

CABINET**HELD: 15 NOVEMBER 2011**

Start: 7.30pm

Finish: 9.15pm

PRESENT:

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

		<u>Portfolio</u>
Councillors	I Ashcroft	Public Realm and Human Resources
	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 U Atherley	J Grice
	Y Gagen	R A Pendleton

Officers

Managing Director (People and Places) (Mrs G Rowe)
Managing Director (Transformation) (Ms K Webber)
Assistant Director Housing and Regeneration (Mr R Livermore)
Borough Planner (Mr J Harrison)
Borough Treasurer (Mr M Taylor)
Transformation Manager (Mr S Walsh)
Head of Leisure & Cultural Services (Mr J Nelson)
Customer Services Manager (Ms H Morrison)
Organisational Re-Engineering Manager (Ms K Warmington)
Assistant Member Services Manager (Mrs J Denning)

62. APOLOGIES

There were no apologies for absence.

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

There were no items of urgent business.

64. DECLARATIONS OF INTEREST

The following declarations were received:

1. Councillors Fowler and Westley declared a personal and prejudicial interest in Agenda Item 5(m) 'War Memorial, Coronation Park' as Trustees of the Comrades Club, however this item was withdrawn by officers prior to its consideration.
2. Councillors Grant, Ashcroft, Mrs Atherley, Fowler, Forshaw and Westley declared a personal interest in Agenda Item 5(o) 'Revised Capital Programme and Mid Year Review' in respect of Parish Council matters, as Members of a Parish Council.

3. Councillor Westley declared a personal interest in Agenda Item 8(a) 'Human Resources Pilot – Partnership Agreement with LCC' as a Member of Lancashire County Council.

65. MINUTES

RESOLVED: That the minutes of the meeting of the Cabinet held on 13 September 2011 be received as a correct record and signed by the Leader.

66. MATTERS REQUIRING DECISIONS

Consideration was given to reports relating to the following matters requiring decisions as contained on pages 801 to 1024 of the Book of Reports:

67. ARTICLE 4 DIRECTION - HOUSES IN MULTIPLE OCCUPATION (HMOS) ORMSKIRK, AUGHTON AND WESTHEAD

Councillor Forshaw introduced the report of the Borough Planner which advised of the consultation responses received following the making of the Article 4 Direction on 17 December 2010 and sought approval for the confirmation of the Direction in order to control the development of Houses in Multiple Occupation in Ormskirk, parts of Aughton and Westhead.

Minute 55 of the Planning Committee meeting held on 10 November 2011, was circulated, which noted the responses received.

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 Article 4 Direction, made on 17 December 2010, to withdraw permitted development rights in Ormskirk, parts of Aughton and Westhead (as shown in the plan attached at Appendix 1 to the report) for a change of use from Class C3 (dwelling houses) to Class C4 (small scale houses in multiple occupation) be confirmed.

68. MOVING FROM A LOCAL DEVELOPMENT FRAMEWORK (LDF) TO A LOCAL PLAN

Councillor Forshaw introduced the report of the Borough Planner which proposed that the Borough's local planning policy should be prepared as a single Local Plan document, to reflect the proposed policy in the draft National Planning Policy Framework (NPPF), and that all work thus far undertaken on the preparation of policy designed to sit within a Local Development Framework (LDF) should be converted for inclusion within such a single Local Plan document.

Cabinet was advised that the Planning Committee on 10 November 2011 had noted the report and recommendations to Cabinet.

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 move to draw together the preparation of the Core Strategy, Development Management Policies and the Site Allocations Development Plan Documents of the Local Development Framework into a single Local Plan document be approved.
- B. That delegated authority be given to the Borough Planner and Portfolio Holder to consider the agreed comments of the Executive Overview & Scrutiny Committee in taking forward the Local Plan process.
- 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 1 December 2011.

69. GREEN BELT STUDY AND CONSULTATION RESPONSES

Councillor Forshaw introduced the report of the Borough Planner which advised of the submitted responses from the public to the Draft Green Belt Study consultation exercise and sought approval for the Council's comments to the public responses and the recommended amendments to the Study before publication of the final version.

