

CABINET

HELD: 18 JANUARY 2011

Start: 7.30pm

Finish: 8.55pm

PRESENT:

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

		<u>Portfolio</u>
Councillors	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	R A Pendleton
	J Grice	G Pratt

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)
- Treasurer (Mr M Taylor)
- Property Services Manager (Mr P Holland)
- Access to Services and Performance Manager (Mr S Walsh)
- Interim Head of Planning Policy & Environment (Mr I Gill)
- LDF Team Leader (Mr P Richards)
- Tenant Participation Officer (Ms T Berry)
- Assistant Member Services Manager (Mrs J Denning)

100. APOLOGIES

There were no apologies for absence.

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

There were no items of urgent business.

102. DECLARATIONS OF INTEREST

The following declarations were received:

1. Councillors Ashcroft, Fowler, Grant and Westley declared a personal interest in Agenda Item 5(d) 'Medium Term Capital Programme' in respect of Parish Council matters as a Parish Councillor in, Aughton, Scarisbrick and Halsall Parish Councils respectively.

2. Councillor Grant declared in relation to Agenda Item 5(b) 'Local Development Framework (LDF) Core Strategy – Strategic Development Options' that he was Life Vice President of Ormskirk Rugby Club.
3. Councillor Westley declared a personal interest in the following items as a Member of Lancashire County Council:

Agenda Item No.	Title
5(a)	Local Transport Plan (LTP3) 2011 – 2021 – A Draft Strategy for Lancashire
5(d)	Medium Term Capital Programme
5(f)	Draft Business Plan 2011-15
5(k)	Car Parking in West Lancashire – Final Report of the Environmental Overview and Scrutiny Committee
5(i)	Public Sector Housing Capital Investment Schemes and Programmed Works Projects – 2011-2012 – Incorporating Decent Homes Update
5(m)	Joint Strategic Needs Assessment

103. MINUTES

RESOLVED: That the minutes of the meeting held on 16 November and the Special meeting held on 15 December 2010 be received as a correct record and signed by the Leader.

104. MATTERS REQUIRING DECISIONS

Consideration was given to reports relating to the following matters requiring decisions as contained on pages 931 to 1190 of the Book of Reports:

105. LOCAL TRANSPORT PLAN (LTP3) 2011-2021 - A DRAFT STRATEGY FOR LANCASHIRE

Councillor Forshaw introduced the report of the Acting Executive Manager Planning which detailed the implications of *The Third Local Transport Plan (LTP3) for Lancashire 2011-2021 – A Draft Strategy for Lancashire*, which is currently available for consultation, and sought agreement to a response.

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 Appendix 1 to the report be agreed as this Council's response to the draft Lancashire LTP.
 - B. That the call in procedure is not appropriate for this item as the matter is one where urgent action is required in view of the deadline for responding to the consultation.

106. LOCAL DEVELOPMENT FRAMEWORK (LDF) CORE STRATEGY - STRATEGIC DEVELOPMENT OPTIONS

Councillor Forshaw introduced the report of the Acting Executive Manager Planning the purpose of which was to detail progress on the Core Strategy DPD for the West Lancashire Local Development Framework (LDF), particularly in relation to the strategic development options for Green Belt release within the Core Strategy, and to determine which of these options should be selected for inclusion in the Preferred Options public consultation document.

The Leader referred to a paper circulated which contained a summary of comments made by the LDF Working Group at a meeting held on Monday, 17 January 2011 and also a letter he had received personally from a local resident in respect of this item that he would copy to Cabinet after the meeting.

In reaching the decision below, Cabinet considered the comments and observations made at the LDF Working Group and the details set out in the report before it and accepted the reasons contained therein.

- RESOLVED:
- A. That the comments and observations received from the Local Development Framework Working Group be noted.
 - B. That the two Options for strategic development be identified as Option B – a Burscough Strategic Site and Option C – the Dispersal of several sites around the edges of Burscough, Ormskirk and Banks (as detailed in paragraph 6 of the report and the Appendices), for inclusion in the Core Strategy Preferred Options public consultation document.

107. REVENUE ESTIMATES

Councillor Westley introduced the report of the Council Secretary and Solicitor which provided a summary on the current budget position.

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 for 2011-12 and later years be noted
 - B. That the Portfolio Holder for Finance be given delegated authority to submit firm proposals to Council on 23rd February 2011 to enable the budget to be set.
 - C. That call in is not appropriate for this item as it is to be submitted to the Executive Overview and Scrutiny Committee on 3 February 2011.

108. MEDIUM TERM CAPITAL PROGRAMME

Councillor Westley introduced the report of the Council Secretary and Solicitor which set out a number of options for determining the medium term capital programme in the light of the continuing reduction in capital receipt funding.

