

CABINET

HELD:

AGENDA ITEM: 9

15 SEPTEMBER 2009

Start:

7.30pm

Finish:

9.00pm

PRESENT

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

Councillors		<u>Portfolio</u>
I Ashcroft		Human Resources
M Forshaw		Planning and Transportation
A Fowler		Community Services and Health
P Greenall		Street Scene Management
Mrs V Hopley		Housing
A Owens		Deputy Leader & Regeneration and Planning
D Westley		Finance and Performance Management

In attendance Councillors: P Cotterill I McKay R Pendleton

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 Housing & Property Maintenance Services (Mr R Livermore)
- Executive Manger Community Services (Mr D Tilleray)
- Executive Manager Planning, Regeneration & Estates (Mrs J Traverse)
- Treasurer (Mr M Taylor)
- Exchequer Services Manager (Revenues, Benefits & Payments) (Mr P Blakey)
- Assistant Member Services Manager (Mrs J Denning)

34. APOLOGIES

There were no apologies for absence.

35. SPECIAL URGENCY (RULE 16 ACCESS TO INFORMATION PROCEDURE RULES)

RESOLVED: That the following item be dealt with as an urgent item in accordance with Constitution 6, Rule 16 (special urgency):

36. LOCAL AUTHORITY HOUSING DEVELOPMENT - HCA BID

Councillor Mrs V Hopley introduced the report of the Executive Manager Housing and Property Maintenance Services which detailed the outcome of a bid made by the Council to the Homes and Community Agency for Social Housing Grant to fund a Council House building project in Tanhouse and sought approval to deliver the 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 contents of the report including the details of the grant offer be noted.
- B. Subject to the finalisation of the budget provision, that the Executive Manager Housing and Property Maintenance Services in consultation with the Council Secretary and Solicitor and the Executive Manager Planning, Regeneration and Estates (Interim) and relevant Portfolio Holders be authorised to agree the terms of the grant and to deliver the project as described in the report (and in accordance with the grant agreement) such delivery to include approval of extent of the land to be utilised; the obtaining/execution of all necessary consents and agreements; seeking necessary quotations, tenders or use of a framework agreement (in accordance with the Contract Procedure Rules and the Financial Regulations of the Council).
- C. That this item is not available for call in as the report is being submitted to the Extraordinary Meeting of Council on 16 September 2009 for consideration and the project needs to be commenced without delay to meet the terms of the grant offer.

37. DECLARATIONS OF INTEREST

The following declarations of interest were received:

1. Councillor Westley declared a personal interest in Agenda Item 5(b) 'Residents' Parking' and 5(c) ' Mid Lancashire Multi Area Agreement' as a Member of Lancashire County Council.
2. Councillors Ashcroft, Fowler, Grant and Westley declared a personal interest in Agenda Item 5(o) 'Capital Programme Outturn 2008/2009' with reference to Parish Councils as they are Members of Hesketh-with-Becconsall Parish Council, Scarisbrick Parish Council, Aughton Parish Council and Halsall Parish Council respectively.
3. Councillor Ashcroft declared a personal interest in Agenda Item 8(c) ' Linear Park Feasibility Study, Tarleton/Hesketh Bank' as a Parish Councillor at Hesketh-with-Becconsall Parish Council.

38. MINUTES

RESOLVED: That the minutes of the meetings of Cabinet held on 16 June and 15 July 2009 be received as a correct record and signed by the Leader.

39. MATTERS REQUIRING DECISIONS

Consideration was given to reports relating to matters requiring decisions, as contained on pages 423 to 730 of the Book of Reports.

40. WEST LANCASHIRE HERITAGE STRATEGY

Councillor Forshaw introduced the report of the Executive Manager Planning, Regeneration and Estates (Interim) which detailed the results of the public consultation exercise on the Draft West Lancashire Heritage Strategy and sought approval of the strategy 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 West Lancashire Heritage Strategy appended to the report be approved.
 - B. That the Executive Manager Planning, Regeneration and Estates (Interim) in consultation with the Portfolio Holder for Planning and Transportation be given delegated authority to make the necessary arrangements to publish the finalised document.

41. RESIDENTS' PARKING

Councillor Forshaw introduced the report of the Technical Services Manager which outlined the current arrangements for delivery of residents' parking schemes within West Lancashire and the County Councils proposed changes to these arrangements.

Councillor Forshaw expressed concern regarding the number of parking permits that would be issued to residents of multiple occupancy properties and felt that this should be addressed in the County Council's Policy.