Revised pages 827 and 828 of the Book of Reports were circulated.

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 recommended amendments to the Draft Green Belt Study, set out in Appendix I of this report, be approved.
- B. That the Council's responses to the public consultation comments set out in Appendix II of this report, be approved.
- C. That the Borough Planner, in consultation with the Portfolio Holder for Planning and Transportation, be authorised to make any final amendments to the Green Belt Study, before publishing the final Green Belt Study and the Council's responses to the representations made during the public consultation.

70. ENERGY ASSESSMENTS FOR NEW DWELLINGS

Councillor Forshaw introduced the report of the Borough Planner which detailed the new service provision offering energy assessments for new residential developments, as approved at 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 implementation of the assessment procedures, as detailed in Appendix A to the report be approved.

- B. That the charging schedules associated with undertaking the assessments, as set out in Appendix B to the report, be approved and come into effect on the 1 December 2011.
- C. That authority to amend the service, procedures, delivery and charging schedule in the future, be delegated to the Borough Planner in consultation with the relevant portfolio holder.

71. INSTALLATION OF SOLAR PHOTOVOLTAICS ON COUNCIL OWNED BUILDINGS

Councillor Mrs Hopley introduced the report of the Assistant Director Housing and Regeneration which detailed the benefits and risks associated with the installation of solar PV technology on Council properties and the opportunities available and sought approval for the proposals put 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 officers suspend further investigations into the 'Rent a Roof' project, subsequent to further review in April 2012.
 - B. That authority be given to the Assistant Director Housing and Regeneration to install solar PV equipment at the Councils expense on selected HRA properties, in consultation with the relevant Portfolio holders, on a pilot basis.
 - C. That authority be given to the Assistant Director Housing and Regeneration to install solar PV to the Robert Hodge Centre and Sandy Lane offices.
 - D. That an exception to contract procedure rules 6 and 7 be authorised, in the event that a suitable framework agreement cannot deliver this project.
 - E. That authority be given to obtain all necessary consents and permissions and to enter into all necessary documentation to facilitate delivery of the schemes.
 - F. That call in is not appropriate for this item as this matter is one where urgent action is required due to the new eligibility deadline for current feed in tariff rates, as announced on Monday 31 October 2011.

72. PEER REVIEW - LANDLORD SERVICES

Councillor Mrs Hopley introduced the report of the Assistant Director Housing and Regeneration which advised of the outcome of a Peer Review undertaken by Helena Partnerships.

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 Peer Review, attached at Appendix A to the report, be noted.
 - B. That the Assistant Director Housing and Regeneration arranges to incorporate the areas for development identified within the report within the service action plans for the forthcoming municipal year
 - C. 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 24 November 2011.

73. HOUSING SERVICE IMPROVEMENT PLAN

Councillor Mrs Hopley introduced the report of the Assistant Director Housing and Regeneration which set out the Housing Service Improvement Plan to ensure 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).

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 from the Landlord Services Committee (Cabinet WG) on 9th November 2011(Appendix B) be noted.
 - B. That progress on the Housing Service Improvement Plan (Appendix A) be noted.
 - C. That call in is not appropriate for this item as this report will be presented to the Corporate Overview and Scrutiny Committee on 24 November 2011.

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

Councillor Mrs Hopley introduced the report of the Borough Solicitor which advised that the Executive Overview and Scrutiny Committee at its meeting on 29 September 2011 were unable to consider the report of the Assistant Director Housing and Regeneration in respect of a consultation paper from the Department of Communities and Local Government (CLG) in respect of streamlining council house asset management and sought approval to submit a response.

Councillor Owens referred to Paragraph 7 of the response in respect of 'Consultation Question 12 – Pooling of Housing Capital Receipts' and proposed that this should be amended to take into consideration the latest guidance received.

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

- RESOLVED: A. That the Assistant Director Housing and Regeneration amend paragraph 7 of the response, taking into account the latest guidance on pooling of Housing Capital receipts, and submit the response to the CLG before the deadline of the 17 November 2011, as set out in Appendix A to the attached report.
- B. That the Assistant Director Housing and Regeneration consider and forward any additional comments raised by the Executive Overview and Scrutiny Committee to the CLG when the report is considered on 1 December 2011.
- C. That call in is not appropriate for this item as the consultation deadline is 17 November 2011 and the report is being considered by Executive Overview and Scrutiny Committee on 1 December 2011.