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 on-going reduction in capital receipt funding from Right to Buy Council House sales be noted.
 - B. That the options set out in section 8 on producing a balanced capital programme over the medium term be noted.
 - C. That the Portfolio Holder for Finance be given delegated authority to submit firm proposals to Council on 23rd February 2011 to enable the capital programme to be set.
 - D. That call in is not appropriate for this item as the report is being submitted to the Executive Overview and Scrutiny Committee on 3 February 2011.

109. PERFORMANCE MANAGEMENT FRAMEWORK 2011/12

Councillor Westley introduced the report of the Assistant Chief Executive which sought approval for the Suite of Performance Indicators (Appendix A) to be adopted as the Council's Corporate PI Suite 2011/12.

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 Suite of Performance Indicators 2011/12 (Appendix A) be approved as being most important in terms of delivering the Council's service priorities.
 - B. That it be noted that targets for 2011-12 will be set as the 2010-11 outturn figures, as detailed in paragraph 4.8 of the report.
 - C. That the Performance Indicators listed in Appendix B to the report continue to be monitored by Managers and be removed from the list of those reported to Members quarterly.
 - D. That it be noted that the Performance Indicators listed in Appendix C to the report previously reported in 2010/11, have been removed from the Suite of Performance Indicators for 2011/12 for the reasons stated.

- E. That the Assistant Chief Executive, in consultation with the Portfolio Holder for Finance and Performance Management, be authorised to finalise and make any amendments to the suite in response to issues and central government guidance as they emerge throughout the year and following consideration of agreed comments from the Executive Overview and Scrutiny Committee.
- F. That call-in is not appropriate for this item as it is being considered at the next meeting of the Executive Overview & Scrutiny Committee on 3 February 2011.

110. DRAFT BUSINESS PLAN 2011-15

Councillor Westley introduced the report of the Assistant Chief Executive which sought comments and amendments to the draft Business Plan 2011-15.

The Leader referred to a paper circulated at the meeting which contained comments from UNISON in respect of this item and advised that in this regard redeployment opportunities would be maximised for all employees and not just UNISON members.

In reaching the decision below, Cabinet noted the comments received from UNISON and considered the details set out in the report before it and accepted the reasons contained in it.

- RESOLVED:
- A. That the draft Business Plan 2011-15 (Appendix A) be endorsed for consultation purposes.
 - B. That the 'Business Plan Development and Consultation Arrangements' at Appendix B to the report be noted.
 - C. That call-in is not appropriate for this item, as the report is being submitted to the Executive Overview and Scrutiny Committee on 3 February 2011.

111. QUARTERLY PERFORMANCE INDICATORS - Q2 2010/11 (JULY 2010 TO SEPTEMBER 2010)

Councillor Westley introduced the report of the Assistant Chief Executive which presented performance monitoring data for the quarter ended 30 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:
- A. That the Council's overall good performance against the indicators set for the quarter ended 30 September 2010 be noted.
 - B. That the monitoring of the quarterly suite of indicators for 2010/11 continues until the end of March 2011.

- C. That call-in is not appropriate for this item as the report will be considered at the meeting of the Corporate Overview & Scrutiny Committee on 8 March 2011.

112. HOUSING REVENUE ACCOUNT (HRA) BUDGET FOR 2011-2012

Councillor Mrs Hopley introduced the report of the Executive Manager Housing and Property Maintenance Services which set out the Rent and Service Charges increases for 2011-2012 as provided under the Government's Rent Reform formulae and the Housing Revenue account Estimates for 2011-2012.

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 Rent and Service charges, set within delegated authority, as detailed in paragraphs 6.1 and 6.2 of the report be noted and endorsed.
 - B. That the draft Housing Revenue Account (HRA) Subsidy Determination 2011-12, as set out in Appendix A to the report, be noted.
 - C. That the Draft Housing Revenue Account Estimates for 2011-2012, as set out in Appendix B to the report be noted.
 - D. That the Portfolio Holder for Housing be authorised to submit firm proposals to Council on 23 February 2011 on the preferred options to balance the HRA.
 - E. That the Executive Manager Housing and Property Maintenance Services be authorised to take all necessary action to implement the changes resulting from the budget proposals including the use of reserves, the serving of relevant notices, the increasing of rents etc.
 - F. That call in is not appropriate for this item as the report is to be submitted to the Executive Overview and Scrutiny Committee on 3 February 2011

113. PUBLIC SECTOR HOUSING CAPITAL INVESTMENT SCHEMES AND PROGRAMMED WORKS PROJECTS - 2011-2012 - INCORPORATING DECENT HOMES UPDATE

Councillor Mrs Hopley introduced the report of the Executive Manager Housing and Property Maintenance Services which presented the proposed Public Sector Housing Capital Investment and Programmed Works Projects for 2011/12 and sought approval to invite tenders/quotations for the 2011/12 contracts. The report also provided details of progress officers have made on implementing the Decent Homes Standard within the public housing stock and sought approval to prioritise capital investment plans for health and safety and energy efficiency measures whilst still achieving the required "decency" standards.

