)
Transformation Manager (Mr S Walsh)
Strategic Housing Manager (Mr S Jones)
Assistant Solicitor (Mr M Hynes)
Principal Member Services Officer (Mrs S Griffiths)

In attendance: Councillors Furey, Greenall and Westley

16. APOLOGIES

Apologies for absence were submitted on behalf of Councillors Bailey and Savage.

17. CHAIRMAN'S ANNOUNCEMENTS

The Chairman advised Members that notice had been received of an intention to audio record Part 1 of the meeting.

18. MEMBERSHIP OF THE COMMITTEE

In accordance with Council Procedure Rule 4, the Committee noted the termination of membership of Councillors Fillis and Mrs. Pollock and the appointment of Councillors Gibson and Gartside for this meeting only, thereby giving effect to the wishes of the Political Groups.

19. URGENT ITEMS

There were no items of urgent business.

20. DECLARATIONS OF INTEREST

1. Councillors Mrs. Atherley, Cheetham, Gartside, Hodson, Mrs. Houlgrave, Kay, Mee, Pratt & Westley declared personal interests in item no.8 (Review Topic for 2011/12 and Confirmation of Work Programme) in view of them being members of Parish Councils (and, where appropriate, Lancashire Association of Parish & Town Councils, NALC).
2. Councillors Aldridge and Westley declared personal interests in item nos. 11(c) and (d) (Items at request of a Member) in view of them being Members of Lancashire County Council.
3. Councillor Aldridge declared a personal interest in item no. 10 (Housing Service Improvement Plan) as a tenant and a member of his family are tenants of rented garage sites/Council accommodation.
4. Councillor S. Jones declared a personal interest in item no. 10 (Housing Service Improvement Plan) as a recipient of minor house adaptations.

21. DECLARATIONS OF PARTY WHIP

There were no declarations of a party whip.

22. MINUTES

RESOLVED: That the minutes of the last meeting of the Committee held on 23 June 2011 be approved as a correct record and signed by the Chairman.

23. MINUTES OF THE MEMBER DEVELOPMENT COMMISSION MEETING OF 14 JULY 2011

A Member raised a question in relation to future provision of member training following cessation of the current HR/client arrangements to which the Transformation Manager provided a response.

RESOLVED: That the minutes of the Member Development Commission meeting held on 14 July 2011 be noted.

24. REVIEW TOPIC FOR 2011/2012 AND CONFIRMATION OF WORK PROGRAMME

Consideration was given to the report of the Director of Transformation as circulated and contained on pages 155-166 of the Book of Reports containing the results of the scoring exercise on topics submitted for review in 2011/12.

- RESOLVED:
- A. That the summary of the results of the scoring exercise (Appendix 1) be noted and endorsed.
 - B. That the topic entitled “The role of Parish and Town Councils and the impact of the Localism Bill” be put forward as the priority topic for review by this Committee.
 - C. That the Project Plan (Appendix 2) be agreed, and it be noted that this review work will need to be completed by March 2012 and therefore the scale of the review adapted accordingly.
 - D. That the Committee’s work programme as set out below, be confirmed and included on the Council’s website.

25. QUARTERLY PERFORMANCE INDICATORS (APRIL 2011 TO JUNE 2011)

Consideration was given to the report of the Director of Transformation as circulated and contained on pages 167-188 of the Book of Reports which advised Members of the performance monitoring data for the quarter ending 30 June 2011.

During the ensuing discussion a Member raised concerns in relation to:-

- WL19B(ii) – 10 day unavailability of call logging system
- NI 157a – processing of planning applications (major)
- NI 157b – processing of planning applications (minor)
- WL 18 – not meeting target

The Transformation Manager undertook to provide further information to the Member on target no. WL19B(ii) and that the relevant officers would provide a response in relation to the remaining targets.

A Member raised a question on the effect of the proposed JVC arrangements in relation to NI 181 (processing housing/council tax benefit new claims and change events) to which the Transformation Manager responded that monitoring arrangements were in place to ensure performance levels were maintained.

