

CABINET

HELD: 15 JUNE 2010

Start: 7.30pm

Finish: 8.45pm

PRESENT:

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

Councillors		<u>Portfolio</u>
I Ashcroft		Human Resources and Partnership
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 Estates

In attendance Councillors:	T Aldridge	N Furey
	P Cotterill	R Pendleton
	J Coyle	

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 Regeneration and Estates (Mrs J Traverse)
Head of Leisure & Cultural Services (Mr J Nelson)
Treasurer (Mr M Taylor)
ICT and e-Government Manager (Mr C Isherwood)
Access to Services and Performance Manager (Mr S Walsh)
LDF, Strategy & Environment Manager (Mr I Gill)
Assistant Street Scene Manager (Mr I Silverwood)
Assistant Member Services Manager (Mrs J Denning)
Lead HR business partner, Lancashire County Council (Ms S Lewis)

1. APOLOGIES

An apology for absence was received on behalf of Councillor Westley.

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

There were no items of urgent business, however the Leader wished to congratulate the Chief Executive, Mr W Taylor, on being awarded an MBE in the Queen's Birthday Honours List 2010 for services to Local Government.

3. DECLARATIONS OF INTEREST

Councillor Ashcroft declared a personal and prejudicial interest in agenda item 6(16) 'Use of Section 106 Monies in Wrightington, Banks and Hesketh Bank' as a Member of Hesketh with Becconsall Parish Council.

Councillors Grant, Owens, Forshaw, Fowler and Cotterill declared a personal interest in agenda item 5(15) 'Performance Reward Grant – Spending Decision' as members of the Local Strategic Partnership (LSP).

4. MINUTES

RESOLVED: That the minutes of the meeting of Cabinet held on 16 March 2010 be received as a correct record and signed by the Chairman.

5. CONFIRMATION OF PROCEDURAL MATTERS

RESOLVED: A. That the appointment of Cabinet Committee, Panels and Working Groups for 2010/11, as circulated at the Annual Meeting of the Council on 19 May 2010, with the terms of reference included in the Constitution, be confirmed.

B. That the 'Proper Officer Provisions and Scheme of Delegation to Chief Officers', insofar as they are executive functions, and the Scheme of Delegation to Cabinet Members, as set out in the Constitution, be confirmed.

6. MATTERS REQUIRING DECISIONS

Consideration was given to reports relating to the following matters requiring decisions, as contained on pages 13 to 298 and 331 to 340 of the Book of Reports:

7. LITTLE DIGMOOR PLAY AREA

Councillor Fowler introduced the report of the Executive Manager Community Services which detailed action undertaken to reduce anti-social behaviour at the Multi-Use Games Area (MUGA) and teenage shelter in Abbeystead, Little Digmoor. He referred to a letter received from Councillor J Coyle which raised a number of issues and advised that there had only been 3 reported incidents to the Police in the last 6 months.

In reaching the decision below, Cabinet gave consideration to the letter from Councillor Coyle and the comments from Councillor Fowler and considered the details set out in the report before it and accepted the reasons contained in it.

RESOLVED: A. That the play equipment, MUGA and teenage shelter remain in situ.

B. That the Executive Manager Community Services continues to work with the Police to monitor any future anti-social behaviour issues and take appropriate action where necessary.

C. That updates be provided via the Member's Update as appropriate and should anti-social behaviour issues cause significant concern in respect of the MUGA, the Executive Manager Community Services report further to Cabinet.

8. MARKET REGULATIONS

Councillor Forshaw introduced the report of the Executive Manager Community Services which sought agreement to the introduction of revised Market Traders Regulations.

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 Market Traders Regulations, attached as Appendix A to the report, be approved subject to B. and C. below.
 - B. That the Executive Manager Community Services be authorised to consult with all relevant bodies and individuals in respect of the proposed implementation of the Regulations.
 - C. That the Executive Manager Community Services be authorised, in consultation with the Portfolio Holder for Planning and Transportation, to finalise and implement the new Regulations following the consultations in accordance with B. above.

9. OLDER PEOPLE'S CHAMPION GRANTS

Councillor Grant introduced the report of the Assistant Chief Executive to consider the range of grants to be made from the Older People's Champion Grants budget.

