

CABINET

HELD: 19 JANUARY 2010
Start: 7.30pm
Finish: 8.50pm

PRESENT:

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

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

In attendance
Councillors: Cotterill
McKay
R A Pendleton

Officers

Chief Executive (Mr W Taylor)
Council Secretary and Solicitor (Mrs G Rowe)
Assistant Chief Executive (Ms K Webber)
Executive Manager Housing and Property Maintenance Services
(Mr R Livermore)
Executive Manager Community Services (Mr D Tilleray)
Executive Manager Planning, Regeneration and Estates (Interim)
(Mrs J Traverse)
Treasurer (Mr M Taylor)
Property Services Manager (Mr P Holland)
LDF Strategy and Environmental Manager (Mr I Gill)
Assistant Member Services Manager (Mrs J Denning)

85. APOLOGIES

There were no apologies for absence.

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

There were no items of urgent business.

87. DECLARATIONS OF INTEREST

The following declarations of interest were received:

1. Councillors Ashcroft, Fowler, Grant and Westley declared personal interests in Agenda Item 5(g) 'Medium Term Capital Programme', as Members of Hesketh with Becconsall, Scarisbrick, Aughton and Halsall Parish Councils respectively.

2. Councillor Westley declared a personal interest in Agenda Items 5(g) 'Medium Term Capital Programme', 5(h) 'Joint Lancashire Minerals and Waste Development Framework Site Allocations and Development Management Development Plans Document Consultation' and 5(n) 'Diversion and/or Extinguishment of the Highways Rights on Land at Elmstead', as a Member of Lancashire County Council.
3. Councillor Westley declared a personal and prejudicial interest in Agenda Item 5(e) 'Model Boating Lake' as a Trustee of the Comrades Club, which is a neighbouring property to the site.

88. MINUTES

RESOLVED: That the minutes of the meeting of Cabinet held on 17 November 2009 and the Special meeting of Cabinet held on 16 December 2009 were received as a correct record and signed by the Leader.

89. MATTERS REQUIRING DECISIONS

Consideration was given to reports relating to the following matters requiring decisions, as contained on pages 989 to 1206 of the Book of Reports.

90. DRAFT HOUSING REVENUE ACCOUNT ESTIMATES 2010-11

Councillor Mrs Hopley introduced the report of the Executive Manager Housing and Property Maintenance Services which advised of the Rent Increase for 2010-2011 as provided under the Government's Rent Reform formulae and 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 2010-2011 for consideration.

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 Rent and Service Charge increases, set within delegated authority, be noted and endorsed.
 - B. That the Executive Manager Housing and Property Maintenance Services present this Report to Executive Overview and Scrutiny Committee, and the Tenants and Residents Forum and that any comments be incorporated in the report for consideration by Council on 24 February 2010.
 - C. 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 for the Major Repair Allowance (MRA).

- D. That the Draft Housing Revenue Account Estimates for 2010-2011, as set out in Appendix B to the report, be referred to Council for consideration, subject to resolution A, B, and C above and that in this respect the Portfolio Holder for Housing be authorised to submit proposals to the Council on 24 February 2010 to enable the budget to be set.
- E. That call in is not appropriate for this item as the report is to be submitted to the Executive Overview and Scrutiny Committee on 4 February 2010.

91. A NEW REGULATORY FRAMEWORK FOR SOCIAL HOUSING IN ENGLAND - A STATUTORY CONSULTATION

Councillor Mrs Hopley introduced the report of the Executive Manager Housing and Property Maintenance Services which advised on a Consultation Paper issued by the Tenant Services Authority (TSA) on a new regulatory framework for Social Housing in England and sought guidance on how best to respond.

Comments were raised in respect of the following:

- Concern that fees to be levied were not included in the consultation.
- That 'choosing' contractors should be done via a formal tendering process.
- That consultation should involve all tenants, including the formal tenant and resident groups.
- Concern of the increased bureaucracy of establishing another Quango.

