

AGENDA ITEM: 8

CABINET

HELD: 17 JUNE 2008

Start: 7.30pm

Finish: 8.45pm

PRESENT:

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

Councillors		<u>Portfolio</u>
	Forshaw	Planning and Transportation
	Greenall	Street Scene Management
	Hammond	Community Services and Health
	Mrs Hopley	Housing
	Owens	Deputy Leader & Regeneration and Planning
	Westley	Finance and Performance Management

In attendance	Mrs Blake	Griffiths
Councillors:	Cropper	McKay
	Fowler	R Pendleton
	Furey	Rice

Officers

- Chief Executive
- Deputy Chief Executive
- Council Secretary and Solicitor
- Assistant Chief Executive
- Executive Manager Housing and Property Maintenance Services
- Executive Manager Regeneration and Estates
- Head of Leisure and Cultural Services
- Chief Accountant
- Planning Policy Manager
- Local Development Framework Project Manager
- Assistant Member Services Manager

1 APOLOGIES

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

2 URGENT BUSINESS

There were no items of urgent business.

3 DECLARATIONS OF INTEREST

A Councillor Hammond declared a personal and prejudicial interest in item 5(7) – ‘West Lancashire Community Leisure Trust’ as he is appointed to the Trust by the Council as a Director.

B Councillor Westley declared a personal interest in item 5(15) – ‘West Lancashire Enterprise Hub’ as two Management Committee members of the Hub are known to him.

4 MINUTES

RESOLVED: That the minutes of the meeting of the Cabinet held on 1 April 2008 be approved as a correct record and signed by the Leader.

5 MATTERS REQUIRING DECISIONS

The Cabinet agreed to vary the order of business to enable the following reports, in relation to matters requiring a decision from the Cabinet, to be considered first:

Item	Subject	Pages
5(5)	Skelmersdale Town Centre Supplementary Planning Document and Masterplan	87 to 308
5(6)	Skelmersdale Town Centre – Firbeck & Findon Resident Consultation	309 to 324
5(18)	Arson Attacks – New Church Farm	520a to 520(v)
6	Exclusion of Press and Public	
7(2)	Selection of Housing Management Software Provider	529 to 542
7(1)	Disposal of Land Adjoining Burscough Football Club	521 to 528
7(3)	Industrial Units at Greenhey Place, Skelmersdale	543 to 546

Consideration was then given to the remaining reports in relation to matters requiring a decision from the Cabinet, as contained on pages 3 to 520 of the Book of Reports.

6 RESULTS OF CONSULTATION EXERCISE: CLEAN NEIGHBOURHOODS & ENVIRONMENT ACT 2005

Councillor Hammond introduced the report of the Executive Manager Community Services, which outlined the results of a consultation exercise undertaken in relation to the designation of Dog Control Orders.

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 Executive Manager Community Services, in consultation with the Council Secretary and Solicitor, be authorised to make a Dog Control Order requiring dogs to be kept on a lead in the terms set out in the Schedule to the Order previously published, i.e. for all carriageways in the West Lancashire District Council area (either public or to which the public have access with or without payment) with a speed limit of 40mph or greater (and adjoining footways, cycle paths and verges).

- B That with regard to the Dog Control Order for the “enclosed children’s play areas”, listed and described in paragraph 3.1 of the report, delegated authority be granted to the Executive Manager Community Services, in consultation with the Council Secretary and Solicitor, to make the Order in the terms set out in the Schedule to the Order, i.e. excluding dogs from entering such land, apart from the play area located at Station Road, Hesketh with Becconsall, provided that the Executive Manager Community Services, in consultation with the Council Secretary and Solicitor, is not satisfied as to the “footpath rights” as regards to the play area located at Station Road, Hesketh with Becconsall, as considered at paragraphs 4.4 – 4.7 of the report.

7 FOOD SERVICE ACTION PLAN 2008-09

Councillor Hammond introduced the report of the Executive Manager Community Services which sought agreement to the proposed Food Service Plan for 2008/2009.

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 Food Service Plan for 2008/2009, attached as an Appendix to the report, be approved.

8 ALLOTMENT AGREEMENTS

Councillor Hammond introduced the report of the Executive Manager Community Services which sought approval for the formulating and issuing of agreements for societies, groups and individuals to use Council owned allotments to be included within the Scheme of Delegation to Chief Officers.

