

**CABINET**

**HELD: 16 JUNE 2009**  
 Start: 7.30pm  
 Finish: 8.40pm

**PRESENT**

Councillor A Owens (Deputy Leader of the Council, in the Chair)

Councillors	M Forshaw A Fowler P Greenall Mrs V Hopley D Westley	<u>Portfolio</u> Planning and Transportation Community Services and Health Street Scene Management Housing Finance and Performance Management
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In attendance Councillors:	T Aldridge P Cotterill J Coyle W Cropper N Furey	J Grice D Griffiths D McKay R A Pendleton
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Officers

Chief Executive (Mr W Taylor)  
 Deputy Chief Executive (Mr L Abernethy)  
 Council Secretary and Solicitor (Mrs G Rowe)  
 Assistant Chief Executive (Ms K Webber)  
 Executive Manager Regeneration and Estates (Mrs J Traverse)  
 Head of Leisure & Cultural Services (Mr J Nelson)  
 Chief Accountant (Mr M Taylor)  
 Legal Services Manager (Mr T Broderick)  
 Technical Services Manager (Mr C Brady)  
 Strategic Housing Manager (Mr S Jones)  
 Assistant Member Services Manager (Mrs J Denning)

**1. APOLOGIES**

Apologies for absence were received on behalf of the Leader, Councillor I Grant and Councillor I Ashcroft.

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

There were no items of urgent business.

**3. DECLARATIONS OF INTEREST**

The following declarations of interest were received:

1. Councillor D Westley declared a personal interest in agenda items 5/1 'Civil Parking Enforcement' and 5/5 'Lancashire Area Agreement (LAA) – Distribution of Performance Reward Grant (PRG)' as a Member of Lancashire County Council.

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2. Councillors D Westley and W Cropper declared a personal and prejudicial interest in agenda item 8/4 'Appropriation of Land at Stanley Depot, Skelmersdale' as Members of Lancashire County Council and left the room during discussion of the item.
3. Councillors D Westley and A Fowler declared a personal interest in agenda item 5/10 'Monitoring and Review of the Parish Charter' as it relates to Parish Councils of which they are Members of Halsall Parish Council and Scarisbrick Parish Council respectively.
4. Councillor D Westley declared a personal interest in agenda item 5/13 'Business Support Start-Up Delivery' as a Member of Lancashire County Council.

**4. MINUTES**

RESOLVED: That the minutes of the meeting of Cabinet held on 24 March 2009 be received as a correct record and signed by the Deputy Leader.

**5. MATTERS REQUIRING DECISIONS**

Consideration was given to reports relating to matters requiring decisions, as contained on pages 19 to 214 of the Book of Reports.

**6. CIVIL PARKING ENFORCEMENT**

Councillor M Forshaw introduced the report of the Technical Services Manager which detailed the latest developments in relation to ongoing discussions and negotiations concerning the future delivery of parking enforcement within the District, after 6 September 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: A. That the contents of the report be noted.

- B. That the Technical Services Manager, in consultation with the Portfolio Holders for Planning and Transportation and Finance, be given delegated authority to accept the lowest suitable tender for the provision of off-street parking enforcement arrangements after 6 September 2009.

**7. SALE OF SMALL PLOTS OF LAND OWNED BY THE COUNCIL**

Councillor A Owens introduced the report of the Executive Manager Regeneration and Estates which detailed the proposed method of dealing with the sale of small plots of land owned by the Council and sought approval for the methodology of such sales.

Councillor Owens advised Members that the report would also be submitted to Council on 15 July 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:
- A. That the methodology for the sale of small parcels of land as set out in Appendices A and B attached to the report be approved.
  - B. That receipts up to a ceiling limit of £5,000 from the sale of small plots of land be “ring fenced” for regeneration schemes in the Borough.

**8. EVALUATION OF THE NWDA FUNDED WEST LANCASHIRE "INVESTING IN BUSINESS" REGENERATION PROGRAMME**

Councillor A Owens introduced the report of the Executive Manager Regeneration and Estates which sought approval to invite tenders and enter into a contract for the undertaking of the final evaluation of the NWDA Funded West Lancashire “Investing in Business” Regeneration Programme.

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 be given delegated authority, in consultation with the Portfolio Holder for Regeneration and Estates, to let a contract for the final evaluation of the West Lancashire “Investing in Business” Regeneration Programme, to accept the lowest suitable tender and to make all necessary arrangements for the letting of the contract.

