

**EXECUTIVE OVERVIEW AND SCRUTINY COMMITTEE HELD: 2 DECEMBER 2010**

Start: 7.30pm

Finish: 8.35pm

**PRESENT:** O'Toole (Chairman)

Councillors: Mrs Blake Hanlon  
Cotterill Hennessey  
Coyle Mawdesley  
Cropper Nolan  
Mrs Evans R A Pendleton  
Furey Pope  
Gartside Pratt  
Grice G M Roberts

Officers: Executive Manager Housing and Property Maintenance Services  
(Mr B Livermore)  
Deputy Treasurer (Mr M Kostrzewski)  
Planning Control Team Leader (Mrs C Thomas)  
Legal Services Manager (Mr T P Broderick)  
Principal Overview and Scrutiny Officer (Mrs C A Jackson)

**33. APOLOGIES**

There were no apologies for absence.

**34. MEMBERSHIP OF THE COMMITTEE**

In accordance with Council Procedure Rule 4, Members noted the termination of membership of Councillor Moran and the appointment of Councillor Cotterill for this meeting only, thereby giving effect to the wishes of the Political Groups.

**35. URGENT BUSINESS**

There were no items of urgent business.

**36. DECLARATIONS OF INTEREST**

1. Councillors Hanlon, O'Toole, Hennessey, Pope and G M Roberts, declared a personal interest in the called-in item, agenda item 7(a) Article 4 Direction – Ormskirk, Aughton and Westhead as they lived in the area affected by the proposal.
2. Councillors Furey and Mawdsley, declared a personal interest in the called-in item, agenda item 7(a) Article 4 Direction – Ormskirk, Aughton and Westhead as they lived in one of the areas named in the alternative proposal as set down in the called-in requisition.
3. Councillors O'Toole, Grice, Gartside, Mawdsley and Pope declared a personal interest in the called-in item, agenda item 7(a) Article 4 Direction – Ormskirk, Aughton and Westhead as members of the Planning Committee.
4. Councillor Mrs Evans declared a personal interest in Item 9 – Relevant Minutes of Cabinet (16 November 2010) - Minute 81 (Feasibility Study for the Linear Park at Tarleton and Hesketh Bank) stating that she had been part of the initial steering group.

**37. DECLARATIONS OF PARTY WHIP**

There were no declarations of a party whip.

**38. MINUTES**

RESOLVED: That the minutes of the last meeting of the Committee held on 30 September 2010 be approved as a correct record and signed by the Chairman.

**39. CALLED IN ITEM**

Consideration was given to the following called in item, as circulated and contained on pages 273 to 285 of the Book of Reports.

**40. ARTICLE 4 DIRECTION - ORMSKIRK, AUGHTON AND WESTHEAD**

Consideration was given to the report of the Council Secretary and Solicitor advising that a decision of Cabinet in relation to the above item (minute 85 refers) had received a call in requisition signed by five Members of the Committee. The report set out the reason given for the call in, together with the alternative decision put forward by the five Members concerned on the requisition notice.

On behalf of the Members concerned it was explained that whilst the proposed Article 4 Direction demonstrated a long term approach to controlling the development of Houses in Multiple Occupation a further extension of the areas covered by that Direction was sought as it was felt that it did not provide adequate protection for all residents of West Lancashire as it would enable landlords opportunities to purchase properties in other areas of the Borough thereby potentially displacing the concentration of Houses in Multiple Occupation (HMOs) into other areas.

In the ensuing discussion the following comments/questions were noted:

- The nature and impact of Permitted Development Rights, particularly change of use and restriction of permission.
- The evidence available to justify the removal of permitted development rights in Burscough and Skelmersdale.
- The need for a house to become one of "multiple occupation" to be subject to a planning application.
- Recognition that the complaints associated with HMOs are not always related to students and the negative effect of linking all students with "anti-social behaviour".
- Recognition that students are not the only social group with a need to have access to houses of multiple occupation. Examples cited included workers and families from other countries within the European Union.
- Impact of HMOs within Ormskirk and fear of a rash of HMOs before the Article 4 Direction takes effect.
- Disappearance of low-rate properties.
- Limiting or extending the size of the area covered by the proposed Article 4 Direction.