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 Executive Manager Community Services be given delegated authority, in consultation with the Portfolio Holder for Community Services and Health, to review the existing allotment agreements, and implement new agreements, including the revocation/variation of existing allotment rules and authorisations.

- B That the issuing of agreements for societies, groups and individuals to use Council owned allotments is included within the Scheme of Delegation to Chief Officers, under the delegated powers available to the Executive Manager Community Services.

9 USE OF COMMUTED SUMS FOR ENHANCED TRANSPORT PROVISION IN SKELMERSDALE/UP HOLLAND

Councillor Forshaw introduced the report of the Council Secretary and Solicitor which advised of the outcome of the Planning Committee’s consideration, at its meeting held

on 22 May 2008, of a report of the Executive Manager Planning and Development Services on the use of commuted sums for enhanced transport provision in Skelmersdale/Up Holland.

The report of the Executive Manager Planning and Development Services, attached as an Appendix, considered how the commuted sums received or due to be received from Section 106 Agreements for accessing sites by alternative means of transport to the car should be used.

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 decision whether to use the commuted sums of £51,550 from the Metier Site Phase 1, £25,000 from Proctor Gamble and £5000 from KRM, Pimbo Lane to create the three cycle/pedestrian routes referred to in paragraphs 7.1 and 7.2 of the report attached as an appendix, be delegated to the Executive Manager Planning and Development Services in consultation with the relevant Portfolio Holder, subject to the views of Planning Committee being taken into account.
- B That delegated authority be given to the Executive Manager Planning and Development Services in consultation with the relevant Portfolio Holder to agree the final designs and appoint contractors for the three schemes referred to in paragraphs 7.1 and 7.2 of the report attached as an appendix, subject to the views of Planning Committee being taken into account in relation to the final designs.
- C That a further report be brought back to Cabinet in respect of the demand responsive bus service when more details are available.

10 SKELMERSDALE TOWN CENTRE SUPPLEMENTARY PLANNING DOCUMENT AND MASTERPLAN

Councillor Forshaw introduced the report of the Council Secretary and Solicitor which advised of the decision of the Executive Overview and Scrutiny Committee meeting held on 5 June 2008 to forward comments to Cabinet in respect of the report of the Executive Manger Planning and Development Services on the Draft Skelmersdale Town Centre Supplementary Planning Document and Masterplan.

The report of the Executive Manager Planning and Development Services, attached as an appendix to the report, detailed the results of the consultation exercise on the draft Skelmersdale Town Centre SPD and sought agreement to the responses provided to the comments made during the consultation exercise and any appropriate changes and subsequent adoption of the Skelmersdale Town Centre SPD and accompanying Sustainability Appraisal and Habitats Regulations Assessment Screening.

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

- RESOLVED: A That the late comments received from Lancashire County Council (Strategic Planning Authority), West Lancashire Civic Trust, Co-operative Bank and Mr Paul Dickie, be accepted.
- B That the responses, detailed in the Appendices, to all the comments made on the Supplementary Planning Document (SPD), Sustainability Appraisal and Habitats Regulations Assessment be agreed and the appropriate changes be made to these documents.
- C That any final changes to be made to the SPD document, the Sustainability Appraisal and the Habitats Regulation Assessment, as detailed in Appendices 2, 4 and 5, be delegated to the Executive Manager Planning and Development Services, in consultation with the Portfolio Holder.
- D That the Skelmersdale Town Centre SPD be adopted on a date to be agreed by the Executive Manager Planning and Development Services, in consultation with the Portfolio Holder, following the completion of all the changes to the document.
- E That, with regard to the views of the Executive Overview and Scrutiny Committee,
- (i) it be made clear that any new link road proposal should be demonstrated not to sever the important thoroughfare from the Concourse, and the SPD Masterplan document be amended accordingly.
 - (ii) the principle that current sports facilities remain open until the new sports facility is opened, be endorsed, unless this is not possible, either practically or financially.
 - (iii) a presentation be made to all Members of Council on the Development Agreement between the partners in relation to Skelmersdale Town Centre.
- F That paragraph 5.12 of the SPD Masterplan be amended to read:
- “The District Council will therefore support proposals for a new foodstore in the town centre, particularly where the retail offer compliments the Council’s priority to deliver a new High Street and the existing offer within the Concourse Centre. As shown on the Masterplan diagram, any new foodstore should be located adjacent to and integrated with the Concourse Centre. This will help reinforce the Concourse and the eastern end of the town centre. It is important that the eastern end of the town centre is anchored by such a development and integration with the existing Concourse Centre would best achieve this.