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

- RESOLVED:
- A. That the County Council be requested to progress the proposed residents' parking scheme in Queen Street, Bridge Street, Bridge Avenue, South Terrace, Small Lane and Moorgate, Ormskirk as an experimental order for 12 months, subject to the reimbursement of all Borough Council costs expended in the administration of such schemes.
 - B. That the County Council be asked to note:
 - The concerns raised by the local business community in the recent consultation survey and as such remove Aughton Street from the proposed experimental order.
 - The concerns of the Council regarding multiple occupancy dwellings and the implications for the supply of parking spaces and ask that they address this through Policy and provide feedback.

- C. That the County Council be asked to note the results of the recent consultation survey in Wolverton, Skelmersdale and to give due consideration to whether or not this scheme should be progressed any further in line with their existing policies and procedures for any new residents' parking proposals.
- D. That all future requests for residents' parking proposals within the Borough be referred directly to the County Council, as highway authority, for processing in accordance with their agreed policies and procedures.
- E. That the Council undertakes no further duties in connection with the administration of the existing schemes in Dyers Lane and Chapel Street.
- F. That the results of the latest survey for the proposed introduction of additional residents' parking schemes in Ormskirk and Skelmersdale be noted.

40. MID LANCASHIRE MULTI AREA AGREEMENT

Councillor Owens introduced the report of the Executive Manager Planning, Regeneration & Estates (Interim) which detailed the proposed Multi Area Agreement (MAA) for Mid Lancashire and sought approval to enter into discussions with Government, with a view to signing up to an MAA for Mid Lancashire.

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 submission of an initial Mid Lancashire MAA proposal to Government in September 2009 in line with the priority areas, set out in Appendix 1 to the report, be approved.
 - C. That any further MAA developments and final approval, including the agreement of Governance Arrangements, be delegated to the Executive Manager Planning, Regeneration & Estates (Interim), in consultation with the Leader and Portfolio Holder for Regeneration & Estates.
 - D. That the Executive Manager Planning, Regeneration & Estates (Interim) continue discussions with the Merseyside Local Authorities to pursue observer status in the Liverpool City Region (MAA) governance structure.

41. COMMUNITY SERVICES AND CORPORATE ENFORCEMENT POLICIES

Councillor Fowler introduced the report of the Executive Manager Community Services which sought approval for a new Corporate Enforcement Policy and revised Community Services Enforcement Policy.

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 Corporate Enforcement Policy, attached at Appendix 1 to the report, be approved, subject to any comments from the Executive Overview and Scrutiny Committee which are agreed at Council on 21 October 2009.
 - B. That the Community Services Enforcement Policy, attached at Appendix 2, be approved, subject to any comments from the Executive Overview and Scrutiny Committee which are agreed at Council on 21 October 2009.
 - C. That delegated authority be given to the Executive Manager Community Services, in consultation with the relevant Portfolio Holder, to update the Corporate and Community Services Policies in accordance with any new or revised government legislation or Statutory Guidance.
 - D. That it be noted, that following the adoption of the Corporate Policy it is likely that other Divisional/Sectional Policies will appear before Members for Approval and that other Divisions have their own specific enforcement guidance, although not necessarily in a single document ready for approval.
 - E. That call in is not appropriate as the report will be considered by Executive Overview and Scrutiny Committee on 1 October 2009.

42. APPROVAL OF REVISED DRAFT STATEMENT OF LICENSING POLICY UNDER THE GAMBLING ACT 2005.

Councillor Fowler introduced the report of the Executive Manager Community Services which requested necessary action to be taken in order to consult upon the revised draft Statement of Licensing Policy as required by the Gambling Act 2005.

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 draft Statement of Licensing Policy be approved.
 - B. That the Executive Manager Community Services be given delegated authority to publish the draft Statement of Licensing Policy and conduct a period of public consultation prior to returning the final policy for approval before the 31 January 2010

43. REFORM OF COUNCIL HOUSING FINANCE

Councillor Mrs Hopley introduced the report of the Executive Manager Housing and Property Maintenance Services which sought views on the Government's consultation on reform of Council Housing Finance.

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 views expressed in paragraph 8 of the report be endorsed.
 - B. That the report be considered by the Executive Overview and Scrutiny Committee and their agreed comments conveyed to the Portfolio Holders for Finance and Housing.
 - C. That the views of tenants be sought from the Tenant and Resident Forum.
 - D. That the Executive Manager Housing and Property Maintenance Services, in consultation with the Portfolio Holders for Finance and Housing, after considering the comments sought of Cabinet, Executive Overview and Scrutiny Committee and the Tenant and Resident Forum, be given delegated authority to respond on behalf of the Council to the Consultation Paper.
 - E. That the call in procedure is not appropriate for this item as the report is being submitted to the Executive Overview and Scrutiny Committee for their comments on 1 October 2009.