RESOLVED: That the Council’s overall good performance against the indicator set for the quarter ended 30 June 2011 be noted.

26. HOUSING SERVICE IMPROVEMENT PLAN

The Director of Transformation circulated the above-mentioned report (contained on pages 185-236 of the Book of Reports) to facilitate Members scrutiny of the Housing Improvement Plan in order to ascertain whether the Council is meeting all of the requirements of the Tenants Services Authority.

During the ensuing discussion Members raised questions/comments in relation to:-

- B5-02 (provision of adaptations) – concern over this milestone not being met/reliance on Lancashire County Council/Council policy
- Role of critical friend
- B1-02 (tenders for priority 1&2 DDA works) – concern that works are behind schedule
- The role of elected members/Landlord Services Committee

The Strategic Housing Manager reported that in relation to B5-02 further meetings were ongoing with Lancashire County Council in order to look at how improvements could be established. He went to summarise the Council's adaptations policy and also to explain the role of Helena Partnerships as critical friend. Officers undertook to provide a presentation or report on options in relation to the HRA Business Plan to an appropriate Committee at an appropriate time.

RESOLVED: That the report be noted.

27. ITEMS AT THE REQUEST OF A MEMBER/COUNCILLOR CALL FOR ACTION

The following items were placed on the agenda at the request of a Councillor as circulated and contained on pages 237-244 of the Book of Reports.

28. DE-COMMISSIONED SHELTERED ACCOMMODATION

This item had been included on the agenda at the request of Councillor R. Pendleton who explained in the notice to the item that he had requested it to be placed on this agenda to review the policy and to assess the impact on resident amenity/quality of life in relation to the de-commissioning of sheltered accommodation.

During the ensuing discussion Members raised concerns over:-

- Lifestyle clashes and relocation of elderly people
- Warden service
- De-classification of sheltered accommodation

The Strategic Housing Manager responded that the two issues that had been received were dealt with quickly and that the warden service was available for people who had opted to receive it.

RESOLVED: That the response be noted.

29. POTENTIAL FOR COMMUNITY-WIDE BENEFIT FROM 'FEED-IN TARIFF' ENERGY EFFICIENCY MEASURES

This item had been included on the agenda at the request of Councillor R. Pendleton who explained in the notice to the item that he had requested it to be placed on this agenda for the Council to consider the potential for community-wide benefit from 'feed-in tariff' energy efficiency measures.

It was noted that a report would be submitted to Cabinet on 15 November 2011.

RESOLVED: That the response be noted.

30. THAT A PEDESTRIAN (ZEBRA) CROSSING SHOULD BE LOCATED IN WESTHEAD VILLAGE

This item had been included on the agenda at the request of Councillor Greenall who explained in the notice to the item that he had requested it to be placed on this agenda for the Committee to consider making representations to Lancashire County Council for the installation of a pedestrian (zebra) crossing in Westhead village.

A Member highlighted traffic issues in relation to Pinfold Lane School, Scarisbrick and requested that representations be made to Lancashire County Council for the installation of a pedestrian crossing at this location.

RESOLVED: That the appropriate officer write to Lancashire County Council making representations for the installation of a pedestrian (zebra) crossings in Westhead village and on Southport Road Scarisbrick.

31. THAT THE TRAFFIC LIGHTS AT THE WIGAN ROAD / KNOWSLEY ROAD / MOOR STREET JUNCTION AND THE MOOR STREET / ST HELENS ROAD JUNCTION BE UPGRADED TO INCLUDE A PEDESTRIAN CROSSING (I.E. PELICAN TYPE) FACILITY

This item had been included on the agenda at the request of Councillor Greenall who explained in the notice to the item that he had requested it to be placed on this agenda for the Committee to consider making representations to Lancashire County Council for the installation of traffic lights at the Wigan Road/Knowsley Road/Moor Street junction and the Moor Street/St. Helens Road junction be upgraded to include a pedestrian crossing (i.e. pelican type) facility.

