

CABINET

HELD:

AGENDA ITEM: 8

16 MARCH 2010

Start:

7.30pm

Finish:

8.20pm

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 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 Manager Community Services (Mr D Tilleray)
- Treasurer (Mr M Taylor)
- Estates and Valuation Manager (Ms R Kneale)
- Economic Regeneration Manager (Ms P Huber)
- Heritage and Environment Manager (Mr I Bond)
- Assistant Member Services Manager (Mrs J Denning)

96. APOLOGIES

There were no apologies for absence.

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

There were no items of urgent business,

98. DECLARATIONS OF INTEREST

The following declarations were received:

1. Councillors Owens and Westley declared a personal interest in agenda item 5(i) 'Conservation Area Enhancement Grants' as they live in conservation areas.

2. Councillors Grant, Westley, Ashcroft, Owens, Fowler, Cotterill and Greenall declared a personal interest in agenda item 5(f) 'Neighbourhood Management – Costs and Benefits – Final Report of the Corporate Overview and Scrutiny Committee' as members of the Local Strategic Partnership (LSP).
3. Councillors Westley, Fowler, Ashcroft and Grant declared a personal interest in agenda item 5(b) 'Capital Monitoring 2009/2010' as Members of Halsall, Scarisbrick, Hesketh with Beconsall and Aughton Parish Councils respectively.
4. Councillor Westley declared a personal interest in item 5(e) 'Car Parking in West Lancashire – Final Report of the Environmental Overview and Scrutiny Committee' and item 5(h) 'Locality Plans' as a Member of Lancashire County Council.

99. MINUTES

RESOLVED: That the minutes of the meeting of Cabinet held on 19 January 2010 be received as a correct record and signed by the Leader.

100. MATTERS REQUIRING DECISIONS

Consideration was given to reports relating to the following matters requiring decisions, as contained on pages 1223 to 1360 of the Book of Reports:

101. REVENUE BUDGET MONITORING

Councillor Westley introduced the report of the Council Secretary and Solicitor which provided a projection on the financial position on the General and Housing Revenue Accounts to the end of the 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 to be submitted to the next meeting of the Executive Overview and Scrutiny Committee on 31 March 2010.

102. CAPITAL MONITORING 2009/2010

Councillor Westley introduced the report of the Council Secretary and Solicitor which detailed the current position in respect of the 2009/2010 Capital 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: A. That the current position in respect of the 2009/2010 Capital Programme be noted.

- B. That call in is not appropriate for this item as the report is being referred to the next meeting of the Executive Overview and Scrutiny Committee on 31 March 2010.

103. RISK MANAGEMENT

Councillor Westley introduced the report of the Council Secretary and Solicitor which detailed the Key Risks facing the Council and how they are being managed.

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 made in relation to the management of the risks shown in the Key Risks Register at Appendix A to the report be noted and endorsed.
 - B. That the revised Risk Management Policy and Strategy at Appendix B to the report be approved.

104. OFF-STREET CAR PARKING

Councillor Forshaw introduced the report of the Executive Manager Community Services which detailed arrangements that need to be put in place to continue the delivery of off-street parking enforcement and cash collection services from June 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 Executive Manager Community Services, in consultation with the Portfolio Holders for Planning & Transportation and Finance & Performance Management, be given delegated authority to accept the lowest suitable tender for the provision of off-street parking enforcement and cash collection arrangements within the Borough to run from 6 June 2010.
 - B. That the Executive Manager Community Services, in consultation with the Executive Manager Regeneration and Estates, the Council Secretary and Solicitor and the Portfolio Holders for Planning & Transportation and Finance & Performance Management, be given delegated authority to enter into a licence/lease agreement, as appropriate, in relation to the successful tenderers' occupation of Council premises if required.
 - C. That in view of the deadline for the implementation of the arrangements this matter shall not be available for call in.

105. CAR PARKING IN WEST LANCASHIRE - FINAL REPORT OF THE ENVIRONMENTAL OVERVIEW & SCRUTINY COMMITTEE

Councillor Forshaw introduced the joint report of the Council Secretary and Solicitor and the Executive Manager Regeneration and Estates which set out the final report and recommendations of the Environmental Overview and Scrutiny Committee following an in-depth review conducted entitled 'Car Parking in West Lancashire' and referred to recent work undertaken by Lancashire County Council on car parking in the Borough and the need to consider the same.

In reaching the decision below, Cabinet considered the details set out in the report before it and the further information provided by the Portfolio Holder and accepted his reasoning.