75. FUNDING OF VOLUNTARY AND OTHER ORGANISATIONS CABINET WORKING GROUP

Councillor Fowler introduced the report of the Transformation Manager which considered the recommendations of the Funding of Voluntary and Other Organisations Working Group meetings of 14 July and 1 November 2011 in respect of the presentations/written submissions received from the Voluntary Organisations in relation to the monitoring and evaluation of the 3 year Service Level Agreements.

In reaching the decision below, Cabinet considered the details set out in the report before it and accepted the reasons contained in it and noted that the decision was subject to the budget being set in February 2012.

RESOLVED: That the recommendations arising from the monitoring and evaluation of the 3 year Service Level Agreements by the Funding of Voluntary and Other Organisations Working Group at its meetings of 14th July and 1 November 2011 be endorsed as detailed in the minutes of the meetings attached at Appendices 1 and 2 to the report, subject to the budget process.

76. ORGANISATIONAL RE-ENGINEERING UPDATE

Councillor Westley introduced the report of the Transformation Manager which detailed the Council's Organisational Re-engineering (OR) programme to date, including information on the following:

- The level of cash and efficiency savings resulting from OR, together with the improvements to both service delivery and customer accessibility
- Progress of the Organisational Re-engineering (Efficiency Reviews) Framework and proposed service areas for future OR reviews.

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 positive progress and successful outcomes of those reviews detailed, together with the summary of cash and efficiency savings identified be noted.
- B. That the Assistant Director Housing and Regeneration and the Borough Planner, with the support of the Transformation Manager, undertake and report back on the findings of the OR reviews carried out in their service area in 2012/13.

77. COMPLAINTS MONITORING

Councillor Grant introduced the report of the Transformation Manager which presented data on complaints received by the Council from April 2010 to March 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 a slight increase in the level of complaints to the Council in 2010/11 be noted.
- B. That the approach to complaints handling as discussed within section 6 of the Report be reviewed and the Corporate Complaints Procedure be updated for Member approval in due course.
- C. That the call in procedure is not appropriate for this item as the report is being submitted to the next meeting of the Corporate Overview and Scrutiny Committee on 24 November 2011.

78. MANAGEMENT PLANS - BEACON PARK, CORONATION PARK AND RICHMOND PARK

Councillor Fowler introduced the report of the Assistant Director Community Services which presented the new management plans for Beacon Park, Coronation Park and Richmond Park for approval and adoption.

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 new management plans for Beacon Park, Coronation Park and Richmond Park, as detailed on the Council's web site, be approved, subject to resource availability.

79. WAR MEMORIAL, CORONATION PARK, ORMSKIRK

This item was withdrawn by officers prior to its consideration, for further consultation.

80. REVENUE BUDGET MID YEAR REVIEW

Councillor Westley introduced the report of the Borough Treasurer which provided a projection on the General and Housing Revenue Accounts to the end of the financial year.

Minute 54 of the Landlord Services Committee (Cabinet Working Group) on 9 November 2011 was circulated which endorsed the recommendations in the report to Cabinet.

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 included the position on reserves and balances.
 - B. That call in is not appropriate for this item as the report is being submitted to the next meeting of the Executive Overview and Scrutiny Committee on 1 December 2011.

81. REVISED CAPITAL PROGRAMME AND MID YEAR REVIEW

Councillor Westley introduced the report of the Borough Treasurer which detailed the revised Capital Programme 2011/2012 and provided an overview on the progress against it at the mid-year point.

Minute 55 of the Landlord Services Committee (Cabinet Working Group) on 9 November 2011 was circulated which endorsed the recommendations in the report to Cabinet.

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 revised Capital Programme, including the virements contained within it, be approved for consideration by Council.
 - B. That the progress against the revised Capital Programme at the mid-year point be noted.
 - 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 1 December 2011 and Council on 14 December 2011.

