

6.	I must regard myself as having a personal and prejudicial interest in the business because it relates to a decision made (whether implemented or not) or action taken by the Cabinet or another of the Council's committees or sub-committees and, at the time the decision was made or action was taken, I was a member of the Cabinet, committee or sub-committee and I was present when that decision was made or action was taken, however I am attending the meeting for the purpose of making representations, answering questions or giving evidence relating to the business as the public are also allowed to attend the meeting for this purpose, whether under a statutory right or otherwise	<input type="checkbox"/>	<i>You may make representations, answer questions or give evidence but must leave the room once you have finished and cannot vote</i>
7.	A Standards Committee dispensation applies.	<input type="checkbox"/>	<i>See the terms of the dispensation</i>

* **“Personal Interest”** in the business of the Council means either it relates to or is likely to affect:

- 8(1)(a)(i) any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by your authority;
- (ii) any body -
- (aa) exercising functions of a public nature;
 - (bb) directed to charitable purposes; or
 - (cc) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union),
- of which you are a member or in a position of general control or management;
- (iii) any employment or business carried on by you;
- (iv) any person or body who employs or has appointed you;
- (v) any person or body, other than a relevant authority, who has made a payment to you in respect of your election or any expenses incurred by you in carrying out your duties;
- (vi) any person or body who has a place of business or land in your authority's area, and in whom you have a beneficial interest in a class of securities of that person or body that exceeds the nominal value of £25,000 or one hundredth of the total issued share capital (whichever is the lower);
- (vii) any contract for goods, services or works made between your authority and you or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specified in paragraph (vi);
- (viii) the interests of any person from whom you have received a gift or hospitality with an estimated value of at least £25;
- (ix) any land in your authority's area in which you have a beneficial interest;
- (x) any land where the landlord is your authority and you are, or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specified in paragraph (vi) is, the tenant;
- (xi) any land in the authority's area for which you have a licence (alone or jointly with others) to occupy for 28 days or longer.

or

A decision in relation to that business might reasonably be regarded as affecting your well-being or financial position or the well-being or financial position of a relevant person to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the ward, as the case may be, affected by the decision.

“a relevant person” means

- (a) a member of your family or any person with whom you have a close association, or
- (b) any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors;
- (c) any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or
- (d) any body of a type described in sub-paragraph 8(1)(a)(i) or (ii).

“body exercising functions of a public nature” means

Regional and local development agencies, other government agencies, other Councils, public health bodies, council-owned companies exercising public functions, arms length management organisations carrying out housing functions on behalf of your authority, school governing bodies.

A Member with a personal interest who has made an executive decision in relation to that matter must ensure any written statement of that decision records the existence and nature of that interest.

NB Section 21(13)(b) of the LGA 2000 overrides any Code provisions to oblige an executive member to attend an overview and scrutiny meeting to answer questions.

EXECUTIVE OVERVIEW AND SCRUTINY COMMITTEE HELD: 3 FEBRUARY 2011

Start: 7.30pm

Finish: 11.00pm

PRESENT: Grice (Vice-Chairman) (in the Chair)

Councillors:	Mrs Blake	Ms Melling
	Coyle	Moran
	Mrs Evans	R A Pendleton
	Fillis	Mrs Pollock
	Furey	Pope
	Gartside	Pratt
	Gibson	G M Roberts
	Hennessey	Tattersall
	Mawdsley	

In attendance:

Councillors: Ashcroft (Portfolio Holder – Human Resources & Partnership)
Cotterill (Leader of the Labour Group)
Forshaw (Portfolio Holder – Planning & Transportation)
Fowler (Portfolio Holder – Community Services & Health)
Grant (Leader)
Mrs Hopley (Portfolio Holder – Housing)
Westley (Portfolio Holder – Finance & Performance Management)

Officers: Executive Manager Housing and Property Maintenance Services
(Mr B Livermore)
Exchequer Services Manager (Mr P Blakey)
Interim Head of Planning and Policy (Mr I Gill)
Property Services Manager (Mr P Holland)
Deputy Treasurer (Mr M Kostrzewski)
Group Accountant – Housing Finance (Mr D McCulloch)
Legal Services Manager (Mr T P Broderick)
Principal Overview and Scrutiny Officer (Mrs C A Jackson)

Also in attendance: Secretary, West Lancashire Pensioners' Forum (Mr R Brookfield)

52. APOLOGIES

There are no apologies for absence.

53. MEMBERSHIP OF THE COMMITTEE

In accordance with Council Procedure Rule 4, Members noted the termination of membership of Councillors Cropper, Nolan and O'Toole and the appointment of Councillors Mrs Pollock, Gibson and Ms Melling for this meeting only, thereby giving effect to the wishes of the Political Groups.

54. URGENT BUSINESS

There were no items of urgent business.

55. DECLARATIONS OF INTEREST

Councillor G M Roberts declared a personal interest in agenda item 7 relating to the Petition Review Request relating to Off Peak Rail and Bus Concession for Over 60s/Disabled People stating that he was eligible to receive travel concessions.

56. DECLARATIONS OF PARTY WHIP

There were no declarations of a party whip.

57. MINUTES

RESOLVED: That the minutes of the meeting held on 2 December 2010 and the Special meeting held on 19 January 2011 be approved as a correct record and signed by the Vice-Chairman.

58. PETITION REVIEW REQUEST - OFF PEAK RAIL AND BUS CONCESSION FOR OVER 60S/DISABLED PEOPLE

Consideration was given to the report of the Council Secretary and Solicitor advising that a review of the steps that the Council had taken in response to a petition received in respect of Off Peak Rail and Bus Concession for Over 60s/Disabled People, as required by the Local Democracy, Economic Development and Construction Act 2009 had been received. The report, as circulated and contained on pages 343 to 354 of the Book of Reports, set out the steps taken to respond to the petition and included the Council's response to the Petition's Organiser (Appendix A) and the Petition Organiser's request (Appendix B) for a review of that response.

