

CABINET

HELD: 20 JANUARY 2009

Start: 7.30pm

Finish: 8.25pm

PRESENT:

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

Councillors:	Ashcroft Forshaw Greenall Hammond Owens Westley	<u>Portfolio</u> Human Resources Planning and Transportation Street Scene Management Community Services and Health Deputy Leader & Regeneration and Planning Finance and Performance Management
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In attendance
Councillors: Furey
McKay
R A Pendleton

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
- Interim Policy Services Manager
- Head of Leisure & Cultural Services
- Property Services Manager
- Assistant Member Services Manager

94. APOLOGIES

Apologies for absence were received on behalf of Councillor Mrs Hopley.

95. URGENT BUSINESS

There were no items of urgent business.

96. DECLARATIONS OF INTEREST

Councillors Ashcroft, Grant and Westley declared a personal interest in item 5(c) on the agenda 'Medium Term Capital Programme' in view of their membership of Parish Councils.

97. MINUTES

RESOLVED: That the minutes of the meeting of Cabinet held on 18 November 2008 be received as a correct record and signed by the Chairman.

98. MATTERS REQUIRING DECISIONS

Consideration was given to reports relating to matters requiring decisions, as contained on pages 1103 to 1336 of the Book of Reports.

99. ISSUES REFERRED FROM OVERVIEW AND SCRUTINY COMMITTEES

Cabinet considered the following 3 items referred from Overview and Scrutiny Committees:

100. TRANSITIONAL HOUSING CAPITAL RECEIPTS AND AFFORDABLE HOUSING

The Leader introduced the report of the Council Secretary and Solicitor which advised on a decision of the Executive Overview and Scrutiny Committee at a meeting held 4 December 2008 when considering a Call In of a decision of Cabinet (Minute 70) on issues relating to the use of Transitional Housing Capital Receipts funding for affordable housing purposes, in particular the establishment of the Affordable Housing Cabinet Panel. The report informed Cabinet that the Committee did not wish to seek a different decision from the Cabinet on this matter but requested that a Labour Member be co-opted onto the Panel.

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

RESOLVED: That in relation to Cabinet Minute No. 70 (D) a Labour Group Member be appointed as a Co-opted Member to serve on the Affordable Housing Cabinet Panel, the name to be submitted to the Council Secretary and Solicitor by the Leader of the Labour Group.

101. LEADER AND PORTFOLIO ATTENDANCE AT EXECUTIVE OVERVIEW AND SCRUTINY COMMITTEES

The Leader introduced the report of the Council Secretary and Solicitor which advised on a decision of the Executive Overview and Scrutiny Committee at a meeting held on 4 December 2008 when considering a report in respect of the attendance of the Leader and Portfolio Holders at meetings of overview and scrutiny committees.

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

RESOLVED: A. That the Executive Overview and Scrutiny Committee be informed that Cabinet would prefer that individual Portfolio Holders shall continue to attend the Committee when it is considered appropriate or at the invitation of the Chairman on reasonable notice being given.

B. That it be noted that no amendments are required to the Constitution to effect any change at A. above as it can be done by custom and practice.

102. PUBLIC AND COMMUNITY TRANSPORT IN BICKERSTAFFE

Councillor Forshaw introduced the report of the Council Secretary and Solicitor which advised on a decision of the Internal Overview and Scrutiny Committee at a meeting held on 3 December 2008 when considering an item at the request of a Member in relation to public and community transport needs in Bickerstaffe Ward and the Council's work on/input into community transport provision.

In reaching the decision set out below, the Cabinet considered the details set out in the report before it and accepted the reasons contained in it, including the comments by Councillor Forshaw on the importance of these types of schemes being sustainable.

RESOLVED: That the Interim Policy Services Manager refers, in his reports to Cabinet concerning the proposed Community Demand Responsive Bus Service in Skelmersdale and the Community Transport Action Plan for West Lancashire, to the need to consider how to create a sustainable transport solution to meet the needs of the rural communities.

103. REVENUE ESTIMATES 2009/10

Councillor Westley introduced the report of the Council Secretary and Solicitor which provided a summary of the current 2009-10 Budget position.

In reaching the decision set out below, the 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 2009-10 be noted.
- B. That the Portfolio Holder for Finance be given delegated authority to submit firm proposals to Council on 25 February 2009 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 5 February 2009.

