

CABINET

HELD: 10 NOVEMBER 2015
Start: 7.30pm
Finish: 8.00pm

PRESENT:

Councillor: I Moran (Leader of the Council, in the Chair)

Councillors: Portfolio

Y Gagen	Deputy Leader of the Council & Leisure
J Hodson	Planning
J Patterson	Housing and Landlord Services
K Wilkie	Street Scene
K Wright	Health and Community Safety
C Wynn	Finance

In attendance:
Councillors Oliver, Pendleton

Officers: Managing Director (Transformation) (Ms K Webber)
Assistant Director Community Services (Mr D Tilleray)
Assistant Director Housing & Regeneration (Mr B Livermore)
Borough Treasurer (Mr M Taylor)
Borough Solicitor (Mr T Broderick)
Strategic Planning & Implementation Manager (Mr P Richards)
Principal Member Services Officer (Mrs S Griffiths)

47. APOLOGIES

Apologies for absence were submitted on behalf of Councillor Aldridge and the Managing Director (People and Places).

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

There were no items of special urgency.

49. DECLARATIONS OF INTEREST

Councillor Patterson declared the following interests:-

- a disclosable pecuniary interest in item 5(l) Pay to Stay: Fairer Rents in Social Housing – Consultation as a tenant of the Council. She left the room during consideration of this item.
- a disclosable pecuniary interest in items 5(j) HRA Budget Monitoring Position and 5(k) Sale of High Value Council Houses as a tenant of a Council house but by virtue of a dispensation, was able to remain in the meeting and speak and vote on these items.

50. MINUTES

RESOLVED That the minutes of the Cabinet meeting held on 15 September 2015 be approved as a correct record and signed by the Leader.

51. MATTERS REQUIRING DECISIONS

Consideration was given to the report relating to the following matters requiring decisions as contained on pages 769 to 1258 and 1265 to 1384 of the Book of Reports.

52. NEW ALLOTMENTS IN SKELMERSDALE

Councillor Gagen introduced the report of the Assistant Director Community Services which provided an update on progress in relation to the establishment of new allotments in Skelmersdale and sought approval for the proposed implementation timetable, method of management, designation and allocation of plots.

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 construction of a new allotment site off Marland, Ashurst be approved subject to planning consent being obtained.
- B. That the process of devolved management be supported and the Assistant Director Community Services be authorised to take all necessary steps and obtain all necessary consents to enter into negotiations with Skelmersdale Horticultural Society to take on a management agreement for the site.
- C. That the new allotment site be designated a “statutory” allotment and the Assistant Director Community Services be authorised to take all necessary steps and obtain any necessary consents to undertake this designation.
- D. That the works to extend the Digmaor allotment site be approved.

53. LOCAL GOVERNMENT DECLARATION ON TOBACCO CONTROL

Councillor Wright introduced the report of the Assistant Director Community Services which sought approval for the Council to become a signatory to the Local Declaration on Tobacco Control.

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

RESOLVED That the Council become a signatory to the Local Declaration on Tobacco Control.

54. USE OF SECTION 106 MONIES IN AUGHTON PARK

Councillor Gagen introduced the report of the Assistant Director Community Services which considered proposals for the use of Section 106 monies received from housing developers for the enhancement of public open space and recreation provision in Aughton Park.

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

RESOLVED That the use of S106 monies for the enhancement of the existing play area at Redsands Park, Aughton be approved and the sum of up to £5,539 be made available for this project.

55. REVISED ANTI-SOCIAL BEHAVIOUR POLICY

Councillor Wright introduced the report of the Assistant Director Community Services which sought approval for a revised Anti-Social Behaviour (ASB) Policy.

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 ASB policy, included as appendix 1 to the report, be approved.

B. That the Assistant Director Community Services, in consultation with the relevant Portfolio Holder, be granted delegated authority to approve any future minor changes to the policy that do not affect service delivery.

56. REVIEW AND UPDATE OF WEST LANCASHIRE'S LIST OF LOCALLY IMPORTANT BUILDINGS

Councillor Hodson introduced the report of the Assistant Director Planning which provided an update on the recent review of the Council's List of Locally Important Buildings (Local List) and sought approval for the updated list.

The Assistant Director Planning circulated a revised version of Appendix A.

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

RESOLVED A. That the revised List of Locally Important Buildings set out in the revised Appendix A to the report be approved.

B. That the Assistant Director Planning be authorised, in consultation with the Portfolio Holder, to make the necessary arrangements to publish the revised 'Local List', and notify any property owners affected by the changes.

- C. That the Assistant Director Planning be authorised, in consultation with the relevant Portfolio Holder, to make any necessary amendments to the 'Local List' that reflect future changes to buildings identified on the list.

57. PREFERRED OPTIONS FOR THE PROVISION FOR THE TRAVELLER SITES DEVELOPMENT PLAN DOCUMENT

Councillor Hodson introduced the report of the Assistant Director Planning which sought approval for public consultation on the preferred options for the Provision for Traveller Sites Development Plan Document, attached as Appendix A to the report.