The Petition's Organiser (The Secretary of West Lancashire Pensioners Forum) attended the meeting and at the invitation of the Chairman addressed the Committee and gave reasons why he did not feel the Council had adequately responded to the petition.

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

- The consultation process, including methodology and the residents, groups and stakeholders consulted.
- The proposal of establishing a Working Group comprising representation from LCC, Members, Travel Providers and Other affected Groups (including The West Lancashire Pensioners Forum) on Concessionary Travel.
- The approach to concessionary travel within the Borough, particularly in view of the transfer to LCC of the responsibilities for travel concessions and the concessionary travel budget and funding.

The Exchequer Services Manager responded to questions and made reference to the consultation process already undertaken with local residents; stakeholders and the methods used, including an on-line survey in relation to concessionary travel. He also made reference to the undertaking by the Assistant Chief Executive to bring a report to Council on 23 February 2011 on the proposals for discretionary travel within the Borough which would also include the results of the consultation.

EXECUTIVE OVERVIEW AND SCRUTINY COMMITTEE HELD: 3 FEBRUARY 2011

At the invitation of the Chairman the Leader responded to comments relating to bus and off-peak rail concessions, including the reduction and change to funding as a result of the transfer to LCC.

- RESOLVED: A. That the steps taken by the Council in response to the petition are adequate.
- B. That the Assistant Chief Executive be asked to consider the matters raised in the petition and in the review request, as part of the consultation currently being undertaken on discretionary travel within the Borough and the subsequent report to be submitted to Council on 23 February 2011.

(Note: At the request of a Member before the vote was taken, the voting on the above motion was recorded as follows:

FOR THE MOTION: Councillors Mrs Blake, Mrs Evans, Gartside, Grice, Ms Melling, Mrs Pollock, Pope, Pratt, G M Roberts and Tattersall (TEN)

AGAINST THE MOTION: Councillors Coyle, Fillis, Furey, Gibson, Hennessey, Mawdsley, Moran, and R A Pendleton (EIGHT)

Whereupon the Vice-Chairman declared the motion as CARRIED)

59. CALLED IN ITEMS

Consideration was given to the following called in items, as circulated and contained on pages 355 to 444 of the Book of Reports.

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

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 106 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.

Those Members considered that the discarding of Option A from the Core Strategy at this stage was inappropriate and that all three Options identified should be included in the Core Strategy preferred options public consultation document.

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

- Housing Targets and location/number of dwellings set out in the Options.
- Demonstrating full/open consultation by including all 3 Options in the public consultation document.
- Hearing the views of the people of West Lancashire on all Options given the period (15 years) covered by the Core Strategy Document.

EXECUTIVE OVERVIEW AND SCRUTINY COMMITTEE HELD: 3 FEBRUARY 2011

- The merit of the three Options and the benefits to the Borough as a whole, whilst recognising the complexity of presenting all three options.
- Methodology/data collection in relation to the open space strategy, employment study and housing density calculations.
- The traffic problems associated with housing density proposals in Option A, noting that a proposed “by-pass” around Ormskirk was unlikely.

The Interim Head of Planning and Policy responded to questions, referencing details contained in the Acting Executive Manager of Planning’s report. He explained that to include all three Options in the document would overcomplicate it as the document will contain much more than the strategic site issues. He then went on to explain how housing and employment policies would need to be drafted to try and cope with three very different scenarios if they were all to be included. He added that consultation material in relation to the three permutations would be possible.

Members further explored the comments outlined by the Acting Executive Manager Planning at paragraph 4.4 of the call-in report, relating to representations that can be put forward at the consultation phase on any rejected options, including Option A, or any other options that had previously been discarded.

- RESOLVED: A. That in relation to the decision of Cabinet the Committee does not ask for a different decision.
- B. That, when considering the Options document at Cabinet on 15 March 2011 in respect of Preferred Options B and C, Cabinet be requested to indicate that views may also be given, through the consultation process, on the rejected Option A.

(Note: At the request of a Member before the vote was taken, the voting on the above motion was recorded as follows:

FOR THE MOTION: Councillors Mrs Blake, Mrs Evans, Gartside, Grice, Ms Melling, Mrs Pollock, Pope, Pratt, G M Roberts and Tattersall (TEN)

AGAINST THE MOTION: Councillors Coyle, Fillis, Furey, Gibson, Hennessey, Mawdsley, Moran, and R A Pendleton (EIGHT)

Whereupon the Vice-Chairman declared the motion as CARRIED)

61. TENANTS' AND RESIDENTS' FORUM CONSTITUTION

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 114 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.

Those Members considered that there was an exclusion of the right of elected members to speak at the Tenants’ and Residents’ Forum (TRF) which appeared to be discriminating against elected Members and that the Constitution of the Forum should be amended to maintain the right of elected members to speak at the Forum’s meetings.

EXECUTIVE OVERVIEW AND SCRUTINY COMMITTEE HELD: 3 FEBRUARY 2011

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

- The rights of elected Members as representatives and residents of West Lancashire to speak at the TRF.
- The role and opportunities open to elected Members to speak on behalf of their residents, for example on housing issues, particularly as these services are reviewed.
- The TRF steering their own meetings and agendas.
- The approach to speaking used at other meetings.
- The role of Officers in attendance at the TRF.
- The role of the Chairman of the TRF in allowing non-members to speak.

The Executive Manager for Housing and Property Maintenance Services responded to questions, referring to comments made in his report particularly in relation to the request by tenants, whilst reviewing the TRF Constitution, that elected members should not be allowed to speak at meetings, unless asked to do so by the Chairman. He explained that members of the Tenants and Participation Working Group felt that whilst elected members attendance is appreciated, they do have other opportunities through the political structure of meetings to raise issues. He stressed, however, that TRF were not excluding Councillors from the meetings and they were welcomed as observers.

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

62. CHANGES TO HOUSING AND COUNCIL TAX BENEFIT

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 118 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.