104. MEDIUM TERM CAPITAL PROGRAMME

Councillor Westley introduced the report of the Council Secretary and Solicitor which set out a number of options for determining the medium term capital programme in the light of a significant reduction in capital receipt funding.

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

RESOLVED:

- A. That the reduction in capital receipt funding from Right to Buy Council House sales be noted.
- B. That the options for a way forward set out in Section 6 of the report be noted.

- C. That the Portfolio Holder for Finance be given delegated authority to submit firm proposals to Council on 25 February 2009 to enable the capital programme to be set.
- D. That call in is not appropriate for this item as it is to be submitted to the Executive Overview and Scrutiny Committee on 5 February 2009.

105. RURAL DEVELOPMENT PROGRAMME FOR ENGLAND 2007-2013 - LOCAL DEVELOPMENT STRATEGY IMPLEMENTATION - LANCASHIRE WEST LOCAL ACTION GROUP

Councillor Owens introduced the report of the Executive Manager Regeneration and Estates which sought authority for the Council to continue to act as lead local authority to facilitate the preparations for the start-up and initial implementation of the proposed RDPE-funded programme on behalf of the Lancashire West Local Action Group (LAG), until such time as the appropriate Accountable Body arrangements (not involving the Council) are contractually formalised.

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

- RESOLVED:
- A. That the Council, as lead local authority, continue to support the Lancashire West Local Action Group (LAG) in the final preparatory stages for the commencement of the RDPE Programme, prior to formal responsibility for the implementation and delivery of the Local Development Strategy (LDS) being vested in the LAG and Accountable Body-designate, namely Lancashire Economic Partnership.
 - B. That the revenue costs incurred by the Council as lead local authority (eg. officer time, consultation meetings etc.) associated with both the earlier development of the Local Development Strategy, and current activities, be re-charged as eligible expenditure to the Lancashire West RDPE Programme at the appropriate time.
 - C. That an appropriate Service Level Agreement be entered into with the Accountable Body to accommodate the proposed full-time LAG Development Officer, subject to endorsement by all three partner local authorities (namely Chorley BC, Preston CC and South Ribble BC), and to re-charge the Programme for the necessary overheads (and any additional administrative costs) associated with the duties and responsibilities of the post.
 - D. That the proposal for Lancashire Economic Partnership to act as Accountable Body to the Lancashire West Local Action Group for the delivery of the RDPE Programme through its Local Development Strategy, be supported.

106. QUARTERLY PERFORMANCE INDICATORS

Councillor Westley introduced the report of the Assistant Chief Executive which detailed the quarterly performance monitoring data for the quarter ended 30 September 2008.

In reaching the decision set out below, the 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 30 September 2008 be noted.
 - B. That the report be forwarded to the Internal Overview and Scrutiny Committee.
 - C. That call-in is not appropriate as this report is to be considered by the Internal Overview & Scrutiny Committee on 4 March 2009.

107. CORPORATE SUITE OF PERFORMANCE INDICATORS 2009/10

Councillor Westley introduced the report of the Assistant Chief Executive which sought approval for a draft Suite of Performance Indicators for reporting and publication for 2009/10.

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

- RESOLVED:
- A. That the draft Suite of Performance Indicators 2009/10, attached at Appendix A to the report, be approved as being most important in terms of achieving the Council's Vision and Priorities.
 - B. That Appendix A be forwarded to the Executive Overview and Scrutiny Committee for consideration.
 - C. That Council be recommended to agree and adopt Appendix A as the Council's Suite of Performance Indicators 2009/10, subject to any comments made by the Executive Overview and Scrutiny Committee.
 - D. That call-in is not appropriate for this item as it is being considered at the next meeting of the Executive Overview & Scrutiny Committee on 5 February 2009.

108. DRAFT HOUSING REVENUE ACCOUNT (HRA) ESTIMATES 2009/10

Councillor Westley introduced the report of the Executive Manager Housing and Property Maintenance Services which advised Members of the Rent Increase for 2009-2010 as provided under the Government's Rent Reform formulae and of the Service charges to be applied in respect of Sheltered Accommodation as allowed under the Government's Rent and Service charge formulae and presented the Draft Housing Revenue Account Estimates for 2009-2010 for consideration and approval.