In reaching the decision below, Cabinet considered the details set out in the report before it and in the Motion submitted by Councillor Mrs Hopley and accepted the reasons contained therein.

- RESOLVED: A. That the proposed Public Sector Housing Capital Investment and Programmed Works Projects for 2011/12, incorporating the Decent Homes update be endorsed, subject the following items being incorporated in the report to be considered by Council on 23 February 2011:
- (i) That the budget estimate of £59,000 for environmental works, should be specifically allocated to tenants to decide where this money is invested. This will add to the money already available to tenants and will give tenants the opportunity to invest £110,000 to improve the areas in which they live.
 - (ii) That timescales on the future of Findon and Firbeck are not moving forward as fast as residents or Members would wish. In order that residents of Firbeck Court, some of who moved in to benefit from sheltered housing support, do not face yet another winter with single glazed wooden windows, £62,000 be reallocated from the budget to cover new arising decent homes standard failures to provide double glazed PVCu windows to Firbeck Court.
 - (iii) That within the budget for sheltered housing improvements a sum of money be allocated to provide all of our Cat II sheltered housing schemes with a computer connected to the internet in their communal lounges and that there be no charge made for the use of this facility which would enable residents to access the Council Website.
- B. That the Executive Manager Housing and Property Maintenance Services present this report to Executive Overview and Scrutiny Committee and the Tenants and Residents Forum together with the proposals at A(i), (ii) and (iii) above.
- C. That the Executive Manager Housing and Property Maintenance Services be authorised to ensure that the stock condition survey is robust and validated to inform investment decisions from financial year 2012/13 when it is anticipated that the Council will be “self-financing” investment in its housing stock.
- D. That a Housing Self-Financing Cabinet Working Group, comprising 3 Conservative Members, 2 Labour Members, 2 Tenants and 2 Co-opted Members, if the Working Group so determine, be established with the following Terms of Reference:
“To consider preparations to manage the introduction of ‘self-financing’ investment in the housing stock”.

- E. That call in is not appropriate for this item as the report is to be submitted to the Executive Overview and Scrutiny Committee on 3 February 2011.

114. TENANTS' AND RESIDENTS' FORUM - CONSTITUTION

Councillor Mrs Hopley introduced the report of the Executive Manager Housing and Property Maintenance Services which provide an amended Tenants and Residents' Forum Constitution as an interim measure until the Corporate Overview and Scrutiny Committee has recommended changes which better reflect the role encouraged by the Tenant Services Authority (TSA) for tenants to influence and scrutinise services received by them.

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 amended Tenants' and Residents' Forum Constitution attached at Appendix A to the report be approved.
- B. That the Executive Manager Housing and Property Maintenance Services, in consultation with the Portfolio Holder for Housing, be given delegated authority to make future amendments to the Constitution, subject to the approval of the Tenants' and Residents' Forum.

115. CAR PARKING IN WEST LANCASHIRE - FINAL REPORT OF THE ENVIRONMENTAL OVERVIEW AND SCRUTINY COMMITTEE

Councillor Forshaw introduced the report of the Executive Manager Regeneration and Estates which presented the final report and recommendations of the Environmental Overview & Scrutiny Committee following an in-depth review conducted entitled 'Car Parking in West Lancashire'.

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 "Car Parking in West Lancashire", attached at Appendix A to the report, be received and the Committee be thanked for its work.
- B. That following recommendations contained in the final report be endorsed:
- "(1) That the Executive Manager Regeneration and Estates, during the preparation of the Asset Management Project, be asked to consider:

- the existing strategy/policies for the management of Council-owned car parks.
 - the potential use of vacant Council-owned land for car parking.
 - the potential uses for empty Council-owned garages.
- (2) That the analysis report arising from the Members' Survey, as detailed at page 7 of the report, be shared with Lancashire County Council (LCC) and that they be asked to give due consideration to the following in their on-going and any future transport studies:
- (a) to further tackle, and find solutions to, car parking problems in the locations identified in the report as priority, particularly:
 - Ormskirk, around the town centre and in the vicinity of Tower Hill, Edge Hill University and Ormskirk Hospital
 - Sandy Lane Centre, Skelmersdale
 - Linaker Drive, Halsall
 - Burscough Village Centre
 - Parbold Village Centre
 - Aughton Town Green Lane shops/Aughton Village Hall
 - Ormskirk, Burscough, Aughton Town Green, Aughton Park, Appley Bridge and Up Holland railway stations.
 - (b) to expand park and ride car park facilities in Ormskirk.
 - (c) to improve signage for motorists and pedestrians, including replacing damaged signage, to assist with enforcement action on illegal parking.
 - (d) to take enforcement action on illegal parking, particularly dangerous and nuisance parking near schools and attention be drawn to the recommendations referred to the County Council in March 2009 which emanated from this Council's in-depth review, 'Speeding Traffic with particular reference to 20mph speed limits near schools'.
 - (e) to note that in some villages and towns in the Borough there is little or no on-street disabled parking provision in or near to the businesses and services of those communities and where such parking is provided it is often misused by other motorists.