**9. RURAL DEVELOPMENT PROGRAMME FOR ENGLAND (RDPE) 2007 - 2013 - LOCAL DEVELOPMENT STRATEGY IMPLEMENTATION - LANCASHIRE WEST LOCAL ACTION GROUP (LAG)**

Councillor A Owens introduced the report of the Executive Manager Regeneration and Estates which advised that the agreement between the North West Development Agency (the funding body) and the Lancashire Economic Partnership (the Accountable Body) for the RDPE-funded Programme on behalf of the Lancashire West Local Action Group had now been signed and that the Programme was underway.

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 continues to support the Lancashire West Local Action Group (LAG) and Lancashire Economic Partnership as Accountable Body, in the implementation of the Local Development Strategy (LDS).
  - B. That the Portfolio Holder Regeneration and Estates or his/her representative be nominated to serve on the LAG Executive.

- C. That the Executive Manager Regeneration and Estates, in consultation with the Council Secretary & Solicitor, be authorised to negotiate and enter into necessary agreement(s), to work collaboratively with Lancashire Economic Partnership in delivery of the LAG Programme and including agreement to governance arrangements for the LAG Executive.

**10. LANCASHIRE AREA AGREEMENT (LAA) - DISTRIBUTION OF PERFORMANCE REWARD GRANT (PRG)**

Councillor D Westley introduced the report of the Executive Manager Regeneration and Estates which sought approval for the Council to act as accountable body for PRG funds awarded to the Local Strategic Partnership (LSP) and to comply with The Lancashire Local Area Agreement – Distribution of the Performance Reward Grant Protocol.

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 and the Assistant Chief Executive be given delegated authority in consultation with the Portfolio Holder for Regeneration and Estates, to negotiate and agree with Lancashire County Council and the West Lancashire LSP to ensure that sufficient PRG funds will be available to the Council to cover its costs of administration and financial support in undertaking the Council's responsibilities in respect of the PRG programme.
- B. That, subject to A. above:
- (i) the Council act as accountable body for the PRG funds awarded to the West Lancashire LSP.
  - (ii) compliance with The Lancashire Local Area Agreement – Distribution of the Performance Reward Grant Protocol be approved.
  - (iii) the Executive Manager Regeneration and Estates and the Assistant Chief Executive be given delegated authority to take all necessary action, in consultation with the relevant Portfolio Holders, to ensure compliance by the Council with the provisions of the Protocol.

**11. LITTLE DIGMOOR PLAY AREA**

Councillor A Fowler introduced the report of the Executive Manager Community Services which outlined issues of anti-social behaviour linked to teenage play equipment at Abbeystead, Little Digmoor and sought guidance as to the preferred way forward to deal with these issues.

Councillor Fowler referred to a petition received and circulated to all Cabinet Members from Abbeystead residents.

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 petition received from Abbeystead residents be noted and referred to the Executive Manager Community Services.

B. That the equipment at the multi use games area (MUGA), teenage shelter and children's play area at Abbeystead, Little Digmoor remain in situ, and the Executive Manager Community Services be asked to request further police action regarding drug and anti social behaviour at the site, involving the MAPS team as appropriate with this to be reviewed in 12 months time.

## **12. FOOD SAFETY SERVICE PLAN 2009/2010**

Councillor A Fowler introduced the report of the Executive Manager Community Services which sought agreement to the proposed Food Safety Service Plan for 2009/2010.

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 proposed Food Safety Service Plan for 2009/2010, attached as an Appendix to the report, be approved.

B. That in future years, delegated authority be given to the Executive Manager Community Services, in consultation with the Portfolio Holder for Community Services and Health, to approve the Food Safety Service Plan.

## **13. REVIEW OF THE HOUSING ALLOCATIONS POLICY**

Councillor Mrs V Hopley introduced the report of the Executive Manager Housing and Property Maintenance Services which reviewed the current Allocations Policy to ensure that it remained compatible with recent legislative changes and the changes in the housing market.

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 Housing Allocations Policy, attached as an Appendix to the report, be approved.

B. That the Executive Manager Housing and Property Maintenance Services, in consultation with the Portfolio Holder for Housing, be given delegated authority to review and make future changes to the policy in light of legislative change.