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 grants scheme for older peoples champion be revised in order to expand the range of grants from £50 - £500 (previously £250 - £500) to be made from this funding stream.
 - B. That the call in procedure is not appropriate for this item as this matter is one where action is required to implement without delay the arrangements previously agreed by the Council.

10. QUARTERLY PERFORMANCE INDICATORS (Q4 2009/10)

Councillor Grant introduced the report of the Assistant Chief Executive which presented the quarterly performance monitoring data for the quarter ended 31 March 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 good performance shown by the performance indicator data for the quarter ended 31 March 2010 be noted.
 - B. That call in is not appropriate as this report is to be considered by the Corporate Overview and Scrutiny Committee.

11. ORGANISATIONAL RE-ENGINEERING ENVIRONMENTAL HEALTH MANAGEMENT

Councillor Fowler introduced the joint report of the Assistant Chief Executive and the Executive Manager Community Services which detailed the findings and recommendations for savings and service improvements contained within the attached Organisational Re-engineering (OR) Environmental Health Management Report.

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 findings and recommendations for service improvements contained within the report attached as an appendix be noted and agreed.
 - B. That it be noted that £24,000 will be invested into the integration of the Customer Relations Management system (CRM) with the Environmental Health M3PP system, to be funded from savings generated as a result of the OR review.
 - C. That the Assistant Chief Executive, and the Executive Manager Community Services, be given delegated authority to implement the recommendations contained in paragraph 6.1 of the report attached as an appendix.

12. CORPORATE PERFORMANCE PLAN AND SUITE OF INDICATORS 2010/11

Councillor Grant introduced the report of the Assistant Chief Executive which sought views on the scope, content and strategic focus of the draft Corporate Performance Plan 2010/11 and provided an update on the progress that had been made towards achieving the Corporate Priorities in 2009/10. The report detailed the outturns for 2009/10 and targets for the next three years and sought approval for the draft Corporate Performance Plan 2010/11 and Suite of Performance Indicators to be adopted as the Council's performance management framework and strategic plan for 2010/11.

Comments were received in respect of:

- Place Survey
- Litter figures
- Wheelie bin collection
- Council Tax collection Performance Indicator
- % calls answered in the Contact Centre Performance Indicator
- Domestic Violence figures

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 progress towards achieving the Corporate Priorities in 2009/10 be noted.

- C. That it be noted that the contents of Appendices A and B and the progress in achieving the 2009/10 Corporate Priorities will be updated and revised before consideration of these documents by the Council.
- D. That subject to the views of the Executive Overview and Scrutiny Committee and to the updated and revised information referred to at C. above, the Council be recommended to adopt the draft Corporate Performance Plan 2010/11 and Suite of Performance Indicators (Appendices A and B) as the Council's performance management framework and strategic plan for 2010/11 and in this respect the Assistant Chief Executive be authorised to make the appropriate changes prior to publication to reflect the revised information referred to at C. above.
- E. That call-in is not appropriate for this item as it is being referred to the next meeting of the Executive Overview and Scrutiny Committee.

13. VETTING AND BARRING SCHEME

Councillor Ashcroft introduced the joint report of the Assistant Chief Executive and Executive Manager Community Services which provided an introduction and set out the implications of the new legislative requirements in relation to employment and review of employees who work with vulnerable adults and children.

Councillor Ashcroft advised that an announcement from the Government had been received, since the publication of the report, of its intention to review the Vetting and Barring Scheme and that the Criminal Records Bureau would communicate any changes as soon as information was available.

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

- RESOLVED:
- A. That the contents of the report and the proposed changes to the Criminal Record Bureau checks for employees in relation to the Vetting and Barring legislation which the Council must undertake be noted.
 - B. That the recent announcement, that the Government intends to review the Vetting and Barring Scheme, and have halted progressing the intended implementation of the scheme in its current form, be noted.

- C. That, subject to the outcome of the Government review and consultation with the Trade Unions, the Assistant Chief Executive be authorised to make all necessary amendments to the employment contracts (Terms & Conditions) for staff, the recruitment policy and all appropriate HR policies and the Council conditions of employment in relation to the implementation and administration of the Vetting and Barring legislation, and to take all necessary steps to implement those changes.

