

CABINET

HELD: 16 NOVEMBER 2010

Start: 7.30pm

Finish: 8.40pm

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 |
| D Westley | | Finance and Performance Management |

In attendance

| | | |
|--------------|------------|---------------|
| Councillors: | N Furey | C Mawdsley |
| | P Gartside | R A Pendleton |
| | D McKay | |

Parish Councillor: J Citarella (Standards Committee)

Officers

- Chief Executive (Mr W Taylor)
- Assistant Chief Executive (Ms K Webber)
- Executive Manager Housing and Property Maintenance Services (Mr R Livermore)
- Acting Executive Manager Planning (Mr J Harrison)
- Treasurer (Mr M Taylor)
- Legal Services Manager (Mr T Broderick)
- Procurement and Projects Manager (Mr J Ryding)
- Lead Human Resources Business Partner (Ms S Lewis)
- Access to Services and Performance Manager (Mr S Walsh)
- Commercial Safety Manager (Mr M Tasker)
- Assistant Member Services Manager (Mrs J Denning)

68. APOLOGIES

There were no apologies for absence.

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

There were no items of urgent business.

70. DECLARATIONS OF INTEREST

Councillor D Westley declared a personal interest in the following items:

| Agenda Item | Title | Reason |
|--------------------|--|---|
| 5(i) | Feasibility Study for the Linear Park at Tarleton and Hesketh Bank | A Member of Lancashire County Council |
| 5(k) | Demand Responsive Transport Service for Skelmersdale | |
| 5(o) | Agency Staff | |
| 5(f) | Revised Capital Programme and Mid Year Review | In respect of Parish Council matters as a Parish Councillor at Halsall Parish Council |

71. MINUTES

RESOLVED: That the minutes of the meeting held on 14 September 2010 be received as a correct record and signed by the Leader.

72. MATTERS REQUIRING DECISIONS

Consideration was given to reports relating to the following matters requiring decisions as contained on pages 645 to 863 and 867 to 874 of the Book of Reports.

73. ORGANISATIONAL RE-ENGINEERING - PRIVATE SECTOR HOUSING MANAGEMENT REPORT

Councillor Westley introduced the joint report of the Assistant Chief Executive and the Executive Manager Housing and Property Maintenance Services which detailed the findings and recommendations for savings and service improvements contained within the Organisational Re-engineering (OR) Private Sector Housing (PSH) 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: That the findings and recommendations for service improvements contained within the report attached as an Appendix, be noted and agreed.

74. ORGANISATIONAL RE-ENGINEERING UPDATE

Councillor Westley introduced the report of the Assistant Chief Executive which provided an update on the completed Organisational Re-engineering (OR) projects to date, together with information regarding the progress of implementation plans. The report also detailed the level of cash and efficiency savings resulting from OR, together with the improvements to both service delivery and customer accessibility as identified as part of each project.

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 positive progress and successful outcomes of each OR review to date, together with the subsequent cash and efficiency savings identified, be noted.
 - B. That the Assistant Chief Executive in consultation with the relevant Portfolio Holder, Treasurer, and Divisional Manager (as appropriate) be authorised to select, undertake and implement Organisational Re-Engineering Projects.

75. REVIEW OF SERVICE LEVEL AGREEMENTS - REVENUE GRANTS

Councillor Fowler introduced the report of the Council Secretary and Solicitor which detailed the recommendations of the Funding of Voluntary and Other Organisations Working Group meeting on 1 November 2010 in respect of the written submissions received from the Voluntary Organisations in relation to the monitoring and evaluation of the 3 year Service Level Agreements.

Additional exempt information in respect of Tawd Vale Lions had been circulated to Members prior to the meeting to assist in the decision making process.

In reaching the decision below, Cabinet considered the details set out in the report before it and the exempt information circulated prior to the meeting, and accepted the reasons contained therein.

- RESOLVED:
- A. That the monitoring and evaluation of the 3 year Service Level Agreements by the Funding of Voluntary and Other Organisations Working Group at its meeting held on 1 November 2010 be endorsed as detailed in the minutes of the meeting attached at Appendix 1 to the report.
 - B. That the recommendation of the Working Group, as detailed in paragraph 4.4 of the report in respect of South & West Lancashire Foodbank, to extend the offer of revenue grant to January 2011, subject to receipt of satisfactory financial statements 2009-2010; a business plan and health & safety/equal opportunities policies, be endorsed, with the understanding that that failure to submit satisfactory versions of these documents by January 2011 will result in the offer of grant being rescinded.
 - C. That the requests from Tawd Vale Lions for an inflationary allowance for 2009-2010 and 2010-2011 and for an extension of their current Service Level Agreement beyond 2011 be refused.

