

CABINET**HELD: 17 JANUARY 2012**

Start: 7.30pm

Finish: 9.25pm

PRESENT:

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

Councillors		<u>Portfolio</u>
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:	Cropper	Griffiths
	Furey	Hennessy
	Gibson	Hodson
	Grice	

Officers

Managing Director (People and Places) (Mrs G Rowe)
Managing Director (Transformation) (Ms K Webber)
Assistant Director Housing and Regeneration (Mr R Livermore)
Assistant Director Community Services (Mr D Tilleray)
Borough Treasurer (Mr M Taylor)
Transformation Manager (Mr S Walsh)
Executive Procurement and Projects Manager (Mr J Ryding)
Deputy Borough Planner (Mr I Gill)
Property Services Manager (Mr P Holland)
Business Development Manager (Mr W Berkley)
Principal Member Services Officer (Mrs S Griffiths)

96. APOLOGIES

There were no apologies for absence.

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

There were no items of urgent business.

98. DECLARATIONS OF INTEREST

The following declarations were received:

1. Councillors Fowler and Westley declared personal and prejudicial interests in agenda item 6(g) (War Memorial, Coronation Park, Ormskirk) in view of them being Custodian Trustees of the Comrades Club Trust. They left the meeting during consideration of this item.

2. Councillor Westley declared a personal interest in agenda item nos. 6(c) (Skelmersdale and UpHolland Demand Responsive Transport System and 6(p) Procurement of Repairs Appointments System, as he is a Member of Lancashire County Council.
3. Councillors Grant, Ashcroft, Fowler, Forshaw and Westley declared personal interests in agenda item 6(i) (Medium Term Capital Programme) in respect of Parish matters, as Members of Aughton, Hesketh with Becconsall, Scarisbrick, Hesketh with Becconsall and Halsall Parish Councils respectively.

**99. INSTALLATION OF SOLAR PHOTOVOLTAICS ON COUNCIL OWNED BUILDINGS-
COMMENTS REFERRED TO CABINET FROM EXECUTIVE OVERVIEW AND
SCRUTINY COMMITTEE**

Councillor Mrs Hopley introduced the report of the Borough Solicitor which set out comments referred from the Executive Overview and Scrutiny Committee at its meeting held on 1 December 2011 in respect of an item raised under post hoc scrutiny of minute no. 71 of the Cabinet Minutes on 15 November 2011 which considered the report 'Installation of Solar Photovoltaics on Council Owned Buildings'.

Councillor Mrs Hopley circulated a motion which was seconded which indicated further evaluation/investigations be undertaken subject to the availability of finance and resources.

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 Minute 71 'Installation of Solar Photovoltaics on Council Owned Buildings' of the Cabinet held on 15 November 2011, attached at Appendix A, and the report of the Assistant Director Housing and Regeneration, attached at Appendix B, be noted.

B. That the extract of Minute 51 'Relevant Minutes of Cabinet' of the Executive Overview and Scrutiny Committee on 1 December 2011, in relation to Minute 71, as set out in paragraph 3 of the report, and the comments from the Assistant Director Housing and Regeneration, detailed in paragraph 4 of the report, be noted.

C. That, in accordance with the original report, the Assistant Director Housing and Regeneration be requested to:

- i) evaluate the use of solar photovoltaics to provide community wide benefit from the feed-in tariff once the market has stabilised following the consultation review and
- ii) continue to investigate district heating systems further once suitable projects are identified
subject to finance and staff resource being available.

- D. That call-in is not appropriate for this item as the matter has previously been considered by the Executive Overview and Scrutiny Committee.

100. MINUTES

RESOLVED: That the minutes of the meetings of Cabinet held on 15 November and 14 December 2011 be received as a correct record and signed by the Leader.

101. MATTERS REQUIRING DECISIONS

Consideration was given to reports relating to the following matters requiring decisions as contained on pages 1101 to 1300 and 1329 to 1366 of the Book of Reports.

102. BUSINESS PLAN 2012/13 REFRESH

Councillor Westley introduced the report of the Managing Directors which sought approval for the adoption of the "Business Plan 2012/13 Refresh" (Appendix A).

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 "Business Plan 2012/13 Refresh" (Appendix A) be approved and adopted by Council.
- B. That authority be given to the Managing Director (Transformation) to make any final amendments to the document, prior to publication.
- 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 2 February 2012.

103. CYCLE TO WORK SCHEME

Councillor Forshaw introduced the report of the Borough Planner which outlined proposals for the implementation of a Cycle to Work scheme.

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 Planner be authorised to implement a Cycle to Work scheme, utilising the Government's 'Cyclescheme' initiative and to take all necessary action relating thereto.
- B. That the Cycle to Work policy, eligibility criteria and implementation proposals, as set out in Appendix 1, be approved.