14. INTERIM HOUSING POLICY FOR WEST LANCASHIRE

Councillor Forshaw introduced the report of the Acting Executive Manager Planning which detailed the outcome of consultation on the draft Interim Housing Policy for West Lancashire, and to request that Council agree the responses to representations made on the draft policy and adopt the revised interim policy for Planning Control purposes.

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 Interim Housing Policy be noted.
- B. That the Acting Executive Manager Planning be authorised, in consultation with the Planning Portfolio Holder, to finalise the wording of the policy in respect of development on greenfield sites and affordable housing.

15. THE REGULATORY FRAMEWORK FOR SOCIAL HOUSING IN ENGLAND FROM APRIL 2010

Councillor Mrs Hopley introduced the report of the Executive Manager Housing and Property Maintenance Services which advised that the Regulatory Framework became effective, subject to the necessary Statutory Instrument being made by Government, on 1 April 2010. The report sought to agree the process of agreeing the standards and any local offers with tenants and the monitoring arrangements that it wished to put in place.

Councillor Hopley advised that the Corporate Overview and Scrutiny Committee would be considering it's work programme for 2010/11 and that the Tenant Services Association (TSA) Governance arrangements was one of the topics put forward 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 Executive Manager Housing and Property Maintenance Services be given delegated authority to commence discussions with tenants to agree how the Council will deliver its regulatory requirement.
- B. That following this, a further report be brought back to agree the standards and any local offers, together with the governance arrangements.

- C. That this report be referred to the Executive Overview and Scrutiny Committee and any comments be considered as part of the further report referred to in B. above.
- D. That the call in procedure is not appropriate for this item as the report is being submitted to the next meeting of the Executive Overview and Scrutiny Committee on 1 July 2010.

16. HEALTH AND SAFETY STRATEGIC PLAN 2010/12

Councillor Ashcroft introduced the report of the Executive Manager Housing and Property Maintenance Services which provided an update on the progress made in relation to the Health and Safety Strategic Plan.

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 Health and Safety Strategic Plan, attached as an appendix to the report, be approved.
 - B. That the current objectives and targets set out in the Plan be noted.
 - C. That Performance against the Health and Safety Strategic Plan be monitored by Member's Updates on a 6 monthly basis and reported to Cabinet yearly.

17. DISABLED FACILITIES GRANTS REVIEW

Councillor Mrs Hopley introduced the report of the Executive Manager Housing and Property Maintenance Services which sought approval to offering Disabled Facilities Grants to home owners in a manner that should reduce costs both in terms of the cost of the building work itself and the cost of Officer time in administering the process.

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 pilot arrangement be put in place, until 30 April 2012, whereby the tendered schedule of rates for disabled facilities construction work applicable to Council owned dwellings also be used for non-Council owned dwellings in accordance with the content of this report.
 - B. That a further report on the pilot be considered by Cabinet during 2011 to recommend the way forward when the pilot arrangements terminate.
 - C. That quarterly monitoring reports be submitted to Cabinet during the pilot process.

18. PETITION SCHEME

Councillor Grant introduced the report of the Council Secretary and Solicitor advising that the Council was required by the Local Democracy, Economic Development and Construction Act 2009 to adopt a 'Petition Scheme' setting out how the Council will handle petitions submitted under that Act.

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 'Petitions Scheme' detailed in the Appendix to the report be approved and brought into effect on 15 June 2010.
 - B. That the 'Petitions Scheme' be published on the Council's website in accordance with the legislation and incorporated in the Constitution.
 - C. That the Council Secretary and Solicitor, in consultation with the Leader, be given delegated authority to make any minor amendments to the scheme.
 - D. That the Council Secretary and Solicitor prepare a yearly update to Council in July, providing details of petitions received under the scheme and the steps taken to respond.
 - E. That the Council Secretary and Solicitor and the Assistant Chief Executive, in consultation with the Leader, be authorised to investigate options available and take all necessary steps to implement the e-petitions facility by 15 December 2010.