RESOLVED: That the appropriate officer write to Lancashire County Council seeking the installation of traffic lights at the Wigan Road/Knowsley Road/Moor Street junction (Ormskirk town centre) and the upgrade of the Moor Street/St. Helens Road junction (Ormskirk) traffic lights to include a pedestrian crossing.

32. ITEMS REFERRED FROM THE MEMBERS UPDATE

The following item has been referred from the Members Update by Councillor R. Pendleton as circulated and contained on pages 243-250 of Book of Reports.

33. MINUTES OF THE LANCASHIRE COUNTY COUNCIL HEALTH SCRUTINY COMMITTEE - MEETING 12 JULY 2011

Councillor R. Pendleton indicated that he had brought this item on to the agenda in order to:-

- “be informed/influence the way services are provided in the community, look at what impact service changes will have on housing stock
- to provide rest bite accommodation for carers within reasonable distance of those that they care for

Lancashire County Council as the unity planning authority bring forward planning policy that requires developers to provide respite care in development of 20 or more units”.

The Strategic Housing Manager outlined the process for provision of support in the community and indicated that there was no impact on Council housing stock.

RESOLVED: That the appropriate officer advise Lancashire County Council of the Committee’s comments in relation to respite care.

34. 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 only, on the grounds that it involves the likely disclosure of exempt information as defined in paragraph(s) 1, 2, 3 and 4 of Part 1 of Schedule 12A of that Act, as set out on the agenda, 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.

35. ITEM AT THE REQUEST OF A MEMBER/COUNCILLOR CALL FOR ACTION

MAJOR SERVICE REVIEW ITEM NOS. 1,4,5,7,9,10,11,14,16,17,20,21,22,30,61 & 64

This item (Private & Confidential Report entitled “Major Service Review” – Appendix B) considered by Council on 20 July 2011, had been included on the agenda at the request of Councillor R. Pendleton who explained in the notice to the item that he had requested it to be placed on this agenda to assess the impact on front line services.

During Councillor Pendleton's address on the item clarification was sought over whether the item should be considered as it was the subject of a further report to Council in October. The ensuing discussion highlighted issues relating to the protocol for Members Items/CCFA, circulation of private and confidential papers and the Overview and Scrutiny Committee Procedure rules in relation to the call in procedure.

At this point the Chairman declared the meeting closed.

.....
CHAIRMAN

EXECUTIVE OVERVIEW AND SCRUTINY COMMITTEE

HELD: 29 SEPTEMBER 2011

Start: 7.30pm

End: 11.05pm

PRESENT: Grice (Chairman)

Councillors: Mrs Blake Greenall
Blane G Jones
Coyle Kay
Cropper Moran
Fillis Nolan
Furey O'Toole
Gagen Pope
Gibson Sudworth

Officers: Borough Solicitor (Mr T P Broderick)
Deputy Borough Planner (Mr I Gill)
Strategic Housing Manager (Mr S A Jones)
Deputy Borough Treasurer (Mr M Kostrzewski)
Consultation and Communications Manager (Ms E Leigh)
Head of Leisure and Cultural Services (Mr J Nelson)
Principal Overview and Scrutiny Officer (Mrs C A Jackson)

In attendance:

Councillors: Grant (Leader of the Council)
Mrs Hopley (Portfolio Holder – Landlord Services and Community Safety)
R A Pendleton
Westley (Portfolio Holder – Resources and Transformation)

Also in attendance: Secretary, West Lancashire Pensioners' Forum (Mr R Brookfield)
Chairman, West Lancashire Community Leisure (Mr J Bullock)
Contracts Manager, West Lancashire Community Leisure (Mr M Snaylam)

16. APOLOGIES

There were no apologies for absence.

17. MEMBERSHIP OF THE COMMITTEE

In accordance with Council Procedure Rule 4, Members noted the termination of Councillor Hennessy and the appointment of Councillor Furey for this meeting only, thereby giving effect to the wishes of the Political Group.