**14. QUARTERLY PERFORMANCE INDICATORS**

Councillor D Westley introduced the report of the Assistant Chief Executive which presented the quarterly performance monitoring data for the quarter ended 31 March 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:
- A. That the overall trend of improvement shown by the performance indicator data for the quarter ended 31 March 2009 be noted.
  - B. That the report be forwarded to the Corporate Overview and Scrutiny Committee.
  - C. That call-in is not appropriate as this report is to be considered by the Corporate Overview & Scrutiny Committee.

**15. MONITORING AND REVIEW OF THE PARISH CHARTER**

Councillor D Westley introduced the report of the Assistant Chief Executive which proposed a cycle for monitoring and reviewing the Parish Charter to ensure it continues to be a useful 'living' 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 review process as described in the report be agreed.
  - B. That authority be delegated to the Assistant Chief Executive, in consultation with the relevant Portfolio Holder, to prepare and issue an annual addendum to the Parish and Town Council Charter.

**16. CORPORATE PERFORMANCE PLAN AND SUITE OF INDICATORS 2009/10**

Councillor D Westley introduced the report of the Assistant Chief Executive which sought views on the scope, content and strategic focus of the draft Corporate Performance Plan 2009/10, recommended that the policy framework be amended to include a further 'Corporate Key Initiative', detailed the outturns for 2008/9 and targets for the next three years and sought approval for the draft Corporate Performance Plan 2009/10 and Suite of Performance Indicators.

Councillor A Owens advised that the report would be submitted to Executive Overview and Scrutiny Committee on 2 July and then Council on 15 July 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: A. That the contents of Appendices A and B to the report be noted.
- B. That the policy framework be amended to include the following key initiative in the Corporate Priorities for 2009/10:
- “Pursuing a range of efficiency and cost-cutting measures, including a managed reduction in staffing levels”
- C. That subject to the views of the Executive Overview and Scrutiny Committee, the draft Corporate Performance Plan 2009/10 and Suite of Performance Indicators (Appendices A and B) be recommended to Council for adoption as the Council’s performance management framework and strategic plan for 2009/10.
- D. That call-in is not appropriate for this item as it is being referred by the Cabinet to the next meeting of the Executive Overview and Scrutiny Committee on 2 July 2009.

**17. REGULATION OF INVESTIGATORY POWERS ACT 2000 - CONSOLIDATING ORDERS AND CODES OF PRACTICE - PUBLIC CONSULTATION PAPER**

Councillor A Owens introduced the report of the Council Secretary and Solicitor which set out a response to the Consultation issued by the Home Office proposing updated arrangements regulating public authorities use of covert investigatory techniques.

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 Secretary and Solicitor, in consultation with the Leader, be authorised to respond on the basis set out at paragraph 6 of the report, incorporating relevant comments provided by the Executive Overview and Scrutiny Committee (if any).
- B. That as the report is to be referred to the Executive Overview and Scrutiny Committee for consideration on 2 July 2009, call-in shall not apply.

**18. BUSINESS SUPPORT START UP DELIVERY**

Councillor A Owens introduced the report of the Executive Manager Regeneration and Estates which advised of the North West Regional Development Agency’s Business Support Start-up delivery programme, that would deliver tailored support to residents of the District that are looking to start a new business and sought authority to work collaboratively with Lancashire County Developments Ltd to progress the Business Start Up contract and associated business support activity for the benefit of the West Lancashire District.

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, in consultation with the Council Secretary & Solicitor and Portfolio Holder Regeneration and Estates, be authorised to negotiate and enter into necessary agreement(s), to work collaboratively with Lancashire County Developments Ltd to ensure the delivery of the Business Start Up contract and other associated business support activity has the maximum impact for the West Lancashire district.

**19. KEY DECISION FORWARD PLAN - QUARTERLY REPORT ON SPECIAL URGENCY DECISIONS - 1 JANUARY - 31 MARCH 2009**

Councillor A Owens introduced the report of the Council Secretary and Solicitor which advised that no decisions had been made during the last quarter in respect of Access to Information Procedure Rule 16 (Special Urgency).

RESOLVED: That it be noted that Access to Information Procedure Rule 16 (Special Urgency) was not exercised during the quarter period ending 31 March 2009.

**20. 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 paragraphs 1, 2, 3, 5 and 6 of Part 1 of Schedule 12A of that Act, as set out on the agenda, 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.

**21. MATTERS REQUIRING DECISIONS**

Consideration was given to the reports relating to matters requiring decisions, as contained on pages 217 to 257 of the Book of Reports.