He confirmed that Appendix 1 to Appendix A that had been circulated via e-mail and that this had been made available on the Council's website.

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

- RESOLVED
- A. That the preferred options for the Provision for Traveller Sites Development Plan Document ('Traveller Sites DPD') at Appendix A be approved for public consultation, subject to any amendments made by the Assistant Director Planning in consultation with the relevant Portfolio Holder, following consideration of the Traveller Sites DPD by Planning Committee and Executive Overview and Scrutiny Committee, as per B. below.
 - B. That the Assistant Director Planning be authorised, in consultation with the relevant Portfolio Holder, to make any necessary amendments to the Traveller Sites DPD in the light of agreed comments from Planning Committee and Executive Overview & Scrutiny Committee, before the document is published for consultation.
 - C. That call-in is not appropriate for this item as this report is being submitted to Executive Overview & Scrutiny Committee on 26 November 2015.

58. DRAFT LOCAL DEVELOPMENT ORDERS FOR SITES AT FINDON FORMER DIGMOOR SPORTS CENTRE, AND DELF CLOUGH, SKELMERSDALE

Councillor Hodson introduced the report of the Assistant Director Planning which sought approval for public consultation on the draft Local Development Orders associated with the sites at Findon, the former Digmoor Sports Centre site and Delf Clough, Skelmersdale.

The Assistant Director Planning circulated revised Appendices A, B and C to the report and revised recommendations.

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

- RESOLVED
- A. That the draft Local Development Orders (provided at revised Appendices A–C), Statement of Reason and Design Code (provided at Appendices D & E) be approved for public consultation, subject to any amendments made by the Assistant Director Planning in consultation with the Portfolio Holder, as per B. below.
 - B. That the Assistant Director Planning be authorised, in consultation with the Portfolio Holder, to make any necessary amendments to the draft Local Development Orders and associated documents in the light of agreed comments from Planning Committee before the document is published for consultation.
 - C. That call-in is not appropriate for this item as this matter is one where urgent action is required because consultation on the draft Local Development Orders must commence on 19th November 2015 in order that the Local Development Orders can be refined and adopted by 31st March 2016, in line with the requirements of the CLG funding received to support preparation of the Local Development Orders.

59. THE DUTY TO CO-OPERATE AND A LIVERPOOL CITY REGION STRATEGIC HOUSING & EMPLOYMENT LAND MARKET ASSESSMENT

Councillor Hodson introduced the report of the Assistant Director Planning which provided an update on proposals for a Liverpool City Region Strategic Housing & Employment Land Market Assessment in order to provide a key evidence base document for all Local Plans in the Liverpool City Region (including West Lancashire) and sought agreement to a Memorandum of Understanding with the Liverpool City Region authorities on this matter.

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

- RESOLVED
- That the Portfolio Holder for Planning be authorised to enter into a Memorandum of Understanding (provided in draft at Appendix A) with the Liverpool City Region authorities in order to support the preparation of a Liverpool City Region Strategic Housing and Employment Land Market Assessment, subject to the Assistant Director Planning being satisfied as to the costs of, and funding for, the Assessment.

60. REVISED CAPITAL PROGRAMME AND MID YEAR REVIEW 2015-2016

Councillor Wynn introduced the report of the Borough Treasurer which sought agreement of a revised Capital Programme for 2015/2016 and provided an overview on the progress against it at the mid year point.

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 Revised Capital Programme, including the re-profiling, virements and budget adjustments contained within Appendix A, 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 26 November and Council on 16 December 2015.

61. HRA BUDGET MONITORING POSITION

Councillor Patterson introduced the joint report of the Assistant Director Housing and Regeneration and the Borough Treasurer which provided a projection of the financial position on the Housing Revenue Account (HRA) and the Housing Capital Investment Programme to the end of the financial year and sought agreement to a number of budget changes.

Minute no. 30 of the Landlord Services Committee (Cabinet Working Group) held on 4 November 2015 was circulated at the meeting.

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 progress against the HRA and the Capital Investment Programme budgets be noted.
 - B. That the revised Capital Investment Programme including the re-profiling, virements and budget adjustments contained in Appendix A be approved for consideration by Council.
 - 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 26 November 2015.

62. SALE OF HIGH VALUE COUNCIL HOUSES

Councillor Patterson introduced the report of the Assistant Director Housing and Regeneration which provided an update on Government proposals to force Councils to sell "high value" Council houses upon them becoming empty, and sought authority to progress with sales prior to the legislation being introduced.

Minute no. 28 of the Landlord Services Committee (Cabinet Working Group) held on 4 November 2015 was circulated at the meeting.

A motion from Councillor Patterson was circulated at the meeting.

In reaching the decision below, Cabinet considered the minute of the Landlord Services Committee (Cabinet Working Group), the motion from Councillor Patterson and the details set out in the report before it and accepted the reasons contained therein.

- RESOLVED
- A. That this item be referred to the Executive Overview and Scrutiny Committee on 26 November 2015 and that any agreed comments arising therefrom be submitted to Cabinet on 12 January 2016 together with this report for further consideration.
 - B. That call-in is not appropriate for this item as it is being considered by the Executive Overview and Scrutiny Committee on 26 November 2015.