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 report be noted and the Executive Manager Housing and Property Maintenance Services, in consultation with the Housing Portfolio Holder, be given delegated authority to prepare a draft response to the consultation on behalf of Cabinet and submit it to the Executive Overview and Scrutiny Committee and the Tenants and Residents Forum for comments.
- B. That taking into account the comments of the Executive Overview and Scrutiny Committee and the Tenants and Residents Forum, the Executive Manager Housing and Property Maintenance Services, in consultation with the Housing Portfolio Holder, be given delegated authority to send the final response to the TSA before the deadline of 5 February 2010.
- C. That call in is not appropriate for this item as the report is being submitted to the next meeting of the Executive Overview and Scrutiny Committee on 4 February 2010.

92. PUBLIC SECTOR HOUSING CAPITAL INVESTMENT SCHEMES AND PROGRAMMED WORKS PROJECTS - 2010/11 - INCORPORATING THE DECENT HOMES UPDATE

Councillor Mrs Hopley introduced the report of the Executive Manager Housing and Property Maintenance Services which presented the proposed Public Sector Housing Capital Investment and Programmed Works Projects for 2010-11. The report sought approval to award work to the contractors, within the Council's framework to deliver elements of the 2010/2011 programme, and to invite tenders/quotations for the 2010/2011 contracts outside the framework. The report also detailed progress officers have made on implementing the Decent Home Standard within the public housing stock and sought approval for a change of focus for the 2010/2011 capital investment plans to prioritise health and safety and energy efficiency measures whilst still achieving the required "decency" standards, and for borough wide consultation to be carried with tenants regarding tenants' improvement priorities.

A revised Appendix A was circulated at the meeting, together with a draft resolution from Councillor Mrs Hopley.

In reaching the decision below, Cabinet considered the details set out in the report before it together with the draft resolution proposed by Councillor Hopley and accepted the reasons contained there in.

- RESOLVED:
- A. That the progress made to date on implementing the Decent Home Standard at paragraph 5 of the report be noted.
 - B. That the Housing Portfolio Holder be given delegated authority to submit firm proposals to Council on 25 February 2010 to enable the Public Sector Housing Capital Investment and Programmed Works Projects for 2010-11, as detailed in paragraph 7 of the report, along with the 2011/12 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 2010/11 and the Medium Term Capital Programme.
 - C. That the Executive Manager Housing and Property Maintenance Services investigate the feasibility of releasing the money allocated for Kitchens and Roofing for energy efficiency measures, such as replacing single glazed windows and doors with double glazing and upgrading storage heaters, whilst still meeting the Decent Homes Standards by December 2010.
 - D. That it be noted, in light of the Kirkby Regeneration announcement, that Capital Investment in the Findon and Firbeck Area has not been included in the programme and views on this are specifically sought for Council's consideration.
 - E. That a borough wide consultation be carried out during the 2010/2011 financial year, to ascertain tenants' investment priorities, to inform the Capital Investment Programme for future years.

- F. That the Executive Manager Housing and Property Maintenance Services present the report and views of Cabinet to Executive Overview and Scrutiny Committee and the Tenants and Residents Forum.
- G. That call in is not appropriate for this item as the report is to be submitted to Executive Overview and Scrutiny Committee on 4 February 2010.

93. APPROVAL OF STATEMENT OF LICENSING POLICY REQUIRED BY THE GAMBLING ACT 2005

Councillor Fowler introduced the report of the Executive Manager Community Services which sought approval for a revised 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 revised Statement of Licensing Policy be approved.
 - B. That the Executive Manager Community Services be given delegated authority to publish and administer the revised Statement of Licensing Policy before the 31 January 2010.
 - C. That call in is not appropriate for this item, as urgent action is required to meet the deadline of 31 January 2010.