Those Members considered that the significance of the changes to housing and council tax benefit, in particular the financial impact faced by customers with the reduction in their benefits from 1 April 2011, had not been fully explained in the Assistant Chief Executive's report and asked for a further report on the detailed impact of the changes from that date. A further report, it was suggested, with details of other changes to the housing and council tax benefit could come forward at a later stage.

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

- Number of people affected by the changes.
- Impact of rent increases, coupled with benefits decreasing to customers.
- The practicalities of providing detailed financial information which may be dependent on individual circumstances.
- Housing benefit cap and Universal Credit (UC)

EXECUTIVE OVERVIEW AND SCRUTINY COMMITTEE HELD: 3 FEBRUARY 2011

The Exchequer Services Manager responded to questions and made reference to the comments of the Assistant Chief Executive as set out in the call-in report. He explained that more detail on future changes under the Universal Credit (UC) would come through the Welfare Bill which had recently gone before Parliament in January. He also referred to the changes to the Local Housing Allowance (LHA) Scheme from April 2011 and the preparations being made for those changes, making reference to the computer software currently being tested.

Members discussed the details of Appendix 1 to the report of the Assistant Chief Executive to Cabinet, which gave information on the LHA Scheme and how it affected existing and new claims and the practicalities of providing a detailed account of the financial impact faced by customers from the changes being made on 1 April 2011.

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

63. KEY DECISION FORWARD PLANS - 1 JANUARY 2011 - 31 MAY 2011

There were no items under this heading.

64. RELEVANT MINUTES OF CABINET

Consideration was given to the minutes of the special meeting of Cabinet held on 15 December 2010 and the Cabinet meeting held on 18 January 2011 as contained on pages 445 to 460.

65. MINUTES OF THE SPECIAL CABINET MEETING HELD ON 15 DECEMBER 2010.

In consideration of the minutes of the Special Cabinet meeting held on 15 December 2010. Members raised questions/comments on:

Minute 95 (Concessionary Travel) – Detail expected in the Assistant Chief Executive report to be brought to Council on 23 February 2011 on the result of the consultation and proposals for discretionary concessionary travel within the Borough from 1 April 2011, together with an equality impact assessment.

Minute 99 (CCTV – Relocation and Operation of Monitoring) - Arrangements regarding the relocation and future operation of the monitoring suite.

RESOLVED: That the Minutes of the Special Cabinet meeting held on 15 December 2010 be noted.

66. MINUTES OF THE CABINET MEETING HELD ON 18 JANUARY 2011.

Consideration was given to the minutes of the meeting of Cabinet held on 18 January 2011. Members raised questions/comments on:

Minute 108 (Local Transport Plan (LTP3) 2011-2021 – A Draft Strategy for Lancashire - Transport infrastructure around Ormskirk and rail infrastructure, particularly rail links to Skelmersdale.

EXECUTIVE OVERVIEW AND SCRUTINY COMMITTEE HELD: 3 FEBRUARY 2011

RESOLVED: That the Minutes of the meeting of Cabinet held on 18 January 2011 be noted.

67. REVENUE ESTIMATES

Consideration was given to the report of the Council Secretary and Solicitor as circulated and contained on pages 461 to 472 and also pages 563 to 574 of the Book of Reports in which she sought agreed comments of the Committee on the summary of the current budget position for consideration by the Portfolio Holder for Finance prior to the meeting of Council on 23 February 2011.

RESOLVED: That the budget position be noted.

68. MEDIUM TERM CAPITAL PROGRAMME

Consideration was given to the above-mentioned report of the Council Secretary and Solicitor as circulated and contained on pages 473 to 484 of the Book of Reports in which she sought agreed comments of the Committee on the options for determining the medium term capital programme for consideration by the Portfolio for Finance prior to the meeting of Council on 23 February 2011.

RESOLVED: That the report be noted.

69. PERFORMANCE MANAGEMENT FRAMEWORK 2011/12

Consideration was given to the above report of the Assistant Chief Executive as circulated and contained on pages 485 to 500 of the Book of Reports which sought comments on the Suite of Performance Indicators (PI's) 2011/12.

Members discussed the PIs and reference was made to information relating to telephone response performance.

The Access to Services and Performance Manager responded to questions and explained the process for the collection of data in relation to telephone response times associated with direct dial and calls taken through the Customer Contact Centre. He also made reference to a proposed voice mail facility on direct dial telephone numbers/extensions to further assist the management of incoming calls.

RESOLVED: That the Suite of Performance Indicators 2011/12 be noted.

70. DRAFT BUSINESS PLAN 2011-15

Consideration was given to the above report of the Assistant Chief Executive as circulated and contained on pages 501 to 522 of the Book of Reports which sought agreed comments of the Committee on the Draft Business Plan 2011-15 and the Business Plan Development and Consultation Arrangements prior to the meeting of Council on 23 February 2011.

RESOLVED: That the draft Business Plan and the Business Plan Development and Consultation Arrangements, attached as appendices to the report be noted.

71. HOUSING REVENUE ACCOUNT (HRA) BUDGET FOR 2011-12

Consideration was given to the above mentioned report of the Executive Manager Housing and Property Maintenance Services as circulated and contained on pages 523 to 548 of the Book of Reports in which he sought agreed comments of the Committee on the Draft Housing Revenue Account (HRA) budget for 2011 for consideration by Council on 23 February 2011.

RESOLVED: That the proposed Draft Housing Revenue Account (HRA) budget for 2011-2012 be noted.

72. PUBLIC SECTOR HOUSING CAPITAL INVESTMENT SCHEMES AND PROGRAMMED WORKS PROJECTS - 2011/12 - INCORPORATING DECENT HOMES UPDATE

Consideration was given to the above mentioned report of the Executive Manager Housing and Property Maintenance Services as circulated and contained on pages 549 to 561 of the Book of Reports in which he sought agreed comments of the Committee on the proposed Public Sector Housing Capital Investment and Programmed Works Projects for 2011/12, incorporating the Decent Homes update for consideration by Council on 23 February 2011.