18. URGENT BUSINESS

There were no items of urgent business.

19. DECLARATIONS OF INTEREST

1. Councillor Nolan declared a personal interest in item 7 relating to the Petition Review Request as a member of the West Lancashire Pensioners' Forum.

2. Councillor Grice declared a personal and prejudicial interest in item 8 (Leisure Trust Update) in view of him being appointed by Council to serve on the Leisure Trust Board and left the Chamber during consideration of this item.
3. Councillors Fillis and Gibson declared a personal interest in item 8 (Leisure Trust Update) stating that Mr Bullock (Chairman of West Lancashire Leisure Trust) was a friend.

20. DECLARATIONS OF PARTY WHIP

There were no declarations of a party whip.

21. MINUTES

RESOLVED: That the minutes of the meeting held on 30 June 2011 be approved as a correct record and signed by the Chairman.

22. PETITION REVIEW REQUEST - PUBLIC EQUALITY AND HUMAN RIGHTS FORUM

Consideration was given to the report of the Director of People and Places advising that a review had been requested of the steps that the Council had taken in response to a petition received on behalf of the West Lancashire Pensioners' Forum (WLPF). The report, as circulated and contained on pages 75 to 86 of the Book of Reports, set out the steps taken to respond to the petition, the Council's response to the Petitioner's Organiser and the Petitioner's request for a review of that response.

The Petitioner's Organiser, the Secretary of WLPF, attended the meeting and at the invitation of the Chairman addressed the Committee and in his address gave reasons why he did not feel the Council had adequately responded to his petition.

Members discussed the points the Petitioner's Organiser had raised in his address and in the petition documentation, along with the comments of the Director of Transformation, as set down in the Director of People and Places report, including the mechanisms the Council already uses to gauge the views of its residents, including the elderly and disabled and its equalities practices and approaches.

Members sought additional information of the Petitioner, who consented to take questions and responded to those put to him.

The Older People's Champion informed the Committee of the cessation of the Older People's Partnership Board but the establishment of a new voluntary West Lancashire Older People's Partnership whose inaugural meeting had recently taken place. It was understood that that Partnership was in the process of preparing a new Constitution and that its meetings would be held at the Council Offices. It was further understood that the Partnership's membership also included two representatives of the WLPF.

Members welcomed the announcement. Certain offers of assistance were made to Mr Brookfield and the people he represents.

Mr Brookfield thanked Members for allowing him to address them and was grateful for the collaborative and conciliatory route offered. He concluded by saying that he hoped that the new Older People's Partnership, in which he would have an involvement, would be successful.

On behalf of the Committee the Chairman thanked Mr Brookfield for his attendance.

RESOLVED: That the steps taken by the Council in response to the petition are adequate.

(Note: Councillor Nolan left the Chamber during the discussion of this item, when the petitioner's comments referred to a transport subsidy for the elderly and disabled groups.)

23. LEISURE TRUST UPDATE

Consideration was given to the presentation by John Bullock, Chairman and Mark Snaylam, Contracts Manager of West Lancashire Community Leisure as contained on pages 347 to 370 of the Book of Reports. The presentation included:

- An introduction from the Chairman of the Trust.
- The trustees and a profile of the Board's responsibilities.
- Activities and initiatives undertaken during 2010/11.
- An overview of 2012 and events planned to celebrate the 2012 Olympics.
- Facilities at Nye Bevan, Park Pool, Skelmersdale, Burscough and Banks Leisure Centres and the membership/user numbers.
- Income and patronage in 2010 – 4% growth in revenue. –1% drop in wetside visits but an increase of 1% in dryside visits from the previous year.
- Operational Highlights – increase in patronage year on year from 2004; Community based special events (The Triathlon event – 30 schools – 700 pupils); continued closer links to National Governing Bodies and partnership working with the Young People's Service (YPS) (helping to reduce instances of juvenile nuisance around Skelmersdale); successful external audits (Health and Safety, Quest and Mystery Visitor); Front of house improvements (Burscough Sports Centre); refurbishment of gyms; delivery of over 1,500 free adult swimming lessons; success of the Nifty Fifties Groups.
- Challenges including – disruptions caused by the snow in January and December; management of energy costs; increasing patronage in a challenging economy; investment in staff; the outdated fabric of some of the buildings.
- Opportunities - increasing patronage, responding to internal and external audit to aid improvement; continued capital investment in 2011 (£1/2 million+ investment in Park Pool); continuing closer links with community groups; working with partners and community groups; offering more participation opportunities through Trust funding.