44. ENERGY ACTION PLAN FOR CORPORATE BUILDINGS

Councillor Forshaw introduced the report of the Executive Manager Housing and Property Maintenance Services which provided data on energy consumption in corporate buildings in 2008/09, detailed achievements of the Energy Action Plan 2008/09 and sought approval of a new energy action plan for future years.

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 energy consumption figures presented and the progress made against the 2008/09 action plan, as shown in Appendix A to the report, be noted.
 - B. That the new Energy Action Plan for 2009-2012, as shown in Appendix B to the report, be approved.

45. APPOINTMENT OF OLDER PEOPLE'S CHAMPION

Councillor Mrs Hopley introduced the report of the Executive Manager Housing and Property Maintenance Services which sought endorsement for the appointment of an Older People's Champion for the Borough and advised on the broad agenda for older people's services and proposals to focus on key activities.

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 appointment of Councillor Mrs Blake, as the designated Older People's Champion for the Borough, be endorsed.
- B. That the proposals, outlined in Paragraph 4 of the report, be approved.

46. FUNDING OF VOLUNTARY BODIES AND OTHER ORGANISATIONS WORKING GROUP - 13 JULY 2009

Councillor Fowler introduced the minutes of the meeting held on 13 July 2009 of the Funding of Voluntary Bodies and Other Organisations Working Group which sought approval of the recommendations at Minute 5 'Amalgamation of Play Monies/Sports Grants with Community Chest' and Minute 6 'Review of Revenue Grants to Voluntary Organisations'.

In respect of Minute 5, Councillor Fowler advised that the Working Group considered a revised set of general criteria and application form and agreed to recommend to Cabinet a new approach to the voluntary sector grants pots the Council has which would see the administration of grant applications and decisions being brought together in one place to make it easier for applicants and for decision making. He informed Cabinet that the new approach would be publicised in January 2010 in time for the subsequent grant round and that it would be trialed initially for one year with grant making rounds in March, July and November 2010.

In respect of Minute 6, Councillor Fowler advised that the Cabinet were being asked to endorse the process for the review of the Revenue Grants to the 8 organisations the Council funds on an ongoing basis, and the 7 organisations funded through the Strategic Fund as set out in Appendix 2 to the minutes.

In reaching the decision below, Cabinet considered the minutes of the Working Group and Appendix 1 and 2 before it and accepted the reasons contained therein and the reasons provided by Councillor Fowler.

- RESOLVED: That the recommendations at Minute 5 'Amalgamation of Play Monies/Sports Grants with Community Chest' and Minute 6 'Review of Revenue Grants to Voluntary Organisations' be approved.

47. QUARTERLY PERFORMANCE INDICATORS (APRIL 2009 TO JUNE 2009)

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

48. PROGRESS ON THE ICT DEVELOPMENT PROGRAMME 2008/09 AND PROPOSED DEVELOPMENT PROGRAMME 2009/10

Councillor Westley introduced the report of the Assistant Chief Executive which detailed progress on the ICT development programme in 2008/09 and set out the programme for 2009/10.

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 ICT development programme detailed in the report, be endorsed, taking account of the capital funding available in 2009/10.

49. RISK MANAGEMENT REPORT AND REGISTER

Councillor Westley introduced the report of the Council Secretary and Solicitor which considered the position on 'key risks' and sought approval of the updated Risk Management Policy and Strategy.

Cabinet was advised that the Risk Management Policy and Strategy had also been submitted to the Audit and Governance 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:
- A. That the revised Risk Management Policy and Strategy, as set out in Appendix A, be approved.
 - B. That the progress made in relation to the management of the risks shown in the Key Risk Register (Appendix B), be noted.

- C. That call in is not appropriate as this report is being taken directly to the Executive Overview and Scrutiny Committee on 1 October 2009.

50. FINANCIAL OUTTURN

Councillor Westley introduced the report of the Council Secretary and Solicitor which set out the key features of the financial outturn position for the 2008-09 financial year.

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 outturn position as presented, including contributions to and from balances and reserves, be noted and endorsed.
 - B. That call in is not appropriate for this item as the report is being submitted to Executive Overview and Scrutiny Committee on 1 October 2009.

51. REVENUE MONITORING

Councillor Westley introduced the report of the Council Secretary and Solicitor which provided an early assessment of the financial position on the Revenue Accounts in the new 2009/10 financial year.