- C. That the Borough Treasurer be authorised to deal with the financial arrangements of a Cycle to Work Scheme and to take all necessary action relating thereto.

104. SKELMERSDALE & UPHOLLAND DEMAND RESPONSIVE TRANSPORT SYSTEM

Councillor Forshaw introduced the report of the Borough Planner which advised Members of the progress made regarding provision of a demand responsive transport system linking residential and employment areas in Skelmersdale and Up Holland, and sought approval for a pilot scheme funded through S106 commuted sums.

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 authority be given to the Borough Planner to:-

- (i) pilot a scheme to provide a demand responsive transport system to operate initially for 9 months with a review after 6 months linking residential and employment areas in Skelmersdale and Up Holland utilising S106 funds and to take all action necessary in relation to the scheme and
 - (ii) enter into a Service Level Agreement (SLA) with Lancashire County Council to ensure that formal agreement is in place regarding LCC's role in operating this service including how S106 money will be transferred to LCC to operate this service.
- B. That the results of the pilot scheme be subject of a further report to Cabinet after the 6 month review.

105. SELECTIVE HMO LICENSING

Councillor Mrs Hopley introduced the report of the Assistant Director Community Services which provided Members with an understanding of the Selective Licensing process for houses in multiple occupation (HMO) together with the reasons for the preferred Landlord Accreditation Scheme.

Councillor Mrs. Hopley proposed that this item be referred to Executive Overview and Scrutiny Committee for comments prior to Cabinet making a decision.

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

RESOLVED: That this report be submitted to the next meeting of the Executive Overview and Scrutiny Committee on 2 February 2012 for agreed comments and then referred back to the next meeting of Cabinet with any comments for decision.

106. ORMSKIRK MOTOR FESTIVAL

Councillor Forshaw introduced the report of the Assistant Director Community Services in which he sought funding for the running of a second MotorFest event organised and managed by the Aintree Circuit Club in Ormskirk Town Centre in 2012.

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 sponsorship of up to £17,500 for a second MotorFest event in 2012 be funded from contingencies, offset appropriately by commercial sponsorship or other income generated by the event.
 - B. That the Assistant Director Community Services, in consultation with the Portfolio Holders for Planning & Technical Services and Health & Leisure be given delegated authority to approve a suitable date in 2012 for the holding of the event by Aintree Circuit Club and to make all appropriate arrangements as necessary.
 - C. That a full assessment be made after the running of the second MotorFest event as to the feasibility of running future events.

107. ALT CROSSENS: DRAFT FLOOD RISK MANAGEMENT STRATEGIC PLAN - INITIAL CONSULTATION - REFERRAL FROM COUNCIL

Councillor Forshaw introduced the report of the Borough Solicitor which referred the report of the Assistant Director Community Services from Council at its meeting held on 14 December 2011 'Alt Crossens: Draft Flood Risk Management Strategic Plan – Initial Consultation' to this meeting. The consultation document had also been submitted to Planning Committee, at its meeting on 12 January 2012, for comment.

A copy of Minute No. 74 of Planning Committee held on 12 January 2012 was circulated.

Councillor Forshaw circulated a motion which was seconded which sought amendments to the consultation response set out in Appendix B.

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

- RESOLVED:
- A. That the report of the Assistant Director Community Services and the comments of Planning Committee attached as Appendix A and C respectively, be noted.
 - B. That the consultation response set out in Appendix B be endorsed, subject to:
 - i) deletion of the following paragraph as set out on the 3rd bullet point on page 1341 of the Book of Reports:

“It is therefore unlikely that any of the proposed recommendations will impact adversely on the delivery of the new Local Plan for West Lancashire, however, the specific localised needs in parts of Banks and for the western parishes of the Borough may be impeded as a result of the potential effects.” and

ii) substitute “insist” for “advocate” – paragraph 1 – page 1342 of the Book of Reports

C. That call-in is not appropriate for this item as the deadline for the consultation response is 31 January 2012.

108. WAR MEMORIAL, CORONATION PARK, ORMSKIRK

Councillor Grant introduced the report of the Assistant Director Community Services which detailed proposals from the Custodian Trustees of Ormskirk Comrades Club to relocate the War Memorial to Coronation Park, Ormskirk.

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 proposal from the Custodian Trustees to relocate the Comrades Club War Memorial to Coronation Park Ormskirk be accepted
 - B. That the Assistant Director Community Services be authorised to finalise the location of the War Memorial
 - C. That the Assistant Director Community Services be authorised to finalise the valuation of the commuted sum and to enter into all necessary agreements to secure the payment.
 - D. That the Assistant Director Community Services be authorised to take all necessary action, obtain all necessary permissions and consents and to enter into all necessary documentation to enable the relocation of the War Memorial.

