

## EXECUTIVE OVERVIEW AND SCRUTINY COMMITTEE

**AGENDA ITEM: 6**  
**HELD: 2 JULY 2009**

Start: 7.30pm  
Finish: 9.45pm

### PRESENT:

Councillor	Bailey (Chairman) Hammond (Vice Chairman)	
Councillors	Baldock Mrs. Blake Cotterill Coyle Cropper Mrs. Evans Gartside Grice	Griffiths McKay Melling O'Toole R.A. Pendleton Pope J. Roberts W.G. Roberts
In Attendance Councillor:	Grant Fowler  Mrs. Hopley Owens	Leader Portfolio Holder- Community Services and Health Portfolio Holder – Housing Portfolio Holder – Regeneration and Estates
Officers	Executive Director Housing and Property Maintenance Services (Mr B Livermore) Head of Leisure & Cultural Services (Mr J Nelson) LDF Project Manager (Mr I Gill) Policy & Performance Manager (Mr P Hamlin) Commercial Safety Manager (Mr M Tasker) Estates & Valuation Manager (Mrs R Kneale) Group Accountant (Mr M Kostrzewski) Strategic Manager (Homelessness) (Ms L Gee) Community Leisure Officer (Mrs P Campbell) Principal Solicitor (Mr T Broderick) Senior Member Services Officer (Mrs S Griffiths)	

### 1. APOLOGIES

There were no apologies for absence.

### 2. MEMBERSHIP OF THE COMMITTEE

In accordance with Council Procedure Rule 4, Members noted the termination of membership of Councillors Carson, Duffy and Vickers and the appointment of Councillors Coyle, Cotterill and Ms. Melling for this meeting only, thereby giving effect to the wishes of the Political Groups.

**3. URGENT BUSINESS, IF ANY, INTRODUCED BY THE CHAIRMAN**

There were no items of urgent business.

**4. DECLARATIONS OF INTEREST**

It is noted that the Code of Conduct in relation to personal and prejudicial interests of Cabinet Members when they have taken a decision is overridden by Section 21(13) of the Local Government Act 2000.

1. Councillors Bailey, Cropper and O'Toole declared personal interests in relation to item 13 (Appointments to Lancashire Scrutiny Partnerships Forum), as Members of Lancashire County Council.
2. Councillor Bailey declared a personal interest in relation to a paragraph within item 11 (LDF Core Strategy Draft Options Paper) in view of him having a relative employed at Edge Hill University.

**5. DECLARATIONS OF PARTY WHIP**

There were no declarations of a party whip.

**6. MINUTES**

RESOLVED: That the minutes of the last meeting of the Committee held on 8 April 2009 be approved as a correct record and signed by the Chairman.

**7. CALLED IN ITEMS**

Consideration was given to the following called in items, as circulated and contained on pages 7 – 116 of the Book of Reports.

**8. LITTLE DIGMOOR PLAY AREA**

Consideration was given to the report of the Council Secretary and Solicitor advising that a decision of Cabinet in relation to the above item (minute 11 refers) had received two call in requisitions, each signed by five Members of the Committee. The report set out the two reasons given for the call in, together with the two alternative decisions put forward by the 5 Members concerned on each of the requisition notices.

Members noted the two reasons for the decision being called in, namely a) that the 12 month timeframe was too long and a more robust approach was required and b) that insufficient account taken of the urgent need to resolve the situation.

During the ensuing discussion on the item, Members referred to the following issues:-

- Possible costs/benefits of installing CCTV
- Implications of the removal of the “sitter”
- Effects of anti social behaviour on local residents and the involvement of the Police/Maps team

RESOLVED: That Cabinet be requested to amend resolution 11 (B) of its meeting held on 16 June 2009 to confirm that the review be undertaken within three months.

## **9. SALE OF SMALL PLOTS OF LAND OWNED BY THE COUNCIL**

Consideration was given to the report of the Council Secretary and Solicitor advising that a decision of the Cabinet in relation to the above item (minute 7 refers) had been called in by 5 Members of this Committee. The report set out the reasons given for the call in, together with an alternative decision put forward by the 5 Members concerned.

Members noted the reason for the decision being called in, namely that the methodology was insufficiently robust which would lead to potential problems and unintended consequences.

During the ensuing discussion on the item, Members referred to the following issues:-

- Possible discrimination against residents renting property being able to purchase land
- Possible implications of owner occupiers living/next to rented properties purchasing land in relation to street scene, neighbour relations
- Planning conditions to ensure adequate maintenance and appearance
- Future land use and development in context of covenant case law
- Possible ring fencing of receipts in appropriate Ward
- Ward Member involvement in sales decisions

RESOLVED: That Cabinet be requested to amend resolution 7 (A) of its meeting held on 16 June 2009 to confirm that the methodology for the sale of small parcels of land as set out in Appendices A and B attached to the report, include Ward Members as consultees.