RESOLVED: That the proposed Draft Housing Revenue Account (HRA) budget for 2011-2012 be noted.

.....
Chairman

CABINET**HELD: 15 MARCH 2011**

Start: 7.30pm

Finish: 9.00pm

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: J Grice R A Pendleton

Officers

Chief Executive (Mr W Taylor)
Director Designate (Council Secretary and Solicitor) (Mrs G Rowe)
Director Designate (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)
Lead Human Resources Partner, LCC (Ms S Lewis)
Policy Officer: Equality and Diversity, LCC (Ms K Buddle)
Property Services Manager (Mr P Holland)
Access to Services and Performance Manager (Mr S Walsh)
Interim Head of Policy and Environment (Mr I Gill)
Strategic Housing Manager (Mr S Jones)
Housing Operations Manager (Ms L McGarry)
Tenant Participation Officer (Ms T Berry)
Assistant Member Services Manager (Mrs J Denning)

124. APOLOGIES

There were no apologies for absence.

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

There were no items of urgent business.

126. DECLARATIONS OF INTEREST

Councillor Westley declared a personal interest in Agenda Item 5(n) 'Single Equalities Scheme' as a Member of Lancashire County Council.

127. MINUTES

RESOLVED: That the minutes of the meeting of Cabinet held on Tuesday, 18 January 2011 be received as a correct record and signed by the Leader.

128. MATTERS REQUIRING DECISIONS

Consideration was given to reports relating to the following matters requiring decisions as contained on pages 1227 to 1414 and pages 1457 to 1492 of the Book of Reports:

129. TENANT SERVICES AUTHORITY (TSA) REGULATORY FRAMEWORK

The Leader welcomed the four reports from the Executive Manager Housing and Property Maintenance Services which detailed the extensive work undertaken by Members, Tenants and officers in preparing for the implementation of the new regulatory framework introduced by the Tenants Services Authority (TSA). He reminded members that the Audit Commission Inspection of Landlord Services had resulted in an evaluation of the service as poor with uncertain prospects for improvement and that as a result of this the TSA, as the regulatory body for social housing, had raised a number of concerns.

He referred to the letter from the TSA dated 27 January expressing their concerns and further correspondence. He advised that work would continue with tenants to address these concerns within the new regulatory framework and that the TSA could be reassured that their concerns are taken seriously. He acknowledged that the current service did not meet the required standard and that improvements were necessary and that there was a commitment not only to deliver improvements but also to maintain them.

Councillor Mrs Hopley introduced the main report which advised that the Council is required by 31 March 2011 to have suitable arrangements in place for tenants to have their voice heard, if they wish to, and to know specifically what the Housing Service will offer them in terms of service delivery. The report introduced three reports of the Executive Manager Housing and Property Maintenance Services which provided details on the work undertaken in order to meet the requirements of the regulatory framework as follows:

Agenda Item 5(a)(i) – Governance Arrangements and Final Report of the Corporate Overview and Scrutiny Committee

The report sought approval of the new governance arrangements which had been recommended by the Corporate Overview and Scrutiny Committee following an in depth Review. The Review undertaken had been informed by Housing Officers and representatives from the Tenants and Residents Forum, Lancaster City Council, Helena Homes, Salix Housing and an Independent Advisor from HouseMark.

Councillor Hopley referred to the new governance structure contained in Appendix A to the Committee's final Review report and provided a brief outline of the role of each Body proposed.

Agenda Item 5(a)(ii) - Feedback from Consultation

The report provided details of a consultation carried out with tenants and stakeholders in respect of 'Local Offers', monitoring, scrutiny and governance arrangements which needed to be put in place in April 2011. A revised Appendix was circulated at the meeting which contained all responses received to date.

The Executive Manager Housing and Property Maintenance Services advised that tenants had met that afternoon and no further changes needed to be made.

Agenda Item 5(a)(iii) – West Lancashire Borough Council 'Local Offers'

The report provided details on how Tenants provided information on what Services they wished to receive and the standards they expect for delivery of these services. The report advised that the TSA had developed 6 national standards which describe the outcomes that they want providers to achieve.

Councillor Hopley advised that tenants had been involved in this work since 2009 when the TSA launched a National Conversation and that the TSA framework had been based on the information gained through the National Conversation.

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

- RESOLVED:
- A. That the final report of the Corporate Overview and Scrutiny Committee attached as an Appendix to report 5(a)(1), be received and the Committee be thanked for its work.
 - B. That the proposed Tenant Involvement Structure set out in Appendix A to the Committee's final report, be approved, taking into account the views of tenants and the Committee's wish to address the following matters:
 - Service reviews
 - Service improvements
 - Monitoring and scrutiny of the service
 - Capacity building to ensure rigour in holding the service to account
 - C. That the Executive Manager Housing and Property Maintenance Services, in consultation with the Housing Portfolio Holder, be authorised to recruit and establish the Tenant Service Evaluation Group (SEG) and the Performance Monitoring, Service Review, TSA Standards and Communications Service Improvement Groups, in accordance with Appendix E to report 5(a)(3), and set appropriate Terms of Reference.

- D. That in accordance with the new Tenant Involvement structure a Landlord Services Committee Cabinet Working Group be established with a membership consisting of:

(i) Members

- 4 Conservative (Voting)
(Housing Portfolio Holder: Councillor Mrs V Hopley,
Finance Portfolio Holder: Councillor D Westley,
Chairman of Corporate Overview & Scrutiny
Committee, Councillor J Kay and Councillor J Grice.
- 3 Labour (Voting)
(Councillors R A Pendleton, N Furey and N Delaney)

(ii) Tenants - 4 Tenants (Non Voting)

With the following Terms of Reference:

- (i) To support and enable the delivery of tenant led improvement and deliver the necessary action to meet the TSA regulatory requirements via existing Officer and Portfolio Holder delegations or by referring matters to Cabinet or Council as appropriate.
- (ii) To consider reports and recommendations from the SEG and refer matters to Cabinet as appropriate.
- (iii) To monitor the Landlord Services Improvement Action Plan.
- (iv) To consider preparations to manage the introduction of 'self-financing' investment in the housing stock.

and the existing Housing Self-Financing Cabinet Working Group be abolished.