Note: Councillors Fowler and Westley declared personal and prejudicial interests in this item and were absent from the meeting during its consideration.

109. DRAFT REVENUE BUDGET 2012-2013

Councillor Westley introduced the report of the Borough Treasurer which provided a summary on the current budget position.

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 for 2012-13 and later years be noted.
 - B. That the Portfolio Holder for Resources and Transformation be given delegated authority to submit firm proposals to Council on 29 February 2012 to enable the budget to be set.
 - C. That call-in is not appropriate for this item as it is to be submitted to the Executive Overview and Scrutiny Committee on 2 February 2012.

110. MEDIUM TERM CAPITAL PROGRAMME

Councillors Westley and Owens introduced the report of the Borough Treasurer which set out a number of options for determining the medium term capital programme in the context of the current difficult financial environment.

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 medium term financial position be noted.
 - B. That the Portfolio Holder for Resources and Transformation be given delegated authority to submit firm proposals to Council on 29 February 2012 to enable the capital programme to be set.
 - C. That call-in is not appropriate for this item as it is to be submitted to the Executive Overview and Scrutiny Committee on 2 February 2012.

111. FEES AND CHARGES POLICY

Councillor Westley introduced the report of the Borough Treasurer which detailed proposals for the introduction of a new Fees and Charges Policy.

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 Fees and Charges Policy set out in Appendix 1 to the report be approved.

112. QUARTERLY PERFORMANCE INDICATORS (JULY 2011 TO SEPTEMBER 2011)

Councillor Westley introduced the report of the Transformation Manager which detailed performance monitoring data for the quarter ended 30 September 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 performance against the indicator set for the quarter ended 30 September 2011 be noted.
- B. That call-in is not appropriate for this item as the report is to be submitted to the next meeting of the Corporate Overview and Scrutiny Committee on 1 March 2012.

113. ESTATE MANAGEMENT POLICY

Councillor Mrs Hopley introduced the report of the Assistant Director Housing and Regeneration which presented an Estate Management Policy for adoption.

A copy of Minute No. 60 of Landlord Services Committee (Cabinet Working Group) held on 11 January was circulated, endorsing the recommendation.

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 implementation of the Estate Management Policy attached at Appendix A to the report be agreed.

114. HOUSING SERVICE IMPROVEMENT PLAN

Councillor Mrs. Hopley introduced the report of the Assistant Director Housing and Regeneration which explained the arrangements for the scrutinising and monitoring of the Housing Service Improvement Plan.

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 no further monitoring reports in relation to the Housing Service Improvement Plan be submitted to Cabinet.
- B. That any residual work from the Service Improvement Plan together with the work that has been identified by the Peer Review, plus further areas of improvement identified, be built into the Service Action Plans for the Housing and Regeneration Service.
- C. That call-in is not appropriate as the report will be presented to the Corporate Overview and Scrutiny Committee on 1 March 2012.

115. SKELMERSDALE TOWN CENTRE REGENERATION - PROGRESS IN 2010 AND 2011

Councillor Grant introduced the report of the Executive Procurement and Projects Manager which summarised the progress made in respect of the Skelmersdale Town Centre Regeneration Project during the two year period (2010-11) and sought delegations in order for the project to progress.

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 'way-forward' as outlined in Section 11 to the report be endorsed.
 - B. That delegated authority be given to the Managing Director (Transformation) in consultation with the Leader and Portfolio Holder for Housing (Finance), Regeneration and Estates to negotiate and agree amendments to the Skelmersdale Town Centre Development Agreement to allow the construction of new office facilities for the Co-operative Bank. That delegation to include the obtaining/granting of all licences, easements, permissions and all other matters necessary to facilitate the development.
 - C. That delegated authority be given to the Managing Director (Transformation) in consultation with the Leader and Portfolio Holder for Housing (Finance) and Regeneration, to negotiate and enter into necessary agreements to allow the exit of the Co-operative Bank Plc from Delf House.
 - D. That delegated authority be given to the Managing Director (Transformation), in consultation with the Leader and the Portfolio Holder for Housing (Finance) and Regeneration, to identify an acceptable phased town centre development as outlined in paragraph 5.5 of the report and to negotiate and agree amendments to the Skelmersdale Town Centre Development Agreement to allow its construction. That delegation to include the obtaining/granting of all licences, easements, permissions and all other matters necessary to facilitate the development.

116. ASSOCIATION OF RETAINED COUNCIL HOUSING (ARCH)

Councillor Mrs Hopley introduced the report of the Assistant Director Housing and Regeneration which explained the changes the Association of Retained Council Housing (ARCH) would be making to its governance and structural arrangements and the requirement for the Council to nominate Directors to the Board if it wishes to retain ARCH Executive status.

