

CABINET

HELD: 14 SEPTEMBER 2010
Start: 7.30pm
Finish: 9.15pm

PRESENT:

Councillor I 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	Mrs M Blake	N Furey
Councillors:	Mrs J Colling	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)
- Acting Executive Manager Planning (Mr J Harrison)
- Executive Manager Regeneration and Estates (Mrs J Traverse)
- Treasurer (Mr M Taylor)
- ICT Manager (Mr C Isherwood)
- Property Services Manager (Mr P Holland)
- Assistant Member Services Manager (Mrs J Denning)

40. APOLOGIES

There were no apologies for absence.

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

There were no items of urgent business.

42. DECLARATIONS OF INTEREST

Councillor Westley declared a personal interest in agenda items 5(f) 'Sponsorship of Roundabouts and Other Parts of the Highway Infrastructure', 5(p) 'The Northern Rail Hub' and 5(t) 'Mid Lancashire Multi Area Agreement/Local Investment Plans/Local Enterprise Partnerships' as a Member of Lancashire County Council.

43. MINUTES

RESOLVED: That the minutes of the meeting held on 15 June and the Special meeting held on 21 July 2010 be received as a correct record and signed by the Leader.

44. MATTERS REQUIRING DECISIONS

Consideration was given to reports relating to the following matters requiring decisions, as contained on pages 363 to 618 of the Book of Reports:

45. QUARTERLY PERFORMANCE INDICATORS Q12010/11

Councillor Westley introduced the report of the Assistant Chief Executive which presented performance monitoring data for the quarter ended 30 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 Council's overall good performance against the indicator set for the quarter ended 30 June 2010 be noted.

B. That the call-in procedure is not appropriate for this item as the report is being submitted to the next meeting of the Corporate Overview & Scrutiny Committee on 23 September 2010.

46. PROGRESS ON THE ICT DEVELOPMENT PROGRAMME 2009/10 AND THE PROPOSED DEVELOPMENT PROGRAMME 2010/11

Councillor Westley introduced the report of the Assistant Chief Executive which detailed progress on the ICT development programme in 2009/10 and the proposed ICT development programme 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 progress on the ICT development programme in 2009/10 be noted.

B. That the proposed ICT development programme detailed at Section 5.2 of the report be endorsed, taking account of the capital funding available in 2010/11.

47. COMPLAINT MONITORING

The Leader introduced the report of the Assistant Chief Executive which presented data on complaints received by the Council from April 2009 to 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 reduction in the level of complaints to the Council in 2009/10 be noted.
- B. That call in is not appropriate for this item as it is being considered at the next meeting of the Corporate Overview & Scrutiny Committee on 23 September 2010.

48. SHORELINE MANAGEMENT PLAN II

Councillor Forshaw introduced the report of the Executive Manager Community Services which considered the adoption of the final Shoreline Management Plan 2 (SMP2) 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: That the policies, as related to the West Lancashire coastline and set out in the North West England and North Wales Shoreline Management Plan detailed in Appendix 1 (Policy Units 1.3 – 1.6) be adopted.

49. ORMSKIRK MOTOR FESTIVAL

Councillor Fowler introduced the report of the Executive Manager Community Services which sought approval for the running of a motoring themed event in Ormskirk town centre.

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 staging of a motoring themed event to be held in Ormskirk town centre in 2011 be approved.
- B. That pump priming expenditure of up to £10,000 for the staging of the event be approved from contingency funds, which would look to be recovered where possible from any commercial sponsorship or other income generated by the event.
- C. That the Executive Manager Community Services, in consultation with the Portfolio Holders for Planning and Transportation and Community Services be given delegated authority to select the most appropriate date for the holding of the event and to make all appropriate arrangements as necessary.

50. SPONSORSHIP OF ROUNDABOUTS AND OTHER PARTS OF THE HIGHWAY INFRASTRUCTURE

Councillor Owens introduced the report of the Executive Manager Regeneration and Estates which provided details of an existing Lancashire County Council (LCC) scheme for businesses to sponsor traffic islands and the potential for opportunities for businesses in West Lancashire to sponsor other parts of the highway infrastructure and sought authorisation to enter into a partnership agreement with LCC.