- (3) That the Final Report of the Environmental Overview and Scrutiny Committee's review 'Car Parking in West Lancashire' be referred to the West Lancashire Community Safety Partnership, the Local Strategic Partnership Integrated Transport Thematic Group, West Lancashire Borough Transport Liaison Group and Edge Hill University/WLBC Forum for consideration and published on the Council's and Centre for Public Scrutiny web-sites."

- C. That Call In is not appropriate as the matter has already been considered by the Environmental Overview and Scrutiny Committee and will be considered at Council on 23 February 2011.

116. HEALTH AND SAFETY STRATEGIC PLAN

Councillor Mrs Hopley introduced the report of the Executive Manager Housing and Property Maintenance Services which detailed 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 progress against the Health and Safety Strategic Plan be noted.
- B. That the current objectives and targets be noted.
- C. That Cabinet continue to monitor progress against the objectives set by the Health and Safety Strategic Plan.

117. JOINT STRATEGIC NEEDS ASSESSMENT

Councillor Fowler introduced the report of the Executive Manager Community Services which detailed the Joint Strategic Needs Assessment for West Lancashire and the implications for the Council

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 Joint Strategic Needs Assessment for West Lancashire be noted.
- B. That the Joint Strategic Needs Assessment be used when relevant work programmes are developed.

118. CHANGES TO HOUSING & COUNCIL TAX BENEFIT

Councillor Westley introduced the report of the Assistant Chief Executive which provided an update on the implications of the Government's recently published White Paper 'Universal Credit: Welfare that Works'.

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, as outlined in the report, be noted.
- B. That the Assistant Chief Executive report back when more details are known about the impact on the Council, its customers and staff.

119. TENDER EVALUATION METHODOLOGY (ORGANISATIONAL RE-ENGINEERING)

Councillor Westley introduced the report of the Assistant Chief Executive which sought delegated authority for the use of criteria other than price in the evaluation of a tender.

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 delegated authority be given to the Assistant Chief Executive, in consultation with the Portfolio Holder for Finance and Performance Management, to accept a tender other than the lowest tender, should such a tender be considered as the most advantageous, having regard to an appropriate tender evaluation methodology.
- B. Due to the urgency of this matter call-in is not appropriate for this item.

120. KEY DECISION FORWARD PLAN - QUARTERLY REPORT ON SPECIAL URGENCY DECISIONS - 1 OCTOBER TO 31 DECEMBER 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 December 2010.

121. 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.

122. MATTERS REQUIRING DECISIONS

Consideration was given to reports relating to the following matter requiring a decision as contained on pages 1193 to 1202 of the Book of Reports.

123. HOME CARE LINK - MARKET TESTING

Councillor Mrs Hopley introduced the report of the Executive Manager Housing and Property Maintenance Services which detailed progress on the market testing exercise for the Home Care Link service and sought approval for implementing the post-tender decision.

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 an Evaluation Panel, comprising of the following Membership, be appointed to assist the Executive Manager Housing and Property Maintenance Services in considering tenders submitted for the future provision of the Home Care link service:
- 1) Portfolio Holder for Housing - Councillor Mrs Hopley
 - 2) Portfolio Holder for Finance and Performance Management - Councillor Westley
 - 3) Shadow Housing Portfolio Holder - Councillor R A Pendleton
 - 4) Procurement and Projects Manager – Mr J Ryding
 - 5) Executive Manager Housing and Property Maintenance Services - Mr R Livermore
 - 6) Legal Representative - To be advised
 - 7) Finance Representative – Mr D McCulloch [Housing Group Accountant]
 - 8) Service Manager – Mr S Jones
- B. That the Executive Manager Housing and Property Maintenance Services be authorised to select a suitable successful bidder based on the evaluation criteria defined at Appendix A to the report, after consulting with the Evaluation Panel and assessing any significant broader corporate financial impact on the Council.
- C. That the Executive Manager Housing and Property Maintenance Services be authorised to take all necessary actions to allow transfer of the service to the successful bidder.

THE LEADER