76. NOMINATION FOR CHAIRMAN AND VICE CHAIRMAN OF WEST LANCASHIRE LOCAL STRATEGIC PARTNERSHIP

Councillor Owens introduced the report of the Assistant Chief Executive which sought nominations for the roles of Chairman and Vice Chairman of West Lancashire Local Strategic Partnership (LSP).

The Assistant Chief Executive advised Cabinet that at paragraph 3.4 of the report Councillor Paul Cotterill's nomination should be in his capacity as Director of Bickerstaffe Children's Services rather than as a West Lancashire Borough Council Member.

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

RESOLVED: A. That nominations for the roles of Chairman and Vice Chairman of the LSP be agreed as follows:

(i) Nominations for the role of Chairman:

- Councillor I Grant – West Lancashire Borough Council
- P Cotterill – Director of Bickerstaffe Children's Services.

(ii) Nomination for the role of Vice Chairman:

- Councillor Mrs M Blake – West Lancashire Borough Council

B. That the call in procedure is not appropriate for this item as this matter is one where urgent action is required because the Chairman and Vice Chairman's terms of office are due to expire on 15 November and the LSP Executive will need to appoint a new Chairman and Vice Chairman at its meeting on 19 November 2010.

(Note: Councillor Owens chaired the meeting for this item.)

77. REVENUE BUDGET MID YEAR REVIEW

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, including the position on reserves and balances.

- 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.

78. REVISED CAPITAL PROGRAMME AND MID YEAR REVIEW

Councillor Westley introduced the report of the Council Secretary and Solicitor which sought approval of the Revised Capital Programme 2010/2011 and provided an overview on the progress against it at the mid-year 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:
- A. That the Revised Capital Programme, including the virements contained within it, be approved for consideration by Council.
 - B. That the progress against the Revised Capital Programme at the mid-year point be noted.
 - C. That call in is not appropriate for this item as it is being referred to Executive Overview and Scrutiny Committee and Council.

79. CORPORATE DEBT RECOVERY POLICY

Councillor Grant introduced the report of the Council Secretary and Solicitor which sought approval for a new Corporate Debt Recovery Policy and noted the current position on multiple debt cases.

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 Corporate Debt Recovery Policy, as set out in Appendix 1 to Appendix A and with the updates referred to at Paragraph 5 of the report, be agreed, circulated to all staff and published on the website.
 - B. That the Council Secretary and Solicitor be authorised, in consultation with the Leader, to make minor alterations to the policy for it to remain effective and relevant.

80. ANTI MONEY LAUNDERING POLICY

Councillor Westley introduced the report of the Council Secretary and Solicitor which outlined the results of a review of the Council's Anti Money Laundering Policy and Guidance and Procedure Notes.

Cabinet was advised that the report had also been considered and approved by the Audit and Governance Committee on 29 September 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: That the amended Anti-Money Laundering Policy and Guidance and Procedure Notes, attached as Appendix 1 and 2 to the report, be approved and adopted.

81. FEASIBILITY STUDY FOR THE LINEAR PARK AT TARLETON AND HESKETH BANK

Councillor Forshaw introduced the joint report of the Acting Executive Manager Planning and the Executive Manager Regeneration and Estates which provided details of a Feasibility Study which had been undertaken in relation to the possibility of creating a Linear Park along the Canal and River Douglas in Tarleton and Hesketh Bank.

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 Feasibility Study, attached at Appendix 1 to the report, be noted.

B. That the Acting Executive Manager Planning, or his representative, continue to attend the Steering Group Meetings

C. That, in view of staff resource issues, the Acting Executive Manager Planning request Lancashire County Council or other appropriate organisation to take the lead on this initiative.

D. That it be noted, that should this Council wish to fund the creation of a Linear Park and lead on this project, significant additional revenue and capital resources would need to be provided through the budget process, as there is only limited funding available from the Parish Councils at this present time.

82. CHOICE BASED LETTINGS POLICY

Councillor Mrs Hopley introduced the report of the Executive Manager Housing and Property Maintenance Services which detailed progress in the development of choice based lettings and sought agreement of the Choice Based Lettings Policy.

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 proposed Choice Based Lettings Policy, attached as Appendix 1 to the report, be approved.