94. ORMSKIRK MODEL BOATING LAKE

Councillor Fowler introduced the report of the Executive Manager Community Services which sought authority to enter into an Agreement for Lease, negotiate and enter into a Lease and a Management Agreement and any other associated agreement with the Owls Community Association Limited (OWLS) for the construction and management of a new model boating lake in Coronation Park, Ormskirk and detailed progress made towards securing the necessary funding to construct the lake.

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 Community Services in consultation with the Executive Manager Planning, Regeneration and Estates and the Council Secretary and Solicitor together with the relevant portfolio holders be authorised to enter into an Agreement for Lease and to negotiate and enter into a Lease and a Management Agreement and any other associated agreements with OWLS to operate a new model boating lake at Coronation Park, Ormskirk, subject to the necessary external funding being secured and obtaining all appropriate consents, and to take all other necessary steps.

- B. That if it is determined that Section 123 of the Local Government Act 1972 regarding disposal of public open space land applies, that the Executive Manager Community Services, in consultation with the Leader and relevant Portfolio Holder, be given delegated authority to consider any objections received.

95. REVENUE ESTIMATES 2010 - 2011

Councillor Westley introduced the report of the Council Secretary and Solicitor which provided a summary on the current 2010-11 budget position.

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 for 2010-11 be noted.
 - B. That the Portfolio Holder for Finance be given delegated authority to submit firm proposals to Council on 24 February 2010 to enable the budget to be set.
 - C. That call in is not appropriate for this item as the report is to be submitted to the Executive Overview and Scrutiny Committee on 4 February 2010.

96. MEDIUM TERM CAPITAL PROGRAMME

Councillor Westley introduced the report of the Council Secretary and Solicitor which detailed 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 below, Cabinet considered the details set out in the report before it and accepted the reasons contained in it.

- RESOLVED:
- A. That the on-going reduction in capital receipt funding from Right to Buy Council House sales be noted.
 - B. That the options set out in paragraph 8 of the report on producing a balanced capital programme over the medium term be noted.
 - C. That the Portfolio Holder for Finance be given delegated authority to submit firm proposals to Council on 24 February 2010 to enable the capital programme to be set.
 - D. That call in is not appropriate for this item as the report is to be submitted to the Executive Overview and Scrutiny Committee on 4 February 2010.

97. JOINT LANCASHIRE MINERALS AND WASTE DEVELOPMENT FRAMEWORK SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT, DEVELOPMENT PLANS DOCUMENT (DPD) CONSULTATION

Councillor Forshaw introduced the report of the Executive Manager Planning, Regeneration and Estates (Interim) to agree a response to the second stage of the Joint Lancashire Minerals and Waste Development Framework Site Allocations and Development Management, DPD Consultation.

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 Planning, Regeneration and Estates (Interim) in consultation with the Portfolio Holder for Planning and Transportation, formulate and submit a response based on the observations set out in paragraph 6 of the report, prior to the consultation deadline.

98. INTERIM HOUSING POLICY FOR WEST LANCASHIRE

Councillor Forshaw introduced the report of the Executive Manager Planning, Regeneration and Estates (Interim) which detailed the preparation of an Interim Housing Policy for West Lancashire, and sought approval to publish the interim policy for public consultation.

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 and Estates be given delegated authority, in consultation with the Planning and Transportation Portfolio Holder, to publish the Interim Policy for publication after taking into consideration any views expressed by the Executive Overview and Scrutiny and Planning Committees.

B. That call in is not appropriate for this item as the report is to be submitted to the Executive Overview and Scrutiny Committee on 4 February and the Planning Committee on 11 February 2010.

99. STATEMENT OF CORPORATE PRIORITIES 2010/11

Councillor Grant introduced the report of the Assistant Chief Executive which sought approval of the Council's Corporate Priorities Statement for 2010/11.

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 Corporate Priorities Statement 2010/11, attached at Appendix A, which has been informed by a wealth of evidence and analysis of local needs, be endorsed and recommended for adoption.