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 becomes a member of the Association of Retained Council Housing (ARCH) Ltd. (a company limited by guarantee).
 - B. That the Portfolio Holder for Landlord Services and Community Safety and the Assistant Director of Housing and Regeneration become Directors of ARCH Ltd.
 - C. That in accordance with S323(1) of the Companies Act 2006 the Council authorises the Portfolio Holder for Landlord Services and Community Safety and the Assistant Director Housing and Regeneration, or their substitutes, to be the Council's representatives at any meeting of ARCH and execute voting rights on behalf of the Council.

117. PROCUREMENT OF REPAIRS APPOINTMENTS SYSTEM

Councillor Owens introduced the report of the Assistant Director Housing and Regeneration which provided an update of the current position in relation to the development of a repairs appointment system.

The Assistant Director Housing and Regeneration circulated additional information and revised recommendations.

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

- RESOLVED:
- A. That the background and current position regarding development of a repairs appointments system be noted.
 - B. That £48,000 for the delivery of a repairs appointment system utilising One-Connect Ltd. in partnership with EPIX systems Ltd., be approved from the HRA Specified Reserve and that all matters necessary to facilitate the development and procurement of this system be undertaken by the Assistant Director Housing and Regeneration.
 - C. That call in is not appropriate for this item as the matter is one requiring urgent action.

118. HOUSING REVENUE ACCOUNT (HRA) BUSINESS PLAN

Councillors Mrs Hopley introduced the report of the Assistant Director Housing and Regeneration which advised of the current position on business planning for the Housing Revenue Account (HRA) including available options.

A copy of Minute No. 61 of Landlord Services Committee (Cabinet Working Group) held on 11 January was circulated.

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

- RESOLVED:
- A. That the current position be noted.
 - B. That the information in this report be used for consultation purposes prior to Council considering this matter in February.
 - C. That the Housing Finance Portfolio Holder be given authority to bring proposals to the Council meeting on 29th February 2012 for the Housing Revenue Account Business Plan and the budget for 2012/13 as a minimum.
 - D. That call-in is not appropriate as the matter will be considered by the Executive Overview and Scrutiny Committee on 2 February 2012.

119. REINVIGORATING THE RIGHT TO BUY AND ONE FOR ONE REPLACEMENT – CONSULTATION

Councillor Mrs Hopley introduced the report of the Assistant Director Housing and Regeneration which sought views on the proposed response to the above-mentioned consultation paper which has been issued by the Government.

A copy of Minute No. 62 of Landlord Services Committee (Cabinet Working Group) held on 11 January was 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 response at Appendix A to the consultation concerning Reinvigorating the Right to Buy and One for One Replacement, be approved.
 - B. That the Assistant Director Housing and Regeneration in consultation with the relevant Portfolio Holders be authorised to amend the response at Appendix A in the light of any agreed comments made by the Executive Overview and Scrutiny Committee at its meeting on 2 February 2012.
 - 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 2 February 2012.

120. 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 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.

121. MATTERS REQUIRING DECISIONS

Consideration was given to reports relating to the following matters requiring decisions as contained on pages 1301 to 1327 of the Book of Reports:

122. STRATEGIC ASSET MANAGEMENT PROJECT

Councillor Owens introduced the report of the Assistant Director Housing and Regeneration which provided an update on the progress of the Strategic Asset Management Project, advised on the outcomes of the Birch Green and Wrightington Wards and sought authority to dispose of assets.

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

- RESOLVED: A. That the contents of the report, including the work undertaken by officers to date, and the progress on the assets previously identified for disposal be noted.
- B. That the Borough Economic Regeneration and Strategic Property Officer be authorised to take the actions recommended in Appendices A and B in relation to the 115 sites in Birch Green ward and the 24 sites in Wrightington ward, together with Elmers Green which is an opportunity site.
- C. That the Borough Economic Regeneration and Strategic Property Officer be authorised to dispose of all of the sites marked in bold with an * in Appendix A, together with land at Elmers Green, as referred to in paragraph 4.4 of the report on the attached plan.

123. FURTHER UPDATE ON SHOPMOBILITY LTD. ORMSKIRK

Councillor Owens introduced the report of the Assistant Director Housing and Regeneration which detailed the current position regarding the Shopmobility tenancy on the unit located in the Two Saints Place Car Park, Ormskirk.

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

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- RESOLVED: A. That the contents of the report be noted.
- B. That the Borough Economic Regeneration & Strategic Property Officer continue to negotiate the terms, conclude and enter into the lease with Shopmobility at Two Saints Car Park, at market rent under her delegated authority.
- C. That Shopmobility be permitted to hold over on the existing terms and conditions for a period up to 30 April 2012, or such other period as agreed by the Borough Economic Regeneration & Strategic Property Officer in consultation with the Portfolio Holder for Housing (Finance), Regeneration and Estates.

LEADER