

AGENDA ITEM: 7

EXECUTIVE OVERVIEW AND SCRUTINY COMMITTEE

HELD:4 DECEMBER 2008

Start: 7.30pm

Finish: 8.55pm

PRESENT

Councillor Fowler (Chairman)

Councillors	Baldock	Mawdsley
	Mrs. Blake	Nolan
	Cotterill	O'Toole
	Cropper	Mrs. Pollock
	Mrs. Evans	Pope
	Furey	Rice
	Gartside	G.M. Roberts
	Griffiths	

In Attendance Councillor R. Pendleton

Officers Assistant Chief Executive
Strategic Housing Manager
LDG Project Manager
Group Accountant (MK)
Technical Services Manager
Legal Services Manager
Senior Member Services Officer (SG)

39. APOLOGIES

Apologies for absence were submitted on behalf of Councillor Bailey.

40. MEMBERSHIP OF THE COMMITTEE

In accordance with Council Procedure Rule 4, Members noted the termination of membership of Councillor Vickers and the appointment of Councillor Mrs. Pollock for this meeting only, thereby giving effect to the wishes of the Political Groups.

41. URGENT BUSINESS

There were no items of urgent business.

42. DECLARATIONS OF INTEREST

Councillors Cropper and O'Toole declared personal interests in agenda item 18 (private and confidential – Residual Highways Agreement) in view of their membership of Lancashire County Council.

43. DECLARATIONS OF PARTY WHIP

There were no declarations of a party whip.

44. MINUTES

RESOLVED That, subject to the inclusion of Councillor Hennessy's attendance, the minutes of the meeting of the Committee held on 2 October 2008 be approved as a correct record and signed by the Chairman.

45. CALLED IN ITEMS

Consideration was given to the following called in item as circulated and contained on pages 517 – 546 of the Book of Reports.

46. TRANSITIONAL HOUSING CAPITAL RECEIPTS AND AFFORDABLE HOUSING

Consideration was given to the report of the Council Secretary and Solicitor which provided details of a decision of the Cabinet called in by 5 Members of the Committee on the transitional housing capital receipts and affordable housing (minute no. 70 of Cabinet, 18 November 2008, refers).

Members noted the reason for the decision being called in and went on to debate the alternative decision included within the notice of call in, namely that a Council Sub-Committee be formed with appropriate co-optees, to consider these matters.

RESOLVED That the Committee does not wish to seek a different decision from the Cabinet in this matter, but requests that in relation to Minute no. 70(D) a Labour Member be co-opted upon the Affordable Housing Panel.

47. RELEVANT MINUTES OF CABINET

Consideration was given to the minutes of the Cabinet meeting held on 18 November 2008 as circulated and contained on pages 547 – 561 of the Book of Reports.

A Member raised a question in relation to minute no. 77 (Complaints Monitoring).

RESOLVED That the minutes of Cabinet held on 18 November 2008 be noted.

48. KEY DECISION FORWARD PLANS 1 NOVEMBER 2008 - 28 FEBRUARY 2009 AND 1 DECEMBER 2008 - 31 MARCH 2009

There were no items placed on the agenda from the above-mentioned key decision forward plans.

49. SAVING THE POLICIES OF THE WEST LANCASHIRE REPLACEMENT LOCAL PLAN

Consideration was given to the above-mentioned report of the LDF Project Manager as circulated and contained on pages 563 – 572 and 625 – 656 of the Book of Reports.

He reminded Members that the Council's current local plan was under review as part of the establishment of the new Local Development Framework (LDF) and indicated the Council was unlikely to have the new arrangements in place by July 2009, which was when the existing Local Plan would cease to have effect. He therefore went on to suggest arrangements for securing the protection of policies in the Local Plan (a list of such policies were attached as an appendix to the report) beyond the expiry date and advised that these needed to be completed by 5 January 2009.

He sought the Committee's views on the draft proposals and reported that any comments of the Committee should be submitted to the Portfolio Holder for Planning and Transportation prior to the Council meeting on 17 December 2008.

During the ensuing discussion Members raised questions/comments in relation to:-

- Green belt
- Restrictions on future proposals and developments
- Caravan sites

RESOLVED: That the report be noted.