- B. That the Corporate Priorities Statement 2010/11, to be approved at Council on 24 February 2010 should inform the budget setting process and the corporate and service planning processes for April 2010 to March 2011.
- C. That call-in is not appropriate for this item as the report is being submitted to the next meeting of the Executive Overview and Scrutiny Committee on 4 February 2010.

100. QUARTERLY PERFORMANCE INDICATORS

Councillor Westley introduced the report of the Assistant Chief Executive which advised of the quarterly performance monitoring data for the quarter ending 30 September 2009.

A copy of Minute 40. of the Corporate Overview and Scrutiny Committee was circulated for information together with a revised Appendix B2, Performance Improvement Plan BV212. 'Average time taken to re-let local authority housing'.

- RESOLVED:
- A. That the overall trend of improvement shown by the performance indicator data for the quarter ended 30 September 2009 be noted.
 - B. That call-in is not appropriate as this report as it has previously been considered by the Corporate Overview & Scrutiny Committee.

101. CORPORATE SUITE OF PERFORMANCE INDICATORS 2010/11

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 2010/11.

The view was expressed that those Performance Indicators listed in the 'Comments' column as 'Was quarterly now recommended for annual reporting' should remain as Quarterly.

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

- RESOLVED:
- A. That the draft Suite of Performance Indicators 2010/1, listed in columns 1 and 2 of Appendix A of the report, be approved as being most important in terms of achieving the Council's Vision and Priorities, subject to B below.
 - B. That the indicators specified in the final column should make up the suite of "Key PI's" reported to Members each quarter, together with those Performance Indicators specified in the 'Comments' column as 'Was quarterly now recommended for annual reporting' and a revised Appendix A be submitted to Executive Overview and Scrutiny Committee and Council in February 2010.

- C. That call-in is not appropriate for this item as the report is being considered at the next meeting of Executive Overview & Scrutiny Committee on 4 February and Council on 24 February 2010.

102. PROPOSED COLLECTION CHANGES RESULTING FROM THE ALTERNATE WEEKLY COLLECTION PILOT SCHEME ON WINDROWS AND WILLOW HEY, SKELMERSDALE

Councillor Greenall introduced the report of the Executive Manager Street Scene which detailed the results of the Alternate Weekly Collection (AWC) Wheeled Bin Pilot Scheme operated across Windrows and Willow Hey, New Church Farm, Skelmersdale and proposed refuse and recycling improvements to bring Skelmersdale collection services in line with the majority of the Borough.

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 results of the Pilot Scheme be noted and that, subject to approval by Council, AWC be introduced across the remaining Skelmersdale Wards with effect from April 2010.
 - B. That the Executive Manager Street Scene be given delegated authority, in consultation with the relevant Portfolio Holder, to take all appropriate action to facilitate the necessary service changes arising from A above.
 - C. That call in is not appropriate for this item as the report is being submitted to the next meeting of the Executive Overview and Scrutiny Committee on 4 February 2010.

94. DIVERSION AND/OR EXTINGUISHMENT OF THE HIGHWAYS RIGHTS ON LAND AT ELMSTEAD

Councillor Forshaw referred to a Briefing Note circulated on behalf of the Executive Manager Housing and Property Maintenance Services which detailed progress in respect of the urgent decision taken to extinguish/divert highways on land at Elmstead, Skelmersdale, subject to the consent of, on an agency basis, Lancashire County Council as Highways Authority.

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

- RESOLVED:
- A. That the position with regard to the highways extinguishment/diversion be noted.
 - B. That the Executive Manager Housing & Property Maintenance Services be requested to write to Lancashire County Council asking for early determination of the request for the extinguishment/diversion of relevant highways to enable the development to proceed.

CABINET

HELD: 19 JANUARY 2010

- C. That call in is not appropriate in view of the urgency of the need to progress the highways processes.

95. KEY DECISION FORWARD PLAN - QUARTERLY REPORT ON SPECIAL URGENCY DECISIONS - 1 OCTOBER TO 31 DECEMBER 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 once during the quarter ending 31 December 2009.

THE LEADER