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 LCC scheme for the sponsorship of roundabouts and other highway infrastructure and the opportunity to secure enhanced landscaping maintenance and other environmental improvements on such sites be noted.
 - B. That it be noted that LCC is to submit applications for advertisement consent on the 12 roundabouts listed in Appendix A.
 - C. That subject to Planning Committee approval at B above, and in the event of local companies agreeing to sponsor the roundabouts referred to, the Executive Manager Regeneration and Estates be authorised to:
 - (i) Enter into a partnership agreement with LCC to use sponsorship income to provide enhanced maintenance/improvements on the sites, the details of which would be determined by the income generated by each scheme.
 - (ii) Request LCC to secure additional sponsorship deals for other parts of the highway infrastructure in the Borough, notably gateway sites and subways, under a similar partnership agreement.
 - (ii) Approach the Highways Agency and major companies in the Pimbo and Gillibrands Employment Areas to consider the sponsorship of subways under the M58 motorway and the long term maintenance of the approved works and progress discussions with Lathom and Our Lady Queen of Peace R. C. High Schools regarding the subway that leads to the two schools.
 - D. That delegated authority be given to the Executive Manager Regeneration and Estates in consultation with the relevant Portfolio Holder to enter into all necessary agreements and to take forward individual schemes.

51. SMALL BUSINESS FRIENDLY CONCORDAT

Councillor Owens introduced the report of the Executive Manager Regeneration and Estates which advised on the Communities and Local Government Business Friendly Concordat. The report sought approval to sign up and to utilise surplus revenue from the West Lancashire Investment Centre to further develop and expand the Concordat concept, by providing additional business support services from within the Investment Centre, including to community enterprises, as outlined within the North West Regional Development Agencies project offer letter.

A revised paragraph 5.1 and revised recommendations were circulated and the Portfolio Holder asked for authorisation to make any necessary minor drafting updates that were required.

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 relevant Portfolio Holder, be given authority to:

- (i) Sign up to the National Procurement Concordat for Small and Medium Sized Enterprises, with minor drafting updates and the amendments described within this report.
- (ii) Utilise up to £20,000 funding from the West Lancashire Investment Centre surplus to deliver additional business support services with quarterly reviews of occupancy levels at the Investment Centre ahead of any draw down of funds.
- (iii) Develop and expand on the Concordat concept by delivering and marketing a programme of business support activity from within the Investment Centre and entering into necessary negotiations and contracts required for such delivery.
- (iv) Appoint a marketing resource on a fixed term temporary contract to undertake the additional marketing activity on a part time basis.
- (v) Explore and implement income generation opportunities from the delivery of some of the business support services to support the continued sustainability of the overall service.

52. STRATEGIC ASSET MANAGEMENT PLAN (SAMP)

Councillor Owens introduced the report of the Executive Manager Regeneration and Estates which requested the adoption of a Strategic Asset Management Plan (SAMP) which set out priorities and detailed the governance of the Council's property portfolio.

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 SAMP be adopted and the pilot project action plan detailed in it be undertaken.

53. WEST LANCASHIRE ECONOMIC STUDY

Councillor Owens introduced the report of the Executive Manager Regeneration and Estates which sought endorsement of the West Lancashire Economic Study and action 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: That the West Lancashire Economic Study be endorsed and the actions identified in the Action Plan attached at Appendix 1 to the report be progressed by the Executive Manager Regeneration and Estates where possible, resources permitting.

54. REGULATION OF INVESTIGATORY POWERS ACT (RIPA) - ANNUAL SETTING OF THE POLICY AND REVIEW OF USE OF POWERS

Councillor Grant introduced the report of the Council Secretary and Solicitor which detailed the Policy on the Use of the Regulation of Investigatory Powers Act 2000 (RIPA), reviewed the use of covert surveillance and the acquisition of communications data in West Lancashire over the last year and considered the results of the inspection by the Office of Surveillance Commissioners on 21 July 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 RIPA Guide and Guidance on completing RIPA authorisation forms at Appendix 1 be approved.
 - B. That the Council's RIPA activity detailed in paragraph 6 of the report, be noted.
 - C. That the action plan attached as Appendix 3 to the report, arising from the inspection by the Office of Surveillance Commissioners on 21 July 2010, be approved.