- G That this item be not available for call in as the report has already been submitted to the Executive Overview and Scrutiny Committee.

(Note: This report was considered after agenda item 5 'Matters Requiring Decisions'.)

11 SKELMERSDALE TOWN CENTRE RE-DEVELOPMENT - FIRBECK AND FINDON RESIDENT CONSULTATION

Councillor Mrs Hopley introduced the report of the Executive Manager Housing and Property Maintenance Services which detailed results of a consultation exercise undertaken with residents of Firbeck and Findon as part of the wider Skelmersdale Town Centre Regeneration proposals.

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 be noted.

- B That this item be not available for call in as this report has already been submitted to the Executive Overview and Scrutiny Committee.

(Note: This report was considered after agenda item 5(5) Skelmersdale Town Centre Supplementary Planning Document and Masterplan.)

12 WEST LANCASHIRE COMMUNITY LEISURE TRUST

Councillor Grant introduced the report of the Executive Manager Community Services which sought approval for discussions to commence with the West Lancashire Community Leisure Trust in respect of the management and operation of the proposed new leisure centre in Skelmersdale and to explore options to provide additional facilities through the Trust partnership.

In reaching the decision below, Cabinet considered the details set out in the report before it and accepted the reasons contained in it, together with the fact that Councillor Hammond had a personal and prejudicial interest and would not be taking any further part in the matter.

RESOLVED: A That a Cabinet Working Group, comprising of the Leader, the Deputy Leader, the Portfolio Holders for Finance & Performance Management and Street Scene Management, be established to provide strategic direction to officers during the discussions with the Leisure Trust Partners.

- B That the terms of reference for the Cabinet Working Group be as follows:

- (i) To consider the financial and operational merits of a negotiated agreement with the West Lancashire Community Leisure Trust, extending the scope of leisure services provided by the Trust including the operational management of the proposed new wet and dry sport facility in Skelmersdale.
 - (ii) To report recommendations to Cabinet and Council.
- C That the Deputy Chief Executive be given delegated authority, in consultation with the Cabinet Working Group, to enter into negotiations with the West Lancashire Community Leisure Trust and the Trust Partners Serco Leisure Operating Limited.
- D That the Deputy Chief Executive be given delegated authority, in consultation with the Cabinet Working Group, to engage consultants and obtain expert legal and financial advice as appropriate, during negotiations with West Lancashire Community Leisure Trust and the Trust Partners Serco Leisure Operating Limited.
- E That financial support, allocated from contingencies, up to a maximum of £35,000, to support recruitment of specialist consultants, external legal advice and to undertake independent financial appraisals for VAT and tax, be approved.

(Note: Councillor Hammond declared a personal and prejudicial interest in this item and left the meeting room whilst it was under consideration.)

13 RAIL ROUTE UTILISATION STRATEGY (CONSULTATION DRAFT)

Councillor Forshaw introduced the report of the Executive Manager Planning and Development Services which detailed the content of Network Rail's Lancashire and Cumbria Route Utilisation Strategy (RUS), which sets out the strategic vision for the future improvement of the local rail network and provided an opportunity to express comments, and to request delegated authority to provide a response to Network Rail's consultation on the Lancashire and Cumbria RUS, in light of the comments in the report.

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 delegated authority be given to the Executive Manager Planning and Development Services, in consultation with the relevant Portfolio Holder, to respond to Network Rail's consultation regarding the draft Lancashire and Cumbria RUS, as outlined in Section 5 of the report.
 - B That the Executive Manager Planning and Development Services report back to keep members updated with the content of the final Lancashire and Cumbria RUS, and also on any future consultations on the draft Merseyside RUS in due course.

14 MARKET TOWNS INITIATIVE

Councillor Forshaw introduced the report of the Executive Manager Planning and Development Services which sought support for the proposed actions within the Market Towns Initiative Action Plans for Ormskirk and Burscough, subject to sufficient resources being available.

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 Market Towns Initiative Action Plans for Ormskirk and Burscough be endorsed, including assistance in implementing the proposed actions, subject to the availability of resources including external funding.