- RESOLVED:
- A. That the Committee be thanked for their work on the final report on "Car Parking in West Lancashire", attached at Appendix A to the report.
 - B. That the Report be referred back to the Committee with a request that they consider the recent work done by Lancashire County Council in the Borough on car parking and update their Report as appropriate and bring it back to Cabinet when convenient.
 - C. That the report be not considered by Council at this stage
 - D. That call in is not appropriate as the matter is being referred to the Environmental Overview and Scrutiny Committee on 8 July 2010.

106. NEIGHBOURHOOD MANAGEMENT - COSTS AND BENEFITS - FINAL REPORT OF THE CORPORATE OVERVIEW & SCRUTINY COMMITTEE

Councillor Fowler introduced the joint report of the Council Secretary and Solicitor and the Assistant Chief Executive which detailed the final report and recommendations of the Corporate Overview and Scrutiny Committee following an in-depth review conducted entitled 'Neighbourhood Management – Costs and Benefits'.

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 final report on 'Neighbourhood Management – Costs and Benefits', attached at Appendix A to the report, be received and the Committee be thanked for their work.
 - B. That Recommendations (1) to (4)(a) contained in the final report be referred to the LSP for consideration as follows:

- (1) That consideration be given by the LSP to the provision of our own model for Neighbourhood Management building on the principles of the West Lancashire SSCF Project that will enable local communities to work with the providers of neighbourhood services more effectively to meet local needs and expectations.
- (2) That in consideration of (1) above, that it be recommended that a “pilot” of the ‘West Lancashire Neighbourhood Management Model’ be undertaken in a designated locality in the Borough.
- (3) That in consideration of the provision of a “West Lancashire Neighbourhood Management Model”, that the following findings are taken into account when evaluating the approach and location of the “pilot” study:
 - (a) That the model recognises the range of diverse circumstances (rural and urban), existing and potential community engagement structures and availability of neighbourhood services and facilities across the Borough.
 - (b) That the fundamental concept of the model is to develop a “Local Board” taken from a cross-section of the community, with a significant involvement of local democratically-elected Members.
 - (c) A key role for the Board is to develop meaningful links with public agencies, services providers and members of their community (particularly to include residents, local businesses, youth groups, etc).
 - (d) That a further role of the Board be to include the promotion of volunteering, community engagement and empowerment.
 - (e) That the Neighbourhood Manager’s role be to focus on specific neighbourhoods around the Borough, according to need and opportunity, using a two stage approach on two neighbourhoods at a time, (with the Digmaor Project continuing to be ‘managed’ as one of those neighbourhoods, but with Stage 2 support for one year, as described at (g) below).

- (f) That the first stage (being the more intensive 'development stage') be to include working with various agencies, locally elected Members and community representatives to develop the Local Board. The Board would then oversee the development of a practical Action Plan for improvement of their area based upon voluntary contributions, business contributions and the actions of public agencies (within existing resources). Consideration should be given to providing the Board with a small budget for promoting community activities in that area. This stage to take approximately one year, before moving on to Stage 2.
 - (g) That the second stage (the less intensive 'sustainability stage') be to develop the Board such that it is self-sustaining, with minimum support from the Neighbourhood Manager. Again, this support would last for approximately one year.
- (4) (a) That, given this is a multi-agency and community engagement approach to improving the communities of West Lancashire, that the Local Strategic Partnership be asked to fund the post of Neighbourhood Manager, along with some administrative support.
- C. That in respect of Recommendation (4)(b) Cabinet determine its recommendations to Council at a future date (if applicable) once the LSP's response to the earlier recommendations has been received.
 - D. That in respect of Recommendation (4)(c) Cabinet determine its approach (if applicable) at a future date once the LSP's response to the earlier recommendations has been received.
 - E. That Call In is not appropriate as the matter has already been considered by the Corporate Overview and Scrutiny Committee and will be considered at Council on 14 April 2010.

107. QUARTERLY PERFORMANCE INDICATORS (OCTOBER 2009 TO DECEMBER 2009)

Councillor Westley introduced the report of the Assistant Chief Executive which presented the quarterly performance monitoring data for the quarter ended 31 December 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 overall trend of improvement shown by the performance indicator data for the quarter ended 31 December 2009 be noted.
- B. That call in is not appropriate, as the report has previously been considered by the Corporate Overview and Scrutiny Committee on 3 March 2010.