19. CHANGES TO EXECUTIVE ARRANGEMENTS

Councillor Grant introduced the report of the Council Secretary and Solicitor which set out the implications of the Local Government and Public Involvement in Health Act 2007 in relation to the Council changing its governance arrangements and sought approval to the process of consulting on a preferred governance option, in accordance with its provisions.

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's preferred governance model be confirmed, subject to the outcome of the consultation, to be to move to the "Leader and Cabinet Executive (England) model" for the reasons outlined in Section 6 of the report.
 - B. That consultation on the Council's future governance arrangements should be undertaken as outlined in paragraphs 7.4 and 7.5 of the report.

- C. That a report on the outcome of the consultation be submitted to Council at its meeting on 20 October 2010.

20. PERFORMANCE REWARD GRANT

Councillor Grant introduced the report of the Assistant Chief Executive which sought to formalise the Council's approach to its ratification of spending decisions made by the West Lancashire Local Strategic Partnership in respect of the allocation of Performance Reward Grant (PRG) and sought endorsement for the use of PRG to fund a 'Strengthening and Supporting CCTV Provision' project.

The Assistant Chief Executive circulated revised recommendations which took into account the recently announced Government spending review and the uncertainty as to whether the Performance Reward Grant would be available.

In reaching the decision below, Cabinet considered the details set out in the report before it, and the revised recommendations circulated by the Assistant Chief Executive, and accepted the reasons contained therein.

- RESOLVED:
- A. That authority to allocate PRG in accordance with the recommendation of the West Lancashire Local Strategic Partnership be delegated to the Assistant Chief Executive.
 - B. That the 'Supporting and Strengthening CCTV' project be endorsed, as it meets with the requirements of the PRG Protocol, (Appendix A).
 - C. That the Local Strategic Partnership be advised that it should not make any spending commitments or enter into any contractual arrangements which are dependent on Performance Reward Grant until the future availability of this funding source has been confirmed.

21. REVIEW OF GRAFFITI REPORTING AND MANAGEMENT ARRANGEMENTS

Councillor Greenall introduced the report of the Executive Manager Street Scene which provided an update with regard to progress made by the Graffiti Task and Time Group in reviewing arrangements for the reporting and management of graffiti across the borough.

Councillor Greenall referred to paragraphs 4.3 and 4.4 of the report which advised that Divisions other than Street Scene also have a graffiti removal function within the Council and he felt that a more expedient way of dealing with graffiti issues was for Street Scene to be singularly responsible for providing the Borough Council's graffiti removal service.

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

- RESOLVED:
- A. That the report and progress made by the Graffiti Task and Time Group be noted.

- B. That the Executive Manager Street Scene, in consultation with the relevant Portfolio Holders and Divisional Managers, be authorised to streamline the Council's response to graffiti removal as appropriate, by becoming singularly responsible for this function with effect from 1 August 2010.

22. USE OF SECTION 106 MONIES IN WRIGHTINGTON, BANKS AND HESKETH BANK

Councillor Fowler introduced the report of the Executive Manager Community Services which considered requests from North Meols, Hesketh with Beconsall and Wrightington Parish Councils regarding the use of monies received by the Borough Council from housing developers for the enhancement of public open space and recreation provision in their Parishes.

The Executive Manager Community Services circulated revised recommendations which included an amended figure from £32,000 to £29,600 for Station Road, Hesketh Bank and a revised paragraph 3.4 of the report as follows:

“3.4 In Hesketh with Beconsall a sum for 43-55 Boundary Lane (£29,400) has been received and is unallocated. Further sums from land at Moss Lane (£31,850) and land off Station Road (£29,600) are due now and unallocated. This gives a total of £90,850 available for use in Hesketh with Beconsall.”

In reaching the decision below, Cabinet considered the details set out in the report before it, including the revised paragraph 3.4 and recommendations, and accepted the reasons contained therein.

- RESOLVED: A. That the projects detailed in section 6 of the report be approved and the Section 106 sums of £104,510 for North Meols, £90,850 for Hesketh with Beconsall (£29,400 from available funds and £61,450 when available from funds due) and £81,710 for Wrightington be made available to the respective Parish Councils for their projects.
- B. That the commuted sums be paid to the respective Parish Councils, subject to them entering into suitable legal agreements with the Council.