50. CORPORATE PRIORITIES 2009/10

Consideration was given to the report of the Assistant Chief Executive as circulated and contained on pages 569 - 582 and 657 – 660 of the Book of Reports on the draft Corporate Priorities Statement 2009-2010 on which she sought the views of the Committee on the Vision and Priorities statement as set out in Appendix A to the report.

She further orally reported upon the following amendments to Appendix A:-

- Page 575 – Priority should read “work to create and retain good quality jobs for local people
- Page 576 – Priority should read “provide opportunities for leisure and culture that together with other Council services contribute to healthier communities”.

RESOLVED That the report be noted.

51. LEADER AND PORTFOLIO ATTENDANCE AT EXECUTIVE OVERVIEW AND SCRUTINY COMMITTEE

Consideration was given to the report of the Council Secretary and Solicitor as circulated and contained on pages 583 –585 of the Book of Reports outlining the current arrangements for Leader and Portfolio Holder attendance at Executive Overview and Scrutiny Committee meetings.

RESOLVED (A) That Cabinet and Council be requested to consider an amendment to Constitution 9.1 (14) (Overview and Scrutiny Committee Procedure Rules) to the effect that Cabinet Members with a responsibility for an area of Council activity (i.e. Relevant Portfolio Holders) are not expected to routinely attend Executive Overview and Scrutiny Committee meetings. Attendance to be by invitation of the Chairman if, for example an item has been called in, and requests for the Portfolio Holder's attendance to be indicated on the call in notice.

(B) That it be noted that amendments to the Constitution shall be referred to Council for decision.

52. REVISED CAPITAL PROGRAMME AND MID YEAR REVIEW 2008/2009

Consideration was given to the report of the Council Secretary and Solicitor as circulated and contained on pages 587 – 598 of the Book of Reports giving an overview of the progress in relation to the Revised Capital Programme for 2008/2009 and giving details of suggested changes to the programme to reflect changes in circumstances since the Programme was approved.

RESOLVED: That the Revised Capital Programme, including the virements contained within it and progress against it at the mid-year point, be noted.

53. REVENUE BUDGET MID YEAR REVIEW

Consideration was given to the report of the Council Secretary and Solicitor as circulated and contained on pages 599 – 606 of the Book of Reports in which she provides a projection on the financial position on the General and Housing Revenue Accounts to the end of the financial year.

RESOLVED That the financial position of the Revenue Accounts be noted.

54. BUDGET PROSPECTS 2009-2010

Consideration was given to the report of the Council Secretary and Solicitor as circulated and contained on pages 607 – 610 of the Book of Reports in which she provides an initial assessment of the budget prospects for the next financial year.

RESOLVED That the Council's budget prospects be noted.

55. ITEM REFERRED FROM THE MEMBERS UPDATE - ISSUE 3

Consideration was given to details of an item placed on the agenda from the Members Update by Councillor Cotterill, (circulated and contained on pages 611 – 612 of the book of reports) regarding a grant made from the Community Chest to Freshfields Animal Rescue by the Portfolio Holder for Community Services and Health in accordance with the scheme of delegation to Cabinet Members.

RESOLVED That Cabinet (via the Funding of Voluntary Bodies and Other Organisations Cabinet Working Group) be requested to review the criteria for the making of grants from the Community Chest.

56. 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.

57. CALLED IN ITEM – RESIDUAL HIGHWAYS AGREEMENT

Consideration was given to the report of the Council Secretary and Solicitor which provided details of a decision of the Cabinet called in by 5 Members of the Committee on the Residual Highways Agreement (minute no. 93 of Cabinet, 18 November 2008, refers).

Members noted the reason for the decision being called in and went on to debate the alternative decision included within the notice of call in, namely that a Working Group be set up to consider the negotiation of any new agreement.

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During the ensuing discussion Members highlighted the confusion over the responsibilities/functions of the District and County Councils, Councillor O'Toole (Chairman of the Lancs. Local) gave an undertaking that an item would be placed on the next possible meeting of the Lancashire Local on this matter.

RESOLVED That the Committee do not wish to ask for a different decision.

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CHAIRMAN