Comments and questions were raised in respect of the following:

- The success and expansion of the Nifty Fifties initiative to other areas in the Borough.

- Creating opportunities for closer working relationships with community groups.
- Issues relating to Skelmersdale Sports Centre, including the deterioration of the roof, investment in the Centre and maintaining a sport facility in the area.
- The closure of Park Pool due to a burst pipe, the consequential impact and recouping of costs as a result.
- Initiatives to recognise the European Year of Active Ageing 2012, including working with community groups.
- Activities associated with the Olympics 2012.
- Impact of other local sporting facilities (Edge Hill University) on Park Pool, Ormskirk.
- The role of volunteers.

On behalf of the Committee the Chairman thanked the representatives from the Leisure Trust for their attendance and informative presentation.

RESOLVED: A. That the representatives from the Leisure Trust be thanked for their presentation and attendance.

B. That the presentation and comments be noted.

(Notes:

1. Councillor Grice left the Chamber during consideration of this item, whereupon Councillor Greenall took the Chair.
2. Councillor Mrs Hopley (Portfolio Holder – Landlord Services and Community Safety) joined the meeting at the conclusion of this item.
3. Councillor Westley (Portfolio Holder – Resources and Transformation) left the meeting at the end of this item.)

24. CALLED IN ITEMS

Consideration was given to the following called in items, as circulated and contained on pages 87 to 108 and also pages 323 to 337 of the Book of Reports. The Chairman varied the order of business so that the called in item – Strategic Asset Management Project, listed as the last item of business, could also be considered.

(Note: The minutes follows the same order as set down in the agenda.)

25. CALL IN - MEANS TESTING FOR PUBLIC SECTOR HOUSING DISABLED ADAPTATIONS

Consideration was given to the report of the Director of People and Places advising that a decision of Cabinet in relation to the above item (minute 47 refers) had received a call in requisition signed by five Members of the Committee. The report set out the reason given for the call in, together with the alternative decision put forward by the five Members concerned on the requisition notice.

On behalf of the Members concerned it was explained why they objected to the use of means testing for public sector disabled adaptations.

In the ensuing discussion the following comments/questions were noted in respect of:

- Costs associated with a typical adaptation.
- Assistance available through the Disable Facility Grant.
- Proposed consultation process.
- Means testing mechanism.
- Use of means testing in private sector housing.
- Feedback from the Landlord Services Committee (Cabinet Working Group).

The Strategic Housing Manager responded to questions, referencing details contained in the Director of Transformation report. He explained the principle to introduce means testing for Public Sector Disabled Adaptations would mean that existing Council Tenants would be treated the same as Private Sector Tenants and Owner Occupiers and ensure equality between them. It would also enable the Council to maximise the amount of disabled adaptations carried out with the limited budget available. He further explained that any decision to introduce means testing as described would be subject to satisfactory responses to the consultation exercise as explained in the report.

RESOLVED: That the Committee does not wish to ask for a different decision.

26. CALL IN - ELMSTEAD DEVELOPMENT INITIAL PROPERTY ALLOCATION

Consideration was given to the report of the Director of People and Places advising that a decision of Cabinet in relation to the above item (minute 55 refers) had received a call in requisition signed by five Members of the Committee. The report set out the reason given for the call in, together with the alternative decision put forward by the five Members concerned on the requisition notice.

On behalf of the Members concerned it was explained why the initial allocation of properties on Elmstead Development should be subject to the normal allocation criteria.