- E. That the Corporate Overview and Scrutiny Committee continue to monitor the Landlord Services Improvement Action Plan as agreed by Council on 19 January 2011, in addition to the Landlord Services Committee Cabinet Working Group.
- F. That comments raised by tenants as part of the consultation process detailed in the revised Appendix to report 5(a)(2), be noted.
- G. That the Local Offers to Tenants, detailed in Appendix A 'Home Front News' to report 5(a)(3), be approved and published by 1 April 2011 as required by the Tenants Services Authority (TSA).
- H. That the Executive Manager Housing and Property Maintenance Services, in consultation with the Housing Portfolio Holder, be authorised to make any final amendments to the 'Local Offers' and governance arrangements, in order to take account of any further comments raised by tenants, if appropriate.

- I. That the Question of dispute resolution be further considered by the SEG and LSC with a report being presented to Cabinet at earliest opportunity to agree a way forward, our present view being to prefer mediation.
- J. That it be noted, that the Director Designate (Transformation) will be meeting with the TSA to seek to satisfy any remaining concerns.
- K. That Call In is not appropriate, as the matter has previously been considered by the Corporate Overview and Scrutiny Committee as an in-depth review and there is a requirement for the new governance arrangements to be in place by 1 April 2011.

130. REVENUE BUDGET MONITORING

Councillor Westley introduced the report of the Director Designate (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.

- 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.

131. CAPITAL MONITORING 2010/2011

Councillor Westley introduced the report of the Director Designate (Council Secretary and Solicitor) which provided an update on the current position in respect of the 2010/2011 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 current position in respect of the 2010/2011 Capital Programme be noted.

- B. 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.

132. FINANCIAL REGULATIONS

The Leader introduced the report of the Director Designate (Council Secretary and Solicitor) which sought approval of revised Financial Regulations. The Leader advised that the report had previously been submitted and approved at the Audit and Governance Committee on 26 January 2011.

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 existing Financial Regulations and Financial Procedures documents within the Constitution be replaced with the new set of Financial Regulations attached at Appendix 1 to the report.

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

The Leader introduced the report of the Director Designate (Council Secretary and Solicitor) which reviewed the Policy on the Use of the Regulation of Investigatory Powers Act 2000 (RIPA) and the use of covert surveillance and the acquisition of communications data in West Lancashire over the last 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 RIPA Guide and Guidance on completing RIPA authorisation forms at Appendix 1 to the report be approved.

B. That the Council's RIPA activity be noted.

134. PROPOSALS FOR IMPROVED ACCESS TO HACKNEY CARRIAGE VEHICLES IN ORMSKIRK TOWN CENTRE

Councillor Fowler introduced the report of the Executive Manager Community Services which gave consideration to additional provisions for improved public access to hackney carriage vehicles 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 Executive Manager Community Services be authorised to proceed with the required procedures under Section 63 of the Local Government (Miscellaneous Provisions) Act 1976 so that 5 hackney carriage ranking spaces are designated within the bus station, Ormskirk, from 11.30pm to 6.00am daily.

B. That the Executive Manager Community Services, in consultation with the relevant Portfolio Holder, be authorised to proceed with the required procedures to designate suitable locations for 'hailing points' for use by hackney carriages in Ormskirk town centre.

135. INTRODUCTION OF PLANNING CHARGES FOR PRE-APPLICATION ADVICE, SPECIALIST ADVICE AND FOR THE DRAFTING, NEGOTIATING AND MONITORING OF LEGAL AGREEMENTS

Councillor Forshaw introduced the report of the Acting Executive Manager Planning which sought approval to introduce charging for planning advice and associated services and to agree a fee regime.

A copy of Minute 98 of the Planning Committee held on 10 March 2011 was circulated and the Leader advised that a presentation would be given to all Members of the Council on this matter.

In reaching the decision below, Cabinet considered the details set out in the report before it and accepted the reasons contained in it, but felt that the consultation period should be extended to six weeks.

RESOLVED: That the Acting Executive Planning, in consultation with the relevant Portfolio Holder, be authorised to consult for a six week period, on the charging regime set out in Appendix 2 to the report, to adopt a finalised charging regime, taking account of any consultation responses, and to make subsequent modifications in the future.

136. LDF CORE STRATEGY - PREFERRED OPTIONS PAPER FOR PUBLIC CONSULTATION

Councillor Forshaw introduced the report of the Acting Executive Manager Planning which detailed progress of the Core Strategy DPD for the West Lancashire Local Development Framework (LDF), particularly in relation to the proposed Preferred Options Paper on the Core Strategy for public consultation, and to determine whether this document should proceed to a six week public consultation period.

The Leader advised of a letter received by all Cabinet members from a consultant in respect of Lord Derby's Estate land.

Councillor Forshaw advised that the Planning Committee had deferred consideration of this item to a special meeting of the Committee being held on 30 March 2011. He also informed Cabinet that a summary leaflet would be circulated to all households in West Lancashire in May 2011.

In reaching the decision below, Cabinet considered the comments made by the Leader and Councillor Forshaw and the details set out in the report before it and accepted the reasons contained there in.

RESOLVED:

- A. That the comments of the LDF Cabinet Working Group provided at Section 9.0 of the report be noted.
- B. That the Core Strategy Preferred Options Paper be approved for a six week public consultation exercise commencing after the Local Elections in May.
- C. That the Acting Executive Manager Planning, in consultation with the Portfolio Holder for Planning and Transportation, be authorised to finalise and make amendments, prior to public consultation, to the Core Strategy Preferred Options Paper following consideration of any agreed comments from the Planning Committee and the Executive Overview & Scrutiny Committee.

- D. That call-in is not appropriate for this item as the report is being considered at the next meeting of the Executive Overview and Scrutiny Committee on 31 March 2011.