(Note: Councillor Ashcroft declared a personal and prejudicial interest in this item and left the room whilst the item was under consideration.)

23. KEY DECISION FORWARD PLAN - QUARTERLY REPORT ON SPECIAL URGENCY DECISIONS - 1 JANUARY TO 31 MARCH 2010

Councillor Grant 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 ending 31 March 2010.

24. 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.

25. MATTERS REQUIRING DECISIONS

Consideration was given to reports relating to the following matters requiring decisions, as contained on pages 299 to 330 of the Book of Reports:

26. LANCASHIRE COMMUNITY TRANSPORT SERVICES - TENDERING EXERCISE

Councillor Forshaw introduced the report of the Council Secretary and Solicitor which advised of the resolution of the Funding of Voluntary and Other Organisations Cabinet Working Group meeting held on 20 April 2010 in respect of a tendering process being undertaken by Lancashire County Council (the County Council) in relation to community transport services, and the implications thereof. The report also sought support for a partnership approach to the tendering exercise and future provision of community transport services in 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 Minute 17, attached at Appendix 1 to the report, of the Funding of Voluntary Bodies Working Group meeting held on 20 April 2010, be endorsed as follows:

“17. LANCASHIRE COMMUNITY TRANSPORT SERVICES - TENDERING EXERCISE

Prior to consideration of the report of the Assistant Chief Executive, the Chairman welcomed Tony Moreton and Karen Harrison from Lancashire County Council to the meeting and invited them to make an oral presentation to the Working Group.

Tony Moreton advised the Working Group that E.U. Procurement rules require the County Council to tender, on an open contract basis, for community transport services within Lancashire. He explained that in West Lancashire this included the Dial – A Ride service and three community car schemes. He went on to outline the procurement process and timescales and indicated that the contract with the successful tenderer should be in place by 1 October 2010.

Members of the Working Group were given an opportunity to ask questions to the County Council representatives before they left the meeting.

The Working Group then considered the report of the Assistant Chief Executive in which she

- referred to the recommendations of the Working Group in November 2009 in relation to revenue funding to the West Lancashire Dial a Ride Association for 2010 onwards
- outlined the implications of the tender process and options for the Borough Council

RESOLVED: A. That Cabinet be recommended to support the option set out at paragraph 6.1(i) of the report, namely:

- (i) That subject to a suitable (similar or better) outcome from the tender exercise, by Lancashire County Council, the Council enter into a Grant Funding Agreement with the County Council in relation to community transport services in the Borough
- (ii) That this agreement be for an initial 3 year period to run from 1 October 2010, or such other date as may be agreed by the Assistant Chief Executive, in consultation with the Portfolio Holders for Community Services and Health and Planning and Transportation, with an option to extend
- (iii) That subject to negotiation, payment by the Council under the terms of the Grant funding Agreement to Lancashire County Council shall be determined by the formula set out in paragraph 6.1(i) of the report

- B. That it be noted that in the light of Lancashire County Council's timetable for tendering, the Assistant Chief Executive intends to exercise her urgency powers as set out at Constitution 4.2 paragraph 5.21, to commit the Council to joining the County Council's tender exercise, and to write to the West Lancashire Dial-A-Ride Association, to inform them of the approach to be adopted."
- B. That delegated authority be given to the Assistant Chief Executive in consultation with the Council Secretary and Solicitor and relevant Portfolio Holders, to draw up, negotiate and enter into a Grant Funding Agreement for the provision of Community Transport in West Lancashire with Lancashire County Council.
- C. That the call in procedure is not appropriate for this item as the matter is one where urgent action is required because of the need for timely negotiations in relation to the Grant Funding Agreement, in the light of the County Council's timetable for the tender exercise.

27. CONVERSION OF FORMER PUBLIC WC'S IN CORONATION PARK, SKELMERSDALE INTO A POLICE POINT

Councillor Owens introduced the joint report of the Executive Manager Community Services and the Executive Manager Regeneration and Estates which sought authority to convert and lease the building, housing the disused public toilets, located in Coronation Park, Skelmersdale, into a Police Point.

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 authorised to negotiate and agree a lease of the property and to carry out the necessary works to refurbish the premises.

THE LEADER