63. PAY TO STAY - FAIRER RENTS IN SOCIAL HOUSING - CONSULTATION

Councillor Moran introduced the report of the Assistant Director Housing and Regeneration which considered the Council's proposed response to the Department for Communities and Local Government (DCLG) consultation on Pay to Stay – Fairer Rents in Social Housing.

Minute no. 29 of the Landlord Services Committee (Cabinet Working Group) held on 4 November 2015 was circulated at the meeting.

A motion from Councillor Moran was circulated at the meeting.

In reaching the decision below, Cabinet considered the minute of the Landlord Services Committee (Cabinet Working Group), the motion from Councillor Moran and the details set out in the report before it and accepted the reasons contained therein.

- RESOLVED
- A. That the report be referred to the Executive Overview and Scrutiny Committee on 26 November 2015 with a request that any agreed comments from the Committee be submitted to the Assistant Director Housing and Regeneration
 - B. That the Assistant Director of Housing and Regeneration write to the Department for Communities and Local Government (DCLG) and advise them that this Council's response to the Consultation paper will be provided after the closing date (20 November 2015) and request that this receive consideration.
 - C. That the Assistant Director Housing and Regeneration be given delegated authority, in consultation with the relevant Portfolio Holder, to finalise the submission to the DCLG on the Pay to Stay consultation paper after having regard to any agreed comments by the Executive Overview and Scrutiny Committee.

- D. That call-in is not appropriate for this item as the matter is one where urgent action is required to provide the response at B above, and the report is being submitted to the Executive Overview and Scrutiny Committee on 26 November 2015.

(Note: Councillor Patterson declared a Disclosable Pecuniary Interest and left the meeting during consideration of this item.)

64. PUBLIC INVOLVEMENT AT MEETINGS DRAFT PROTOCOL

Councillor Moran introduced the report of the Borough Solicitor which considered the extension of public speaking at meetings by way of an agreed Protocol.

A motion from Councillor Moran was circulated at the meeting.

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

RESOLVED That the agreed comments to Council be “that the recommendations as set down at paragraphs 4.1, 4.2, 4.3, 4.4(a) and 4.5 of the report be supported”.

65. REGULATION OF INVESTIGATORY POWERS ACT - ANNUAL SETTING OF THE POLICY AND REVIEW OF USE OF POWERS

Councillor Moran introduced the report of the Borough Solicitor which reported upon the Council’s use of its powers under the Regulation of Investigatory Powers Act 2000 (RIPA) and presented a revised RIPA policy document.

A revised Appendix 3 (to Appendix 1) and a revised recommendation were circulated by the Borough Solicitor.

In reaching the decision below, Cabinet considered the revised Appendix 3 (to Appendix 1), the revised recommendation and the details set out in the report before it and accepted the reasons contained therein.

RESOLVED That the revised RIPA Policy document be approved subject to the inclusion of the replacement version of Appendix 3 (to Appendix 1) to the report.

66. CHEQUER LANE PLAYING FIELDS

Councillor Gagen introduced the joint report of the Assistant Director Community Services and the Assistant Director Housing and Regeneration which considered requests from local football teams for agreements to secure the use of land at Chequer Lane Playing Field as football pitches.

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 proposal to enter into a licence agreement with Skelmersdale United Youth Academy to use the land at Chequer Lane, Up Holland, shown at appendix 1 as football pitches, be approved.
 - B. That the entering into a lease arrangement with Skelmersdale United Youth Academy for a new changing pavilion on the site on the location of the old changing rooms, be approved in principle subject to planning consent being obtained.
 - C. That the above agreement to include community use agreements to allow Skem Men-Aces the use of a pitch and the changing pavilion.
 - D. That the Assistant Director Community Services be authorised to take all necessary steps to establish the agreements with Skelmersdale United Youth Academy, subject to all necessary consents and approvals being obtained.

67. EXCLUSION OF PRESS AND PUBLIC

RESOLVED That under Section 100A(4) of the Local Government Act 1972, the public be excluded from the meeting during consideration of the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A of that Act and as, in all the circumstances of the case, the public interest in maintaining the exemption under Schedule 12A outweighs the public interest in disclosing the information.

68. MATTER REQUIRING DECISION

Consideration was given to the report relating to the following matter requiring a decision as contained on pages 1259 – 1263 of the Book of Reports.

69. REBUILD UNITS 34-36 GORSEY PLACE, SKELMERSDALE

Councillor Moran introduced the report of the Assistant Director Housing and Regeneration which advised on the current position in relation to the above units following fire damage to the premises.

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

RESOLVED That the Assistant Director Housing and Regeneration be authorised to take all necessary steps to rebuild and refurbish units 34 and 36 Gorsey Place using the insurance payments where possible, supplemented by the CRA reserves if necessary as detailed in section 5 of the report.

(Note: No representations had been received in relation to the above item being considered in private.)

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LEADER