108. LOCALITY PLANS

Councillor Grant introduced the report of the Assistant Chief Executive which detailed the current position regarding locality plans and sought approval for a suggested approach to be adopted in respect of producing a locality plan for 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 a locality plan be developed in accordance with the arrangements set out at Section 7 of the report and in this respect the Assistant Chief Executive be given delegated authority, in consultation with the Portfolio Holder, to commence the process after taking account of any comments agreed by the Executive Overview and Scrutiny Committee, following that Committee's consideration of this report.
- B. 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 31 March 2010.

109. CONSERVATION AREA ENHANCEMENT GRANTS

Councillor Forshaw introduced the report of the Acting Executive Manager Planning which sought approval to implement a Borough wide strategy for the enhancement of conservation area in line with the West Lancashire Heritage Strategy.

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 revisions to the existing conservation area enhancement programme as detailed in the report be approved.
- B. That delegated authority be given to the Acting Executive Manager Planning, in consultation with the Portfolio Holder for Planning and Transportation, to make the necessary arrangements to implement the enhancement programme as set out in the Appendix the report.

110. DATA SHARING - BUSINESS INFORMATION

Councillor Owens introduced the report of the Executive Manager Regeneration and Estates which sought authority to enter into data sharing agreements (or similar) with external organisations, i.e. Business Link Northwest (BLNW) and to share data with partner organisations.

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), and share data, with Business Link Northwest and other partners and stakeholders for the economic benefit of the Borough of West Lancashire.

111. OPERATIONAL COMMUNITY ASSETS - MANAGED ALLOTMENT SITES

Councillor Fowler introduced the joint report of the Executive Manager Community Services and the Executive Manager Regeneration and Estates which proposed revised arrangements for the management of the Council's allotments.

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 new asset management arrangements for community assets as set out in the report be applied to the Council's allotment holdings.

B. That the Executive Manager Community Services, in consultation with the Executive Manager Regeneration and Estates and the Council Secretary and Solicitor, be authorised to take all necessary steps to give effect to the revised management arrangements sanctioned at A. above, including putting in place suitable agreements and leases and the obtaining of all necessary consents.

112. SOCIAL ENTERPRISE AND EMPLOYMENT INITIATIVE

Councillor Owens introduced the report of the Executive Manager Regeneration and Estates which detailed a potential new Social Enterprise and Employment Initiative, which would help to support employment and the social enterprise sector in West Lancashire, and sought approval to investigate appropriate funding sources, including external, towards its establishment.

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 Portfolio Holder Regeneration and Estates, investigate funding in respect of a social enterprise and employment initiative and fully investigate the options available through the Lancashire County Council HR workforce solutions to secure suitable placement opportunities.

113. REGULATION OF INVESTIGATORY POWERS ACT PART 2 ORDERS AND CODES OF PRACTICE

Councillor Grant introduced the report of the Council Secretary and Solicitor which provided details of the new Regulation of Investigatory Powers Codes and Orders which come into force on 6 April 2010 and sought approval for implementing relevant 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 contents of the report be noted and the Council Secretary and Solicitor be authorised to undertake the role of Senior Responsible Officer (“SRO”) in accordance with the relevant Code of Practice.
 - B. That the Council Secretary and Solicitor be required to bring an annual report to Cabinet seeking approval of the Policy on the use of the Regulation of Investigatory Powers Act 2000 (“RIPA”) powers and reviewing the use of these powers.
 - C. That the quarterly monitoring of the use of RIPA powers be carried out by the Audit and Governance Committee.
 - D. That it be noted in the Council’s Scheme of Delegation that the Chief Executive should authorise relevant surveillance activity when knowledge of confidential information is likely to be acquired or when a vulnerable individual or juvenile is to be used as a source.
 - E. That in view of the Codes and the Order being set to take effect from 6 April 2010 the matter shall not be available for call in.

114. 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 item 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.

115. PROPOSED SALE OF LAND AT PINGWOOD LANE, SIMONSWOOD, KIRKBY

Councillor Owens introduced the report of the Executive Manager Regeneration and Estates which sought authority to dispose of land at Pingwood Lane, Simonswood, Kirkby.

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 delegated authority be given to the Executive Manager, Regeneration and Estates in consultation with the Council Secretary and Solicitor, Portfolio Holder for Regeneration and Estates and the Leader to:

- A. Dispose of the land shown hatched on the plan attached as an appendix to the report, subject to the negotiation and agreement of Terms.
- B. Enter into all necessary documentation and to take all other necessary steps to facilitate the disposal.
- C. Obtain, where necessary, all other appropriate consents.

THE LEADER