137. LDF CORE STRATEGY EVIDENCE BASE - DRAFT GREEN BELT STUDY

Councillor Forshaw introduced the report of the Acting Executive Manager Planning which set out the Draft Green Belt Study, that forms a key plank of evidence within the West Lancashire Local Development Framework (LDF) Evidence Base, and sought approval for the document to proceed to a six week public consultation period.

Councillor Forshaw advised that Planning Committee had deferred consideration of this item to a special meeting of the committee being held on 30 March 2011.

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

- RESOLVED:
- A. That the comments of the LDF Cabinet Working Group provided at Section 8.0 of the report be noted.
 - B. That the Green Belt Study be approved for a six week public consultation exercise commencing after the Local Elections in May.
 - C. That the Acting Executive Manager Planning, in consultation with the Portfolio Holder for Planning and Transportation, be authorised to finalise and make amendments, prior to public consultation, to the Green Belt Study following consideration of any agreed comments from the Planning Committee and the Executive Overview & Scrutiny Committee.
 - D. That call-in is not appropriate for this item as the report is being considered at the next meeting of the Executive Overview and Scrutiny Committee on 31 March 2011.

138. QUARTERLY PERFORMANCE INDICATORS Q3 2010/11

Councillor Westley introduced the report of the Director Designate (Assistant Chief Executive) which set out the performance monitoring data for the quarter ended 31 December 2010.

A copy of Minute 54 of the Corporate Overview and Scrutiny Committee was circulated.

- RESOLVED:
- A. That the Council's overall good performance against the indicators set for the quarter ended 31 December 2010, be noted.
 - B. That the call in procedure is not appropriate for this item as the report has previously been considered at the meeting of the Corporate Overview and Scrutiny Committee on 8 March 2011.

139. COAL MINING DISCLOSURE PROGRAMME

Councillor Owens introduced the report of the Executive Manager Regeneration and Estates which provided details of the Coal Authority's Disclosure of Information Programme and its implications for the Council and to seek authority to take the matter forward.

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 information provided about the Coal Authority's Disclosure of Information Programme be noted.
 - B. That delegated authority be given to the Executive Manager Regeneration and Estates, in consultation with other appropriate Divisional Managers, to (i) participate in the programme (ii) release the information requested by the Coal Authority (iii) embed the resulting polygons in the Council's land Terrier and (iv) sign the proposed memorandum of understanding.
 - C. That if there are any significant costs arising from the information released by the Coal Authority, this be the subject of a further report to Cabinet.

140. RISK MANAGEMENT

Councillor Westley introduced the report of the Director Designate (Council Secretary and Solicitor) which detailed the Key Risks facing the Council and how they are being managed and sought approval to update the Risk Management Policy and Strategy.

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 amendments to the Risk Management Policy and Strategy, as set out in Appendix A to the report, be approved.
 - B. That the progress made in relation to the management of the risks shown in the Key Risks Register, set out in Appendix C to the report, be noted and endorsed.

141. NEIGHBOURHOOD ENERGY EFFICIENCY SCHEME

Councillor Mrs Hopley introduced the report of the Executive Manager Housing and Property Maintenance Services which sought approval to enter into a 12 month partnership arrangement with South Ribble Borough Council to provide a Neighbourhood Energy Efficiency Scheme.

The Executive Manager Housing and Property Maintenance Services circulated a set of revised recommendations which, in addition to the original recommendations in the report, sought approval for an exemption to Contract Procedure Rules.

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

- RESOLVED:
- A. That the Executive Manager Housing and Property Maintenance Services be authorised to negotiate and enter into a 12-month contract with South Ribble Borough Council to provide a Neighbourhood Energy Efficiency Scheme.
 - B. That subject to 2.1 the Executive Manager Housing and Property Maintenance Services be authorised to appoint contractors to deliver the Scheme through the arrangements with South Ribble Borough Council.
 - C. That there be an exemption to Contract Procedure Rules 5, 6 and 7, as appropriate, to enable the:
 - (i) engagement of South Ribble Borough Council, as this will provide a comprehensive service, leveraging in funds, objectively assessed and operating at a low cost (as further detailed at paragraph 5 of the report); and
 - (ii) engagement of contractors to undertake relevant works as these are to be appointed in accordance with South Ribble Borough Council's Contract Procedure Rules.
 - D. That call in shall not be available as the scheme is dependent on securing funding and this funding stream will not be available after March 2011.

142. SINGLE EQUALITIES SCHEME

Councillor Ashcroft introduced the report of the Director Designate (Assistant Chief Executive) which sought approval of the West Lancashire Borough Council Equality Scheme: April 2011 – March 2015.

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 Borough Council Equality Scheme April 2011 – March 2015, attached as an Appendix to the report, be approved for implementation across the Authority.

143. 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.

144. MATTERS REQUIRING DECISIONS

Consideration was given to reports relating to the following matters requiring decisions as contained on pages 1415 to 1456 of the Book of Reports:

145. STRATEGIC ASSET MANAGEMENT PROJECT - OUTCOME OF THE PILOT PROJECT

Councillor Owens introduced the report of the Executive Manager Regeneration and Estates which detailed the outcome of the Strategic Asset Management Pilot Project and sought further resources to continue the 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 contents of the report and the work undertaken on the pilot by officers be noted.
 - B. That the Executive Manager Regeneration and Estates progress work on the remaining wards across the Borough using the methodology developed for the pilot, as outlined within the appendices and the proposals contained in the report.
 - C. That funding of £10,000 be made available from contingencies to enable the fourteen sites identified in the pilot and designated as '1 - Seek to Dispose' in the list attached at Appendix A to the report, to be progressed further, as detailed within paragraph 7.2.
 - D. That an additional staff resource be brought in to ensure the momentum of the project is maintained whilst these fourteen sites are investigated further and packaged for sale, and it be noted that an existing project staff budget will be utilised for this purpose.