55. 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 risks shown in the Key Risks Register at Appendix A to the report be noted and endorsed.
 - B. That the next step for reviewing the Risk Management process as set out in paragraph 5 of the report be agreed.

56. REVENUE OUTTURN

Councillor Westley introduced the report of the Council Secretary and Solicitor which detailed the key features of the financial outturn position for the last 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 including contributions to reserves be noted.
- B. That call in is not appropriate for this item as it is to be submitted to the next meeting of the Executive Overview and Scrutiny Committee on 30 September 2010.

57. 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 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 it is to be submitted to the Executive Overview and Scrutiny Committee on 30 September 2010.

58. CAPITAL PROGRAMME OUTTURN 2009/10

Councillor Westley introduced the report of the Council Secretary and Solicitor which provided a summary of the capital outturn position for the 2009/2010 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 final position, including slippage, on the Capital Programme for the 2009/2010 financial year be noted and endorsed.
- B. That the call in procedure is not appropriate for this item as it is being referred to the next meeting of the Executive Overview and Scrutiny Committee on 30 September 2010.

59. CAPITAL PROGRAMME MONITORING 2010/11

Councillor Westley introduced the report of the Council Secretary and Solicitor which provided an overview of the current progress on the 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 progress on the Capital Programme as at the end of July 2010, be noted.

- B. That the call in procedure is not appropriate for this item as it is being referred to the next meeting of the Executive Overview and Scrutiny Committee on 30 September 2010.

60. THE NORTHERN RAIL HUB

Councillor Forshaw introduced the report of the Acting Executive Manager Planning which advised of Network Rail's report on transforming the rail network in the north of England and sought approval to submit comments.

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 comments set out below be submitted to Network Rail:

"West Lancashire Borough Council welcomes the proposals to improve strategic rail services in the North of England. We would, however make a request that any planned improvements should take into account the work planned as part of the Merseyside Rail Utilisation Strategy. In particular the Council is keen to ensure that the results of the ongoing Feasibility Study into the creation of a new electrified link from Liverpool to Skelmersdale are included in any plans for the future railway network. The Council would also support the extension of an electrified service from Liverpool through Burscough and through to Preston and to Southport utilising a new rail link at Burscough. This is also featured in the Merseyside RUS, as part of the proposals to improve rail services in the Northwest.

The Borough Council is working closely with Merseyrail to gain a better understanding of the business case for a Skelmersdale link which we believe will have considerable social, economic and environmental benefits for the region. We will be happy to share the results of this study with Network Rail so that it can, hopefully help to shape your future investment plans."

61. AFFORDABLE HOUSING

Councillor Hopley introduced the report of the Executive Manager Housing and Property Maintenance Services which recommended the introduction of two schemes aimed at assisting in meeting affordable housing need in the Borough, utilising funds set aside for this purpose.

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 Transfer Incentive Scheme (Appendix A) and Cash to Leave Scheme (Appendix B) be approved subject to Item 9 on Appendix B entitled 'Property Location' being reviewed by the Executive Manager Housing and Property Maintenance Services and a recommendation being considered by Council on 20 October 2010.

- B. That the existing Affordable Housing Capital Budget of £356,000 for 2010-11 be used to fund those schemes based on the budget details set out in paragraph 14.1 of the report.
- C. That the Executive Manager Housing and Property Maintenance Services be authorised to amend the Housing Allocation Policy to allow that an additional bedroom be allowed for those transfer applicants who qualify under the Transfer Incentive Scheme.
- D. That the Executive Manager Housing and Property Maintenance Services be authorised, in consultation with the Housing Portfolio Holder to make minor alterations to these initiatives in order to make them appropriate and relevant.
- E. That any underspend from the Transfer Incentive Scheme and Cash to Leave Scheme for 2010/2011 be transferred to Reserves for the purposes of continuing to operate the schemes.
- F. That this report be referred to the next meeting of the Executive Overview and Scrutiny Committee and the Tenants and Residents Forum to enable them to submit comments to be considered by Council on 20 October 2010.