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

Consideration was given to the report of the Council Secretary and Solicitor advising that a decision of the Cabinet in relation to the above item (minute 12 refers) had been called in by 5 Members of this Committee. The report set out the reasons given for the call in, together with an alternative decision put forward by the 5 Members concerned.

Members noted the reason for the decision being called in namely to request that the Corporate Overview and Scrutiny Committee be included within the consultation to approve the Food Safety Plan.

During the ensuing discussion Members were advised of the status of the document together with the requirements of the Food Standards Agency in relation to Member consultation.

RESOLVED: That this Committee does not wish to ask for a different decision in relation to this item.

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

Consideration was given to the report of the Council Secretary and Solicitor advising that a decision of the Cabinet in relation to the above item (minute 13 refers) had been called in by 5 Members of this Committee. The report set out the reasons given for the call in, together with an alternative decision put forward by the 5 Members concerned.

Members noted the reason for the decision being called in, namely that the draft housing allocations policy as drafted does not take full account of housing need.

RESOLVED: That this Committee does not wish to ask for a different decision in relation to this item.

#### **12. RELEVANT MINUTES OF CABINET**

Consideration was given to the minutes of the meeting of Cabinet held on 16 June 2009.

Min. 8 – Rural Development Programme for England (RDPE) 2007-2013 – Local Development Strategy Implementation – Lancashire West Local Action Group (LAG)

A question was raised on the above minute seeking clarification on funding and areas to benefit from this. The Portfolio Holder – Regeneration and Estates gave an undertaking that he would seek further information on this issue and the Executive Manager would write to Members to clarify the position.

RESOLVED: That the minutes of the meeting of the Cabinet held on 16 June 2009 be noted.

#### **13. KEY DECISION FORWARD PLANS - 1 MAY - 31 AUGUST, 1 JUNE - 30 SEPTEMBER AND 1 JULY - 31 OCTOBER 2009**

Members noted that no items had been placed on the agenda from the Key Decision Forward Plan for the above-mentioned periods. Members also noted a summary of the procedure for reviewing the Key Decision Forward Plan.

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

Consideration was given to the report of the Assistant Chief Executive as circulated and contained on pages 127 – 172 of the Book of Reports on which she sought the views of the Committee on the above-mentioned item, which would be forwarded to Council on 15 July 2009.

RESOLVED: That the Committee's comments in relation the following items be forwarded to Council:-

- i) BV12 (working days lost due to sickness absence)
  - Propose reporting of this indicator identified as short term/long term/aggregate and received on a quarterly basis
  - Propose target remains at 8.08 as per 2008/09 target
- ii) BV89 (satisfaction with cleanliness of streets)
  - Clarification of dashes for target figures
- iii) WL86 (affordable housing development – Ormskirk, Aughton & Burscough)
  - Propose that performance information be provided to Members

#### 15. LDF CORE STRATEGY DRAFT OPTIONS PAPER

Consideration was given to the report of the LDF Project Manager as circulated and contained on pages 173 – 286 of the Book of Reports on which he sought the views of the Committee on the above-mentioned item, which would be forwarded to Cabinet for consideration on 15 July 2009.

RESOLVED: That the Committee's comments in relation the following items be forwarded to Cabinet:-

- i) Para 2.39  
Propose - add short description/transport links  
Propose – settlements listed are not close to each other and should be referred to elsewhere
- ii) Para 2.40  
Propose – add Hurlston Green and Carr Cross
- iii) Page 277 – Cultural and Leisure – “tow” path

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

Consideration was given to the report of the Council Secretary and Solicitor as circulated and contained on pages 287 – 293 of the Book of Reports on which she sought the views of the Committee on the above-mentioned item in order to prepare a response to the Consultation.

RESOLVED: That the report be noted.

**17. APPOINTMENTS TO LANCASHIRE SCRUTINY PARTNERS FORUM**

Consideration was given to the above-mentioned report of the Council Secretary and Solicitor as circulated and contained on pages 295 –297 of the Book of reports seeking representatives to serve on the Lancashire Scrutiny Partners Forum.

RESOLVED: A. That Councillors Cotterill and Vickers be appointed as Link Members to serve on the Lancashire Scrutiny Partners Forum in addition to the Link Officer.

B. That Constitution 4.1C be updated accordingly.

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CHAIRMAN