**22. CHAPEL GALLERY CATERING**

Councillor A Fowler introduced the report of the Executive Manager Community Services which set out a proposal to engage a partner to provide catering services at Chapel Gallery, 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 Executive Manager for Community Services, in consultation with the Portfolio Holder for Community Services & Health seek, via an expression of interest notice, a partner to deliver a catering service at Chapel Gallery Ormskirk.



- B. That the Executive Manager for Community Services, in consultation with the Portfolio Holder for Community Services & Health be authorised to engage a partner to deliver a catering service at the Chapel Gallery Ormskirk, including consultation with unions and TUPE transfer of staff as appropriate.

**23. EXTENSION OF LEASE AND LICENCE AT ORMSKIRK RUGBY CLUB**

Councillor A Fowler introduced the joint report of the Executive Manager Community Services and the Executive Manager Regeneration and Estates which considered a request from Ormskirk Rugby Union Football Club for an extension of their lease and licence at Green Lane Playing Fields, Ormskirk.

In reaching the decision below, Cabinet considered the details set out in the report before it and felt that there was little prospect of any need or ability to realise the asset which Green Lane represented even in the medium to long term.

RESOLVED: That the Executive Manager for Community Services together with the Executive Manager for Regeneration and Estates in consultation with the Portfolio Holders for Community Services and Regeneration and Estates be authorised to renew the lease for the facilities at the Green Lane Site, on terms and conditions to be agreed, for a minimum period of 25 years.

**24. TO CONSIDER OPTIONS FOR THE FUTURE OF 9 AND 10 LIME COURT, SKELMERSDALE**

Councillor Mrs V Hopley introduced the report of the Executive Manager Housing and Property Maintenance Services which sought approval on the best course of future action for dealing with the land and buildings known as 9 and 10 Lime Court, Skelmersdale.

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 land and buildings known as 9 and 10 Lime Court, Skelmersdale be declared a Clearance Area.
  - B. That the Executive Manager Housing and Property Maintenance Services, in consultation with the Housing Portfolio Holder, be authorised to purchase the land and buildings known as 10 Lime Court, Skelmersdale, by agreement with the owner or compulsorily through an authorisation given by the Secretary of State, subject to an independent valuation of the property by the District Valuer.
  - C. That the Executive Manager Housing and Property Maintenance Services, in consultation with the Housing Portfolio Holder, be authorised to demolish all buildings on land owned by the Council within the Clearance Area and be instructed to appropriate or dispose of the cleared site in a manner which achieves best value to the Council, taking into account any restrictions or conditions which might apply.

**25. APPROPRIATION OF LAND AT STANLEY DEPOT, SKELMERSDALE**

Councillor M Forshaw introduced the joint report of the Deputy Chief Executive and the Street Scene Manager which considered the appropriation or disposal by lease of a parcel of land at Stanley Depot.

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 Street Scene Manager, in consultation with the relevant Portfolio Holders, the Executive Manager Regeneration & Estates and the Council Secretary & Solicitor, be authorised to obtain suitable insurance cover for the risks identified in the report prior to proceeding with the development of the Waste Transfer Facility.
  - B. That the Street Scene Manager, in consultation with the relevant Portfolio Holders, the Executive Manager Regeneration & Estates and the Council Secretary & Solicitor, be authorised to negotiate and agree with Lancashire County Council (LCC) disposal of the land shown hatched on the plan, attached at Appendix 1 to the report, to LCC, on the terms set out in the report at paragraph 7, and such other terms and conditions as shall be agreed. Any disposal being subject to all necessary consents being obtained.
  - C. That in the event that the Council is not able to agree terms in accordance with recommendation B. above, then the Street Scene Manager and the Interim Policy Services Manager, in consultation with the relevant Portfolio Holders, be authorised to confirm:
    - (i) That the area of land at Stanley Depot as shown hatched on the plan appended to the report is required to be redeveloped and improved in accordance with the proposals referred to in the report.
    - (ii) That the said land be appropriated to planning purposes for the reasons set out in the report.
  - D. That the call in procedure is not appropriate for this item as this matter is one where urgent action is required in order to take forward the proposals for the Waste Transfer facility upon the land.

(Note: Councillors D Westley and W Cropper declared a personal and prejudicial interest in this item and left the room whilst the item was under consideration.)

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THE LEADER