In the ensuing discussion the following comments/questions were noted in respect of:

- The Council's Housing Allocation Policy.
- Freedom of tenants to move across the Borough.
- Application of the local connection criteria.
- Choice Based Lettings system.
- Downsizing.
- Feedback from the Landlord Services Committee (Cabinet Working Group).
- Changes to housing benefit regulations.
- Cash back for relocation.

The Strategic Housing Manager responded to questions, referencing details contained in the Director of Transformation report. He explained that the new development had been supported by the residents of Tanhouse and particularly those living in the vicinity of the development some of whom have endured minor local disruption during the construction phase. He further explained that the application of the local connection criteria would be for the first let only and after that will revert back to the normal lettings process. He also explained the changes to the housing benefit regulations from April 2013 where the size of property will be assessed on the tenants needs.

At the invitation of the Chairman the Portfolio Holder for Landlord Services and Community Safety spoke to this item, making reference to the consultation events with tenants in Tanhouse, stating that a number of tenants had expressed an interest in the new properties and a wish to downsize. However, no tenants had been promised a downsizing cash-back incentive.

RESOLVED: That the Committee does not wish to ask for a different decision.

(Note: 1. Councillors Mrs Hopley and R A Pendleton left the meeting at the conclusion of this item.
2. The Chairman, having varied the order of business, took agenda items 22 and 23 as the next items of business. Minute 39 and 40 records the Committee's consideration of these items.)

27. KEY DECISION FORWARD PLANS - 1 AUGUST 2011 - 31 JANUARY 2012

There were no items under this heading.

28. RELEVANT MINUTES OF CABINET

Consideration was given to the minutes of the meeting of Cabinet held on 13 September 2011. Members raised comments/questions in relation to:

Minute 45 (Sunbeds (Regulation) Act 2010) – the enforcement action provisions; the withdrawal of sunbeds from the Borough's Leisure Centres; campaign re. "risks" associated with sunbed use.

Minute 48 (Landlord Accreditation Scheme) – exploration of an additional licensing scheme to cover all Houses in Multiple Occupation regardless of their size.

RESOLVED: That the Minutes of the meeting of Cabinet held on 13 September 2011 be noted.

(Note: Councillor Grant left the Chamber following consideration of this item.)

29. REVENUE OUTTURN 2010-11

Consideration was given to the report of the Director of People and Places as circulated and contained on pages 121 to 128 of the Book of Reports which provided details of the key features of the financial outturn position for the previous financial year (2010-11) in relation to the General and Housing Revenue Accounts.

Members raised questions/comments in relation to:

- Regeneration and Estates – Favourable variance £280,000 - Maintenance occupation levels (Westec House – CCTV suite; Homecare link and IT)

RESOLVED: That the outturn position be noted.

30. REVENUE MONITORING 2011-12

Consideration was given to the report of the Director of People and Places as circulated and contained on pages 129 to 134 of the Book of Reports which provided an assessment of the financial position on the revenue accounts in the new financial year.

Members raised questions and comments in respect of the following:

- Employee Costs - Proposed increase in employee contribution rates.
- Reserves and Balances – use of reserve funding.

RESOLVED: That the financial position of the Revenue Accounts be noted.

31. CAPITAL PROGRAMME OUTTURN 2010-11

Consideration was given to the report of the Director of People and Places as circulated and contained on pages 135 to 146 of the Book of Reports which provided a summary of the capital outturn position for the 2010/2011 financial year.

RESOLVED: That the final position on the Capital Programme for 2010/2011 financial year be noted.

32. CAPITAL PROGRAMME MONITORING 2011-12

Consideration was given to the report of the Director of People and Places as circulated and contained on pages 147 to 152 of the Book of Reports which provided an overview of the current progress on the Capital Programme.

RESOLVED: That progress on the Capital Programme be noted.

33. DRAFT NATIONAL PLANNING POLICY FRAMEWORK

Consideration was given to the report of the Director of Transformation which set out the Draft National Planning Policy Framework (NPPF) and its potential implications for the Council's Planning Service and the draft response officers had prepared on behalf of the Council to the consultation.