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

- RESOLVED:
- A. That the Rent and Service Charge increases, set within delegated authority, be noted and endorsed.
 - B. That the Portfolio Holder for Housing be authorised to advise Council of the preferred options to balance the Housing Revenue Account, including the priority of investment of the Major Repair Allowance (MRA).
 - C. That the Draft Housing Revenue Account Estimates for 2009/10, as set out in Appendix B to the report, be referred to Council for consideration, subject to paragraph B. above and that in this respect the Portfolio Holder for Housing be authorised to submit proposals to the Council on 25 February 2009 to enable the budget to be set.
 - D. That Call In is not appropriate for this item as this report will be submitted to the Executive Overview and Scrutiny Committee on 5 February, whose comments, if any, will be considered by Council on 25 February 2009.

109. PUBLIC SECTOR HOUSING CAPITAL INVESTMENTS SCHEMES AND PROGRAMMED WORKS PROJECTS - 2009/10 INCORPORATING DECENT HOMES UPDATE AND CAPITAL INVESTMENT PLAN REVIEW

Councillor Westley introduced the report of the Executive Manager Housing and Property Maintenance Services which sought approval to award work to the contractors within our framework to deliver elements of the 2009/2010 programme and invite tenders/quotations for the 2009/2010 contracts outside the framework. The report informed Members on the progress made on implementing the Decent Home Standard within the public housing stock and provided details of an amended indicative 10-year investment plan for improvements to the Council's housing stock.

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

- RESOLVED:
- A. That the Housing Portfolio Holder be given delegated authority to submit firm proposals to Council on 25 February 2009 to enable the Public Sector Housing Capital Investment Schemes and Programmed Works Projects in the 2009/2010 financial year totalling £5,792,303, detailed in Paragraph 8 of the report, along with the 2011/2012 and 2012/2013 programmes, included in Appendix A to the report, to be approved, subject to any amendments which are necessary as a result of agreeing the Housing Revenue Account (HRA) Estimates 2009/10 and the Medium Term Capital Programme.

- B. That the updated indicative 10 year investment plan, attached at Appendix B to the report, which set out indicative house improvement programmes, inclusive of allocated professional fees, which aim to achieve good maintenance practice and meet the Decent Home Standard by 31st December 2010 and maintain the standard in further years be endorsed.
- C. That the Executive Manager Housing and Property Maintenance Services, in consultation with the Housing Portfolio Holder, be given delegated authority to award work to contractors within our framework agreement to deliver the 2009/2010 programme and to invite tenders and accept the lowest suitable tender for the contracts above £30,000 in value that fall outside the framework agreement.
- D. That the Executive Manager Housing and Property Maintenance Services, in consultation with the Housing Portfolio Holder, be given delegated authority to seek tenders for the provision of pre-painting repairs for 2009/10 with an option for a further two years, following the expiry of the current partnering arrangements with Paragon Group Limited.
- E. That the Executive Manager Housing and Property Maintenance Services, in consultation with the Housing Portfolio Holder, be given delegated authority to invite competitive quotations from Contractors, and accept lowest suitable quotations, for the schemes less than £30,000 in value.
- F. That it be noted that the programmes and budgets are based on draft determinations received from the Department of Communities and Local Government and that updated figures / programmes will be available at Executive Overview and Scrutiny Committee on 5 February and Council on 25 February 2009 based on the final settlement figures.
- G. That the progress made to date on implementing the Decent Home Standard at paragraph 7 of the report, be noted.
- H. That call in is not appropriate for this item as it is to be submitted to the Executive Overview and Scrutiny Committee on 5 February 2009.

110. LANCASHIRE CLIMATE CHANGE STRATEGY AND ACTION PLAN

Councillor Forshaw introduced the report of the Interim Policy Services Manager which informed Members of the Lancashire Climate Change Strategy (LCCS) and requested formal support to work with the Lancashire Climate Change Partnership towards achievement of the strategy objectives. The report also advised Members of the Lancashire Climate Change Fund made available from the Lancashire Economic Partnership to help fund projects that deliver the objectives of the LCCS.