146. PRIVATE SECTOR HOUSING HOME IMPROVEMENT LOANS SCHEME

Councillor Mrs Hopley introduced the report of the Executive Manager Housing and Property Maintenance Services which reviewed the first year of the Home Improvement Loans Scheme and considered options to change how such assistance is provided by the Council in future.

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 Housing and Property Maintenance Services be authorised to:
- A. Suspend the provision of loans assistance for 12-months to allow a review of such provision as part of a wider service review as outlined in Option 2 in the report.

- B. Terminate the contract with ART Homes in accordance with paragraph 6 of the report.

THE LEADER



AGENDA ITEM: 10

CABINET: 15 March 2011

**EXECUTIVE OVERVIEW AND
SCRUTINY: 31 March 2011**

Report of: Director Designate (Council Secretary and Solicitor)

Relevant Portfolio Holder: Councillor D. Westley

**Contact: Marc Taylor (Extn. 5092)
(E-mail: Marc.Taylor@westlancs.gov.uk)**

SUBJECT: REVENUE BUDGET MONITORING

Borough wide interest

1.0 PURPOSE OF THE REPORT

- 1.1 This report provides a projection on the financial position on the General and Housing Revenue Accounts to the end of the financial year.

2.0 RECOMMENDATIONS TO CABINET

- 2.1 That the financial position of the Revenue Accounts be considered and noted.
- 2.2 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.

3.0 RECOMMENDATIONS TO EXECUTIVE OVERVIEW AND SCRUTINY COMMITTEE

- 3.1 That the financial position of the Revenue Accounts be noted.

4.0 BACKGROUND

- 4.1 In February 2010 the Council approved budgets for the Housing and General Revenue Accounts for the 2010-2011 financial year. It is good practice that monitoring reports are produced on a regular basis to ensure that Members are kept informed of the financial position of these accounts. This is the third monitoring report for the year and is based on information available in February 2011.

5.0 GENERAL REVENUE ACCOUNT

- 5.1 The Council has set a revenue budget of £16.420m for the financial year. In total current projections forecast that net expenditure will be around £400,000 below this target, which represents a small variance of around 2.4%.
- 5.2 The projections have been calculated on a prudent basis based on information available at the current time, and experience from past years suggests that the overall position may improve further. Consequently it can be confidently expected that the Council will achieve a surplus by the year end. This will continue our strong track record of managing our financial performance to ensure that the outturn position is in line with the budget.
- 5.3 While there have been a number of Government spending reductions announced in recent months these will not have a significant impact on the Council until next year. The managed under spend for this year has been taken into account in setting next year's Budget and will help to address the challenging medium term financial position facing the Council.
- 5.4 Employee costs form a significant proportion of the Council's total budget and consequently are very important from a budget management perspective. The budget contains a corporate target for staff efficiency savings of £251,000. However the active management of staffing levels combined with savings from deleting the posts of the Deputy Chief Executive and his Assistant will mean that this target will be significantly exceeded, and this is the main reason for the overall favourable variance.
- 5.5 The Council budgeted for a 0.5% pay increase this year but national pay negotiations are still ongoing between the employers and the unions. However it now appears possible that this provision may not be required, which could produce an additional saving.
- 5.6 A process has been completed to assess staff appeals against job evaluation scores. As a result of a number of successful appeals there will be additional costs incurred which will be backdated to August 2009 when the new set of harmonised terms and conditions came into effect. In the current year these costs will be met from funding set aside specifically in reserves to meet potential job evaluation costs, while the ongoing effect in future years has been incorporated into the budget that has been set for 2011-12.
- 5.7 The external income that the Council generates can be one of the most volatile areas of the budget, with income going up and down due to factors outside our direct control. This area is particularly volatile at the moment given the state of the economy.
- 5.8 The recession has had a major impact on planning income, and Development Control performance is significantly below budget. Similarly income from the Market is down, and Treasury Management income is also below the budget target, as a result of interest rates remaining at historically low levels for a considerable period of time. However income performance in most other areas is broadly on target, and income levels on the Community Related Assets portfolio will significantly exceed the budget target by the year end.

- 5.9 The Council participates in the Lancashire wide travel concession scheme for the elderly and disabled. A new set of County wide reimbursement rates for bus operators have been introduced and this, combined with additional grant funding from the government, will enable a significant saving to be made this year in the order of £200,000. This procurement saving is a major contributing factor to the overall favourable variance that has been achieved on the GRA this year. However the responsibility for travel concessions will transfer to the County Council from April 2011 and consequently this saving will not be repeated next year.
- 5.10 Since the economic downturn started there has been a considerable increase in benefits expenditure, which is a demand led service that is not within the direct control of the Council. While the majority of this expenditure is funded by government grant through a complex subsidy system, a small element of these payments must be picked up by the Council, and so the higher level of payments means higher costs for the Council. More significantly though, there is an increasing problem in relation to higher benefits payments in a specific category - exempt accommodation - which attract a very low rate of subsidy.
- 5.11 These factors caused a significant overspend on benefits payments last year, which is expected to persist in the current year and beyond.
- 5.12 The Appendix to this report provides further details on the performance of individual divisions.

6.0 HOUSING REVENUE ACCOUNT

- 6.1 The Council set a gross expenditure budget for the Housing Revenue Account (HRA) of £21.078m, and is on course to achieve this budget target.
- 6.2 Rental income has stabilised due to low Right to buy Sales and is broadly on track to be delivered. The level of Right to buy sales has been slightly higher this year, and to date 16 sales have been completed. Whilst the proceeds from these asset sales provide funding for the Capital Programme, these sales also result in reduced levels of income to the HRA.
- 6.3 During the course of the year we have experienced a number of spending challenges. Severe inclement weather over the last quarter has resulted in a significant number of heating equipment failures and demand for Disabled Adaptations has also been greater than forecast.
- 6.4 In discussions, tenants have expressed the view that these issues should be key priorities for investment by the Council. To assist in accommodating the above capital works, savings from the Repainting Programme, Repairs Contingency, and other miscellaneous HRA savings will close the funding gap within the Public Sector Capital Programme.