62. PUBLIC SECTOR HOUSING CAPITAL PROGRAMME - TENDERING ARRANGEMENTS

Councillor Mrs Hopley introduced the report of the Executive Manager Housing and Property Maintenance Services which sought agreement to change the procurement strategy for Public Sector Housing Capital Works 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 procurement strategy for Public Sector Housing Capital Works reverts to competitive tendering, in line with the Council's Contract Procedure Rule No. 7.
 - B. That the report be referred to the Audit and Governance Committee for information.

63. CRIMINAL DAMAGE - PROPOSED TENANCY AND ASSOCIATED ACTIONS

Councillor Mrs V Hopley introduced the report of the Executive Manager Housing and Property Maintenance Services which sought approval to the proposed actions to be taken against tenants who are involved in the theft of electricity or gas.

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 take all appropriate action, using existing delegated authority, which may include possession proceedings against tenants who are suspected as being involved in the illegal extraction of electricity (or gas) on relevant grounds, as this activity is putting the property at risk, is endangering the lives of others and is therefore a breach of the Tenancy Agreement.
- B. That the Executive Manager Housing and Property Maintenance Services produce high profile publicity surrounding such cases, to send out a clear message that the Council will not tolerate this behaviour and highlight this initiative with the Health and Safety Executive and Local Government Association so that National initiatives and best practice can be established.
- C. That the Executive Manager Housing and Property Maintenance Services ask the Community Safety Partnership to establish a multi-disciplinary sub-group consisting of the Council, Police, Fire and Rescue and Energy Suppliers (if they will co-operate) to co-ordinate an approach to tackle this matter which could be highly dangerous.

64. MID LANCASHIRE MULTI AREA AGREEMENT/LOCAL INVESTMENT PLANS/LOCAL ENTERPRISE PARTNERSHIPS

Councillor Owens introduced the report of the Executive Manager Regeneration and Estates which detailed the current position with regard to the Mid Lancashire Multi Area Agreement (MAA) and emerging Local Enterprise Partnerships (LEPs) and advised on Local Investment Plans (LIPs) and the implications for attracting external funding.

Cabinet was advised that the position regarding these issues was continually changing and in this respect the Executive Manager Regeneration and Estates provided a verbal update on the following matters:

- National Affordable Housing funding
- The LIP process
- Lancashire Wide LEP
- Regional Growth Fund

In reaching the decision below, Cabinet considered the update from the Executive Manager Regeneration and Estates and the details set out in the report before it and accepted the reasons contained therein.

- RESOLVED: A. That the current position on the Mid Lancashire MAA and emerging Local Enterprise Partnerships, the progress made to date in respect of the Local Investment Plan process and work programme and policy announcements in respect of future external funding, be noted.

- B. That the Executive Manager Housing and Property Maintenance Services, in consultation with the Portfolio Holder for Housing agree the mechanism for determining funding applications under the National Affordable Housing Programme.
- C. That the Chief Executive, in consultation with the Leader continue discussions with regard to Local Enterprise Partnership proposals for Lancashire, proceed with discussions and determine which LEP is in the best interest for West Lancashire.
- D. That delegated authority be given to the Executive Manager Regeneration and Estates, in consultation with the Leader and Portfolio Holder Regeneration and Estates to agree the Local Investment Plan with regard to future external funding for economic development and regeneration purposes.

65. KEY DECISION FORWARD PLAN - QUARTERLY REPORT ON SPECIAL URGENCY DECISIONS - 1 APRIL TO 30 JUNE 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 30 June 2010.

66. 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 paragraphs 3 and 7 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.

67. CCTV MONITORING CONTRACT - FUTURE PROVISION

Councillor Greenall introduced the report of the Executive Manager Community Services which detailed the proposed arrangements, including the financial implications associated with the future provision of CCTV monitoring.

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 relevant Portfolio Holder be authorised to negotiate and enter into an extension of the current monitoring contract with Remploy Managed Services Limited for a period of twelve months, with the proposed increased cost of £26,000 being made available from the Major Projects Reserve.

CABINET

HELD: 14 SEPTEMBER 2010

- B. That the call in procedure is not appropriate for this item as the matter is one where urgent action is required.

THE LEADER