During discussion of this item it was proposed that an all Member presentation on this document should be undertaken. It was noted that deferral of consideration would mean the Committee's views would be provided after expiry of the consultation deadline.

RESOLVED: That consideration of this item be deferred and that arrangements be put in place for a presentation to all Members on the Draft National Planning Policy Framework..

34. REVISIONS TO THE INDUSTRIAL DEVELOPMENT ACT 1982

Consideration was given to the report of the Director of Transformation which advised the proposed revisions to the Industrial Development Act 1982 (IDA) and the proposed response (Appendix 1) that had been prepared for submission to the Department for Business, Innovation and Skills (BIS).

RESOLVED: That the response to the BIS consultation as set out in the Appendix to the report, be noted.

35. CONSULTATION - IMPLEMENTING SOCIAL HOUSING REFORM: DIRECTIONS TO THE SOCIAL HOUSING REGULATOR

Consideration was given to the report of Director of Transformation which set out the Government's consultation paper on 'Implementing Social Housing Reform: Directions to the Social Housing Regulator' and the proposed response to the Department of Communities and Local Government (CLG).

Members raised questions/comments in relation to:

- Types of models for involving social tenants in repairs and maintenance – Tenant Cashback pilots.

RESOLVED: That the proposed response to the CLG's consultation on Social Housing Reform, set out in Appendix C to the report, be noted.

36. CONSULTATION ON A NEW MANDATORY POWER OF POSSESSION FOR ANTI-SOCIAL BEHAVIOUR

Consideration was given to the report of the Director of Transformation which set out the Council's response to the Department of Communities and Local Government (CLG) consultation proposing a mandatory order of possession where anti-social and criminal behaviour has been perpetrated by a tenant or someone for whom the tenant is responsible.

Members raised questions/comments in respect to:

- Wide ranging impact of the mandatory order for possession for anti-social behaviour (ASB) and criminality.
- Need for consistency in relation to implementation.
- Distinction between ASB and serious housing related offences.
- ASB and "illegal" use of Council properties – provision of other mechanisms.

RESOLVED: That the proposed response to CLG's consultation, set out in Appendix 3 to the report be noted.

(Note: In accordance with Council Procedure Rule 9 (Duration of Meeting) the meeting adjourned immediately upon conclusion of the above item of business at 11.05pm and the remaining items of business will be held over to the next ordinary meeting of the Executive Overview and Scrutiny Committee.)

37. HEALTH AND SAFETY ANNUAL REPORT 2011

This item was not considered at the meeting held on 29 September 2011 and will be included on the agenda for the next scheduled meeting of the Executive Overview and Scrutiny Committee (1 December 2011).

38. STREAMLINING COUNCIL HOUSE ASSET MANAGEMENT - DISPOSALS AND USE OF RECEIPTS CLG CONSULTATION

This item was not considered at the meeting held on 29 September 2011 and will be included on the agenda for the next scheduled meeting of the Executive Overview and Scrutiny Committee (1 December 2011).

39. 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 it involves the likely disclosure of exempt information as defined in paragraph 3 of Part 1 (Financial/Business Affairs) of Schedule 12A to the 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.

40. CALL IN - STRATEGIC ASSET MANAGEMENT PROJECT

Consideration was given to the report of the Director of People and Places advising that a decision of Cabinet in relation to the above item (minute 60 refers) had received a call in requisition signed by five Members of the Committee. The report set out the reason given for the call in, together with the alternative decision put forward by the five Members concerned on the requisition notice.

On behalf of the Members concerned explanation was provided as to why an alternative decision was sought.

The Strategic Housing Manager attended the meeting and answered questions in relation to the comments raised by Members in discussion.

RESOLVED: That the Committee does not wish to ask for a different decision.

(Note: Following consideration of this item members of the public were invited back into the meeting and Minutes nos. 27 to 36 record those items subsequently considered and open to the public.)

.....
Chairman