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

RESOLVED: That the Lancashire Climate Change Strategy (LCCS) be supported and it be noted that the Environmental Strategy Officer will work actively with partners to reduce CO2 emissions in line with the Council's priorities and the Council's own Climate Change Strategy.

111. MERSEYSIDE RAIL ROUTE UTILISATION STRATEGY (RUS) (CONSULTATION DRAFT)

Councillor Forshaw introduced the report of the Interim Policy Services Manager which advised on the content of Network Rail's Merseyside Route Utilisation Strategy (RUS), which set out the strategic vision for the future improvement of the local rail network and provided members with the opportunity to express comments, and to recommend a response to Network Rail's consultation on the Merseyside RUS.

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

RESOLVED: A. That the responses in Section 5 of the report be forwarded to Network Rail.

B. That the Interim Policy Services Manager report back to keep members updated with the content of the final Merseyside RUS, and also on any future consultations on the draft Merseyside RUS in due course.

112. UPDATE TO LOCAL DEVELOPMENT FRAMEWORK STATEMENT OF COMMUNITY INVOLVEMENT

Councillor Forshaw introduced the report of the LDF Project Manager which advised of the need to update the 2007 Statement of Community Involvement (SCI) in order to reflect changes made to the Planning Regulations, and sought authority to insert an Addendum into the SCI for use on a temporary basis until a new SCI was prepared.

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

RESOLVED: That the document attached as an Appendix to the report be approved as an Addendum to the Statement of Community Involvement.

113. UPDATE TO INTERIM RESIDENTIAL DEVELOPMENT POLICY GUIDANCE NOTE

Councillor Forshaw introduced the report of the LDF Project Manager which sought authority to update and publish the Interim Residential Development Policy Guidance Note, first released in June 2008, and to update and publish the "Managing Housing Land Supply" Supplementary Planning Guidance note, first produced in 2004, in order that both documents take account of the adoption of the Regional Spatial Strategy (RSS) for the North West at the end of September 2008.

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

- RESOLVED: A. That the updated versions of the Interim Residential Development Policy Guidance Note and the Managing Housing Land Supply Supplementary Planning Guidance Note, attached as an appendix to the report, be approved.
- B. That the Executive Manager, Planning and Development Services, in consultation with the Portfolio Holder for Planning and Transportation, be given delegated authority to undertake future minor updates of the Interim Residential Development Policy Guidance Note.

114. KEY DECISION FORWARD PLAN - QUARTERLY REPORT ON SPECIAL URGENCY DECISIONS - 1 OCTOBER - 31 DECEMBER 2008

The Leader introduced the report of the Council Secretary and Solicitor which advised that one decision had been made during the last quarter in accordance with Access to Information Procedure Rule 16 (Special Urgency).

RESOLVED: That it be noted that Access to Information Procedure Rule 16 (Special Urgency) was exercised once during the quarter period ending 31 December 2008.

115. 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(s) 5 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.

116. SKELMERSDALE COMMUNITY RESOURCE CENTRES, REVIEW OF STAFFING AND USE OF IT FACILITIES

Councillor Hammond introduced the report of the Executive Manager Community Services which detailed proposals in respect of the operation of the Skelmersdale Community Resource Centres, including I.T. room use. Councillor Hammond advised Members that the employment aspects of the report would not be dealt with at the meeting as further information was required.

In reaching the decision set out below, the Cabinet considered the comments from Councillor Hammond in respect of the employment aspects and also the details set out in the report before it and accepted the reasons contained in it in relation to Quarry Bank Community Association and Greenhill Community Resource Centre.

RESOLVED: A. That a further report be brought back in due course on the employment aspects of the report.

- B. That the Executive Manager Community Services in consultation with Council Secretary and Solicitor and Executive Manager Regeneration & Estates be authorised to negotiate and enter into a partnership agreement with Quarry Bank Community Association and the Centre Management Committees, in accordance with paragraph 6.3 of the report

- C. That subject to appropriate consultation with the Centre Management Committee, the Executive Manager Community Services, in consultation with the Portfolio Holder for Community Services, the Executive Manager Regeneration & Estates and the Council Secretary and Solicitor, be authorised to negotiate and enter into a lease or licence of part of the Greenhill Community Resource Centre with ICAN for a period of up to five years (subject also to all appropriate consents and permissions being obtained).

THE LEADER