B That the members of the local groups and organisations that have contributed to the production of the Action Plans be thanked.

15 BURSCOUGH WHARF AND SURROUNDINGS

Councillor Forshaw introduced the report of the Executive Manager Planning and Development Services which considered the need for a planning brief for Burscough Wharf and the surrounding area.

Members were advised that Planning Committee considered the report at its meeting on 22 May 2008 and had recommended that the preparation of the planning brief be deferred.

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 preparation of a planning brief for Burscough Wharf and its surroundings be deferred pending a review of the Local Development Scheme.

16 ORGANISATIONAL RE-ENGINEERING UPDATE

Councillor Westley introduced the report of the Assistant Chief Executive which provided an update on all Organisational Re-engineering (OR) projects to date, together with progress on implementing those subsequent recommendations formally agreed. The report detailed the level of cash and efficiency savings resulting from OR, together with the service delivery and customer accessibility improvements identified as part of each project and sought agreement to changes to the original recommendations contained within the implementation plan of the Council Tax project.

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 and successful outcomes of each OR review to date, together with the subsequent cash and efficiency savings identified, be noted.

- B That the changes to those recommendations contained within Phase 2 of the implementation plan of the Council Tax project as detailed within section 4.1.3 of the report be approved.

17 QUARTERLY PERFORMANCE INDICATORS

Councillor Westley introduced the report of the Assistant Chief Executive which detailed the quarterly performance monitoring data for the quarter ended 31 March 2008.

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 overall trend of improvement shown by the performance indicator data for the quarter ended 31 March 2008 be noted.
 - B That the report be forwarded to the Internal Overview and Scrutiny Committee.
 - C That this item be not available for call in as the report is to be considered by the Internal Overview & Scrutiny Committee.

18 CORPORATE PERFORMANCE PLAN 2008/09

Councillor Westley introduced the report of the Assistant Chief Executive which set out the draft Corporate Performance Plan 2008/09 contained as Appendix A to the report and sought approval for the proposals for publishing statutorily required outturns as a separate document.

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 excellent progress made over the last year be noted and the contents of the Corporate Performance Plan be approved for publication in July 2008.
 - B That the intention to publish 2007/08 outturns for Best Value Performance Indicators and Local Performance Indicators as a separate (linked) document on the website at the end of June, as agreed by Council on 23 April, be noted.
 - C That the general trend of improvement in performance in 2007/08 as set out in Appendix B to the report be noted.
 - D That it be noted that a table of the new National Indicators WLDC will be required to report on together with any targets, has been published on the Council's website as shown in Appendix C to the report.
 - E That this item be not available for call in as the report is being referred to the Executive Overview and Scrutiny Committee.

**19 RURAL DEVELOPMENT PROGRAMME FOR ENGLAND (RDPE) 2007-2013
LANCASHIRE WEST LOCAL DEVELOPMENT STRATEGY (LDS)**

Councillor Owens introduced the report of the Executive Manager Regeneration and Estates which advised that a recent invitation had been received from the RDPE Regional Panel for the newly-formed Lancashire West Local Action Group, to submit a detailed Local Development Strategy (LDS) and to highlight the staff resource implications in further supporting the Group and preparing the Strategy on its behalf.

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 Council (as lead local authority) continue to support the Lancashire West Local Action Group (LAG) and provide appropriate officer support for the preparation of the Local Development Strategy (LDS) on behalf of the Group, up to the end of August 2008.

20 WEST LANCASHIRE SOCIAL ENTERPRISE HUB

Councillor Owens introduced the report of the Executive Manager Regeneration and Estates which provided a brief overview of the West Lancashire Social Enterprise Hub (The Hub) and sought to appoint a Council representative to serve on the Hub's Management Committee.

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 Executive Manager Regeneration and Estates or her representative be appointed to serve on the West Lancashire Social Enterprise Hub's Management Committee.

21 SKELMERSDALE VISION CONNECTING PEOPLE TO WORK

Councillor Owens introduced the report of the Executive Manager Regeneration and Estates which detailed progress made to date with regards to training and employment opportunities emerging from the 'Skelmersdale Vision' Regeneration Project and sought approval to accept public/private external funding, if offered, towards the cost of a fixed-term community regeneration post within the Regeneration and Estates Division.

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 Executive Manager Regeneration and Estates be given delegated authority to accept approximately £60,000 external funding, if offered, towards the costs of a fixed-term post to undertake community regeneration work.