82. KEY DECISION FORWARD PLAN QUARTERLY REPORT

Councillor Grant introduced the report of the Borough Solicitor 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 Rule 16 (Special Urgency) was not exercised during the quarter ending 30 September 2011.

83. 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 they involve the likely disclosure of exempt information as defined in paragraph(s) 3 and 5 of Part 1 of Schedule 12A of the 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.

84. MATTERS REQUIRING DECISIONS

Consideration was given to reports relating to the following matters requiring decisions as contained on pages 1025 to 1056 of the Book of Reports:

85. HUMAN RESOURCES PILOT - PARTNERSHIP AGREEMENT WITH LCC

Councillor Ashcroft introduced the report of the Managing Director (Transformation) which detailed the arrangements for the Human Resources (HR) & Payroll Service from 1 April 2012 and sought authority to enter into a new agreement for HR & Payroll services with Lancashire County Council (LCC) via One Connect Ltd.

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 benefits of the current arrangement set out at paragraphs 3.1 and 3.2 of the report be noted.
 - B. That the options for the future provision of the service outlined at paragraph 6.2 of the report be noted.
 - C. That authority be granted to the Managing Director (Transformation) in consultation with the Leader and Portfolio Holder for Public Realm and Human Resources, to negotiate and enter into a one-year agreement for the provision of HR Management support with LCC, via One Connect Ltd.
 - D. That the Managing Director (Transformation) continues to explore the options for the service beyond April 2013.

86. LAND DISPOSAL - FOR AFFORDABLE HOUSING

Councillor Owens introduced the report of the Assistant Director Housing and Regeneration which considered the inclusion of Council owned land at Furnival / Pickles Drive, Burscough for the purposes of developing an affordable housing scheme.

The Assistant Director Housing and Regeneration circulated revised recommendations.

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 subject to C below, the Assistant Director Housing and Regeneration be authorised to dispose of land at Furnival Drive and Pickles Drive, Burscough (identified at Appendix B to the report) to the Registered Provider selected to deliver affordable housing, as outlined at section 3 of the report
 - B. That the budget agreed in June 2011 of £656,000 be reduced by £150,000 to £506,000 to support other corporate priorities as explained in paragraph 3.10 of the report.
 - C. That the Assistant Director Housing and Regeneration be authorised to undertake appropriate procedures to advertise the proposal to dispose of public open space land at Furnival Drive and Pickles Drive, Burscough (as identified at Appendix B to the report) in accordance with legislative requirements.
 - D. That the Assistant Director Housing and Regeneration be authorised to take all necessary action and to enter into all necessary documentation and to obtain all necessary permissions and consents to enable the disposal to proceed.
 - E. That an exception to Contract Procedure Rule 7 be authorised for the reasons set out at paragraph 7 of the report.

87. BEACON GOLF COURSE

Councillor Fowler introduced the report of the Assistant Director Community Services which informed of DCT Leisure Ltd's intention to relinquish its lease of Beacon Park Golf Course and provide options for the future of the facility.

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 Assistant Director Community Services, in consultation with the Leader and relevant portfolio holder, be authorised to develop and implement proposals for the long term operation of the Beacon Park Golf Course and negotiate and conclude all arrangements (to include the obtaining of all necessary consents, providing for all requisite notices and the entering into all necessary licences, leases and agreements/documentation) to give effect to that proposal.
 - B. That in addition to the delegation at A. above the Assistant Director Community Services, in consultation with the Leader and relevant portfolio holder, be authorised to develop and implement proposals for the interim operation of the Beacon Park Golf Course and negotiate and conclude all arrangements (to include the obtaining of all necessary consents, providing for all requisite notices and the entering into all necessary licences, leases and agreements/documentation) to give effect to that proposal.

- C. That there be an exemption from the requirement to seek quotations/tenders (Contract Procedure Rules 6 and 7) to allow the arrangements to be put in place in accordance with A. and/or B. above for the reasons set out in the report.

- D. That call in is not appropriate for this item as the matter is one requiring urgent action. It being noted that the matter is being referred to the next meeting of Council on 14 December 2011.

THE LEADER