

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.)

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Chairman