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It was also suggested that the situation could be monitored over the following 12 months, with a further report coming to Members to see whether there was a case, at that time, to extend or create a further Article 4 Direction into other areas of the Borough.

The Planning Control Team Leader responded to questions, referencing details contained in the Acting Executive Manager Planning report. She explained the nature of Article 4 Directions and the steps/time-scales involved. She also made reference to the evidence gathering and information that had been used to inform the proposed Article 4 Direction, particularly in relation to the number of dwellings covered by HMOs in the proposed area and Borough and related Government guidance. Also referenced was the use of the Core Strategy policy (once adopted) in relation to the determination of applications. The Planning Control Team Leader also indicated that a further report would come forward after 12 months.

RESOLVED: That the Committee does not wish to ask for a different decision.

### **41. KEY DECISION FORWARD PLANS - 1 NOVEMBER 2010 - 31 MARCH 2011**

There were no items under this heading.

### **42. RELEVANT MINUTES OF CABINET**

Consideration was given to the minutes of the meeting of the Cabinet held on 16 November 2010. Members raised questions/comments on:

Minute 83 (Demand Responsive Transport Service for Skelmersdale) – Effectiveness of Burnley BEST model and detail of report to be brought back to a future meeting of Cabinet on alternative transport schemes.

RESOLVED: That the Minutes of the meeting of Cabinet held on 16 November 2010 be noted.

### **43. REVENUE BUDGET MID-YEAR REVIEW**

Consideration was given to the report of the Council Secretary and Solicitor as circulated and contained on pages 297 to 303 of the Book of Reports which provided a projection on the financial position on the General and Housing Revenue Accounts to the end of the financial year.

At the invitation of the Chairman, the Deputy Borough Treasurer gave an overview of the information within the report.

Members raised questions and comments in respect of the following:

- Impact of the outcome of the Job Evaluation (JE) Exercise Appeals on budgets.
- Concessionary Travel and changes as a result of the responsibility for travel concessions transferring to the County Council.
- Housing Revenue Account and addressing some of the issues raised in the recent Audit Commission's Report.

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The Deputy Borough Treasurer provided responses to the comments and questions raised. Noted:

- Reserves had been set aside in relation to the outcome of the JE appeals. In future years on-going increases would need to be included in service budgets.
- The statutory element for travel concessions will transfer to the County Council from April 2011. In relation to the budget saving this year, this benefit would have to be noted for future years as a result of the transfer of the travel concessions service to the County Council.

In relation to comments relating to issues as a result of the Audit Commission's Report the Executive Manager Housing and Property Maintenance Services reported that a Report would be going to the meeting of Council scheduled to take place on 15 December 2010.

RESOLVED: That the financial position of the Revenue Accounts be noted.

### **44. REVISED CAPITAL PROGRAMME AND MID YEAR REVIEW 2010/11**

Consideration was given to the report of the Council Secretary and Solicitor as circulated and contained on pages 305 to 317 of the Book of Reports which provided an overview on the progress, at the mid-year point, of the Revised Capital Programme.

At the invitation of the Chairman, the Deputy Borough Treasurer gave an overview of the information within the report.

Members raised questions and comments in respect of the following:

- Abbotsford Regeneration scheme and monies related to affordable housing.
- Funding in relation to the refurbishment of 52 Derby Street.
- Take up on the Housing Loans Scheme.

The Deputy Borough Treasurer provided an explanation on the capital resources and expected resource from the selling of the Abbotsford site and explained that alternative costed schemes for the refurbishment of 52 Derby Street would come forward for approval in due course.

The Executive Manager Housing and Property Maintenance commented on the low take up on the Housing Loans Scheme referring to the move away from a Grant Scheme to a Loan Scheme and the involvement in the future of the Home Improvement Agency referring to the tendering exercise for that service which is expected to conclude in the early part of 2011.

RESOLVED: That the Revised Capital Programme and progress against it at the mid-year point be noted.

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Chairman