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 financial position of the Revenue Accounts be noted.
 - B. That call in is not appropriate for this item as the report is being submitted to Executive Overview and Scrutiny Committee on 1 October 2009.

52. CAPITAL PROGRAMME OUTTURN 2008/2009

Councillor Westley introduced the report of the Council Secretary and Solicitor which provided a summary of the capital outturn position for the 2008/2009 financial year.

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 financial position, including slippage, on the Capital Programme for the 2008/09 financial year, be noted and endorsed.
 - B. That call in is not appropriate for this item as the report is being submitted to Executive Overview and Scrutiny Committee on 1 October 2009.

53. CAPITAL PROGRAMME MONITORING 2009/2010

Councillor Westley introduced the report of the Council Secretary and Solicitor which provided an overview of the current progress on the Capital Programme 2009/10.

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 of the Capital Programme, as at the end of July 2009, be noted.
- B. That call in is not appropriate for this item as the report is being submitted to Executive Overview and Scrutiny Committee on 1 October 2009.

54. KEY DECISION FORWARD PLAN - QUARTERLY REPORT ON SPECIAL URGENCY DECISIONS - 1 APRIL - 30 JUNE 2009

The Leader 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 30 June 2009.

55. 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.

56. MATTERS REQUIRING DECISIONS

Consideration was given to reports relating to matters requiring decisions, as contained on pages 731 to 750 of the Book of Reports.

57. INVESTMENT CENTRE MAJOR PLANT & EQUIPMENT WORKS

Councillor Owens introduced the report of the Executive Manager Planning, Regeneration and Estates (Interim) which advised of the need to draw down monies to undertake the following essential work at the Investment Centre:

- a) replacement of a compressor in the chiller plant;
- b) installation of additional ventilation to the catering kitchen;
- c) commissioning of a consultant to produce a medium to long-term maintenance plan for the building.

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, Regeneration and Estates, in consultation with the Portfolio Holder for Regeneration and Estates, to accept the lowest quote that has been received through a competitive tender process for the replacement of a compressor in the chiller plant.
 - B. That delegated authority be given to the Executive Manager Planning, Regeneration and Estates, in consultation with the Portfolio Holder for Regeneration and Estates, to accept the lowest most suitable quote to the Council for the installation of additional ventilation to the catering kitchen.
 - C. That delegated authority be given to the Executive Manager Planning, Regeneration and Estates, in consultation with the Portfolio Holder for Regeneration and Estates, to accept the lowest most suitable quote to the Council for the commissioning of a consultant to produce a medium to long-term maintenance plan for the building.

58. CIVICA SYSTEM UPGRADE

Councillor Westley introduced the report of the Assistant Chief Executive which detailed the implications of changes required by the Payment Card Industry in relation to the security arrangements when dealing with electronic payments and sought agreement to a way forward to ensure that the Council complies with these requirements.

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 Assistant Chief Executive be authorised to vary the current contract in accordance with its terms, to acquire the Civica hosted services option (as described in paragraphs 4.4 – 4.7 of the report).
 - B. That funding from Council Reserves of £27,749 be approved for a higher level of annual maintenance costs plus one off set up costs as set out at paragraph 8.2 of the report, in relation to the upgrade to the Civica Icon Cash Receipting system.
 - C. That consideration be given in the budget setting process for 2010/11 to fund the increase in ongoing maintenance costs for the Civica Icon Cash Receipting system.

- D. That as this matter is one where urgent action is required because a final decision is required in order to benefit from price discounts offered if signed for before 30 September 2009 and to ensure that the Council confirms its intentions to comply with the required changes in the Payment Card Industry before October 2009 the call in procedure shall not apply.

59. LINEAR PARK FEASIBILITY STUDY, TARLETON/HESKETH BANK

Councillor Forshaw introduced the report of the Executive Manager Planning, Regeneration and Estates (Interim) which sought approval to employ consultants to prepare a feasibility study examining the potential to create a Linear Park along the Canal and River Douglas in Tarleton and Hesketh Bank.

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 Planning, Regeneration & Estates be authorised to invite quotations from suitable consultants to carry out a feasibility study examining the potential to create a Linear Park along the Canal and River Douglas in Tarleton and Hesketh Bank.
 - B. That the Executive Manager Planning, Regeneration & Estates, in consultation with the Portfolio Holders for Regeneration & Estates and Planning & Transportation and other partners, be given delegated authority to accept the quotation that offers the most advantageous terms for the preparation of a Feasibility Study for the Tarleton/Hesketh Bank Linear Park.
 - C. That the maximum contribution from the Council's Local Development Framework budget be £7,500.

THE LEADER