B. That the Executive Manager Housing and Property Maintenance Services be authorised, in consultation with the Housing Portfolio Holder, to make minor alterations to the scheme in order for it to remain effective and relevant.

83. DEMAND RESPONSIVE TRANSPORT SERVICE FOR SKELMERSDALE

Councillor Forshaw introduced the report of the Acting Executive Manager Planning which detailed progress made in examining the scope for a demand responsive transport system within Skelmersdale following the failure to secure 'Kick Start' funding from the Department of Transport for the 'Phoenix Bus'.

Councillor Forshaw referred to a Briefing Note that has been circulated to Cabinet which contained additional information in respect of the Burnley BEST service that could be used as a model for a future Skelmersdale scheme.

Councillor Owens wished to point out the importance of investigating other types of schemes that could be used, in particular the 'Wheels to Work' scheme.

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

- RESOLVED:
- A. That the progress made to date in developing an alternative Demand Responsive Transport system for Skelmersdale be noted and a further report be brought to Cabinet once a pilot scheme has been more fully developed based on the Burnley BEST model.
 - B. That other types of schemes be investigated, including the 'Wheels to Work' scheme, and a further report be brought back to a future Cabinet meeting.

84. PLANNING APPLICATION VALIDATION CHECKLIST

Councillor Forshaw introduced the report of the Acting Executive Manager Planning which advised on the new statutory national validation requirements and, in accordance with the Department of Communities and Local Government advice, set out the local validation requirements for applicants wishing to submit planning applications and other related types of applications.

A copy of Minute 55 of Planning Committee held on 11 November 2010 was circulated.

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 Acting Executive Manager Planning, in consultation with the relevant Portfolio Holder, be given delegated authority to consult on, and decide, the local list of validation requirements in the Appendix to the report, and make subsequent modifications or replace the list in the future.

85. ARTICLE 4 DIRECTION ORMSKIRK, AUGHTON AND WESTHEAD

Councillor Forshaw introduced the report of the Acting Executive Manager Planning which sought approval for the making of an Article 4 Direction to control the development of Houses in Multiple Occupation throughout Ormskirk, parts of Aughton and Westhead.

Councillor Forshaw referred to the additional information circulated by the Acting Executive Manager Planning in respect of student numbers and Minute 56 of the Planning Committee.

In reaching the decision below, Cabinet considered the details set out in the report before it and the additional information circulated and accepted the reasons contained therein.

RESOLVED: That the Acting Executive Manager Planning be given delegated authority to instruct the Council Secretary and Solicitor to make an Article 4 Direction, to withdraw permitted development rights in Ormskirk, Aughton and Westhead for development consisting of a change of use from Class C3 (dwelling houses) to Class C4 (small scale houses in multiple occupation) in accordance with paragraph 6 of the report.

(Note: Councillors Greenall, Grant and Mrs Hopley advised that they lived in the area.)

86. NATIONAL FOOD HYGIENE RATING SCHEME

Councillor Fowler introduced the report of the Executive Manager Community Services which advised on the new National Food Hygiene Rating Scheme and the Council's successful bid for financial assistance to implement the scheme.

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. The new National Food Hygiene Rating Scheme and this Council's successful bid to the Food Standards Agency for financial assistance to implement the scheme, be noted.

B. That the Executive Manager Community Services be authorised to implement and administer the scheme.

87. AGENCY STAFF

Councillor Ashcroft introduced the report of the Assistant Chief Executive which gave consideration to joining the Lancashire County Council/Preston City Council contract for the employment of agency staff (the 'Matrix Contract').

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 authority be delegated to the Assistant Chief Executive, in consultation with the Portfolio Holder for Human Resources and Partnerships, to enter into the Matrix Contract and to issue all appropriate guidance and instruction notes for the use of Council officers.

88. KEY DECISION FORWARD PLAN - QUARTERLY REPORT ON SPECIAL URGENCY DECISIONS - 1 JULY - 30 SEPTEMBER 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 September 2010.

89. 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 & 5 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.

90. LAND CHARGES - PERSONAL SEARCH FEES

Councillor Grant introduced the report of the Council Secretary and Solicitor which provided details of national developments relating to the Land Charges search service and the implications for future revenue streams.

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 decision to cease charging a fee for a personal search of the Land Charges Register with effect from 29 July 2010 and the impact on anticipated revenue streams, be noted.
- B. That the proposals contained in paragraph 5.2 of the report be approved.

THE LEADER