- B That the Executive Manager Regeneration and Estates, in consultation with the appropriate Portfolio Holder be given delegated authority to negotiate for external funding and to administer successful external funding in respect of economic development and regeneration activity.

22 CONCESSIONARY TRAVEL - JOINT POOLING ARRANGEMENTS

Councillor Grant introduced the report of the Executive Manager Financial Services which provided an update in respect of the proposed joint pooling arrangements within the Lancashire Joint Concessionary Travel 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: That the Council negotiates joint pooling arrangements within the Lancashire Joint Concessionary Travel Scheme and the Executive Manager Financial Services exercise his delegated authority, in consultation with the Leader, in this regard, granted at Council on 27 February 2008.

23 ARSON ATTACKS - NEW CHURCH FARM

Councillor Mrs Hopley introduced the report of the Executive Manager Housing and Property Maintenance Services which detailed a number of arson attacks that have taken place in the New Church Farm area of Skelmersdale and provided a series of options to mitigate the risk posed to residents of any further incidents. The report sought authority to put in place a mechanism to identify a preferred option and requested authority to undertake consultation and implement any necessary actions.

The Cabinet was advised that any reference in the report to 'stakeholders' should read 'professional stakeholders'.

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 Executive Manager Housing and Property Maintenance Services be given delegated authority, in consultation with the Portfolio Holder for Housing, to undertake further consultation with residents and to review all associated risk assessments before identifying and implementing a preferred option from those listed in Appendix A to the report, in order to address the issues identified in paragraph 6.1.

- B That the Executive Manager Housing and Property Maintenance Services be given delegated authority, in consultation with the Portfolio Holder for Housing, to identify and implement a preferred option should further action be required following investigations into the properties referred to in paragraphs 6.3 and 6.6 of the report.

- C That Contract Procedure Rule No. 7 be waived to allow the Executive Manager Housing and Property Maintenance Services to negotiate a price with a suitable contractor to allow works on the preferred option to be completed as soon as possible.

(Note: This report was considered after item 5(6) Skelmersdale Town Centre – Firbeck and Findon Resident Consultation.)

24 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 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.

(Note: This item was considered after agenda item 5(18) Arson Attacks – New Church Farm.)

25 DISPOSAL OF LAND ADJOINING BURSCOUGH FOOTBALL CLUB

Councillor Owens introduced the joint report of the Executive Manager Regeneration & Estates and the Executive Manager Community Services which sought approval to dispose of land currently owned by the Council, to facilitate the redevelopment of the new Burscough Football Club Stadium, together with the provision of further sports facilities to be made available for public use.

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 Executive Manager Community Services be given delegated authority, in consultation with the Executive Manager Regeneration and Estates, the Council Secretary and Solicitor and the relevant portfolio holders to negotiate and agree:-

- A freehold sale of land cross hatched on the attached plan and
- 125 year lease of the land hatched
- the Community Benefit arrangements
- the necessary approvals in this regard

(Note: This report was considered after agenda item 7(2) Selection of Housing Management Software Provider.)

26 SELECTION OF HOUSING MANAGEMENT SOFTWARE PROVIDER

Councillor Mrs Hopley introduced the report of the Executive Manager Housing and Property Maintenance Services which provided an update on the selection of a housing management software provider following a presentation held in May 2008.

In reaching the decision below, Cabinet considered the details set out in the report before it and the presentation they had received on 28 May 2008 and accepted the reasons contained in it for going out to tender.

RESOLVED: That the Executive Manager Housing and Property Maintenance Services be instructed to undertake a tendering exercise to procure Housing Management software.

(Note: This report was considered after agenda item 6 – Exclusion of Press and Public.)

27 INDUSTRIAL UNITS AT GREENHEY PLACE, SKELMERSDALE

Councillor Owens introduced the report of the Executive Manager Regeneration and Estates which sought approval to make a contribution of £66,000 from the Langtree Funds towards the reroofing and some refurbishment of six industrial units on the Greenhey Place Industrial Estate.

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 approval is given to the contribution of £66,000 from the Langtree funds towards the reroofing of six industrial units on the Greenhey Place Industrial Estate.

(Note: This report was considered after agenda item 7(1) – Disposal of Land Adjoining Burscough Football Club)

THE LEADER