7.0 RESERVES AND BALANCES

- 7.1 The Council is facing a very challenging medium term financial position as are most other local authorities. Consequently there is a pressing need to manage reserves to enable this financial situation to be dealt with effectively. The level of reserves and balances has recently been reviewed and approved by Council at its meeting last month. The majority of these reserves are either committed or earmarked for specific purposes and so are not available for general use. The overall level of reserves remains healthy and adequate for prudent financial management.
- 7.2 The Council approved a contingency of £25,000 to deal with winter weather issues as part of the budget for the current year. To date additional costs of £17,150 have been incurred dealing with severe weather conditions during the winter period.
- 7.3 When the HRA budget was set it was agreed that £289,000 would be used from Balances and Reserves to support the HRA and its capital programmes, and it is expected that this contribution will still need to be used.

8.0 SUSTAINABILITY IMPLICATIONS/COMMUNITY STRATEGY

- 8.1 There are no direct sustainability implications arising from this report.

9.0 RISK ASSESSMENT

- 9.1 The formal reporting of performance on the General and Housing Revenue Accounts is part of the overall budgetary management and control framework that is designed to minimise the financial risks facing the Council.
- 9.2 The projected variances contained in this report reflect current estimates of the likely difference between spending / income and budget for the full financial year. These estimates are based on current data and are subject to change during the remainder of the year as new information becomes available.

10.0 CONCLUSIONS

- 10.1 Both the GRA and the HRA are on course to achieve their budget targets. The level of reserves and balances also continues to be adequate for prudent financial management. This continues the trend of strong financial performance achieved by the Council over many years.

Background Documents

There are no background documents (as defined in Section 100D(5) of the Local Government Act 1972) to this Report.

Equality Impact Assessment

An impact assessment has been prepared for this report which does not identify an adverse impact on equality in relation to the equality target groups.

Appendices

Appendix 1 – General Revenue Account Projected Outturn Position

GENERAL REVENUE ACCOUNT PROJECTED OUTTURN POSITION

Budget area	Net Budget £000	Variance from Budget £000	Variance %
Assistant Chief Executive	3,089	-340	-11.0%
Community Services	4,618	-120	-2.6%
Housing and Property Maintenance	817	-65	-8.0%
Legal Democracy & Financial Management	2,784	-85	-3.1%
Planning	1,919	-80	-4.2%
Regeneration and Estates	-189	-170	See note
Street Scene	5,797	-235	-4.1%
Central Budget Items	-420	420	See note
Central Savings Items	-1,995	275	13.8%
TOTAL BUDGET REQUIREMENT	16,420	-400	-2.4%

Table Notes

The budget figures for each Division have been updated to include capital accounting adjustments and the allocation of central budget items to divisions. These are technical accounting adjustments that do not affect the bottom line budget requirement, which has remained unchanged during the year at £16.420m.

The Regeneration and Estates division has a relatively small net budget requirement because it contains the Community Related Assets portfolio, which generates a significant amount of external income.

Central Savings Items cover a range of corporate budgets including targets for staff and other efficiency savings. The actual savings that are made in relation to these items are contained within Divisions. Consequently savings made elsewhere will offset the adverse variances on this budget heading.

General

It should be recognised that some areas of the budget are within the Council's control, for example the filling of vacant posts to achieve salary savings. However other areas such as external income can be volatile where we are exposed to market forces. In addition some service areas are demand led where it can be difficult to directly control expenditure.

Assistant Chief Executive – Favourable variance £340,000

There are a number of issues giving rise to the overall favourable position. The main saving that will be made is in relation to Concessionary Travel, mainly through lower reimbursement rates being paid to bus operators and additional grant funding. The other major variance for the division relates to savings on salary costs resulting from the active management of staff vacancies.

However Benefits expenditure is anticipated to be higher than budget following the same pattern as last year. This is a demand led service and whilst the overall budget was increased in 2010/11 it is still anticipated that an over spend will occur. The budget that has been set for 2011/12 takes this factor into account and provides for additional funding in this area.

Community Services – Favourable variance £120,000

There is projected to be a significant favourable variance for the division with the largest single contributory factor being managed savings on staffing.

Car park income from pay and display machines is currently on target, but income from fines is anticipated to be in excess of budget and reflects the increased level of enforcement now in operation. Income from regular stallholders on Ormskirk Market is less than anticipated. The shortfall is due to the level of holidays, sickness and closures due to inclement weather.

There are a number of projected variances in other service areas but these will not have a significant net effect on the bottom line for the division.

Housing and Property Maintenance – Favourable variance £65,000

The active management of staffing levels and vacancies has generated a significant favourable budget variance within the division, and repairs and maintenance costs are also being controlled. However there are a number of adverse variances on utility costs, particularly in relation to water and electricity bills. There is also an adverse variance on the Home Loans scheme which is the subject of a separate report elsewhere on the agenda.

Legal Democracy and Financial Management – Favourable variance £85,000

The division has achieved an overall favourable variance through a number of different means including savings on extending our insurance contracts, reduced audit fees, lower pension costs, and managed staff savings.

Income from Local Searches, which had been under pressure in previous years due to the recession, has now stabilised and is just below its budget target for the year. However the Government has implemented a statutory instrument to revoke the fee for personal searches of the Local Land Charges Register. While the full effect of this development cannot yet be accurately identified it may potentially have an adverse impact, and consequently this area will continue to be monitored closely.

Planning – Favourable variance £80,000

There is currently a projected adverse variance on development control income as a result of the recession and due to factors that are outside the Council's control. Income on building control is however performing better and is broadly in line with the budget target.

This adverse variance on income is however being more than offset by managed savings on staffing that should enable the division to achieve an overall favourable variance.

Regeneration and Estates – Favourable variance £170,000

The economic climate remains challenging however the Estates section has been working extremely hard to achieve lettings and as a result income levels on the commercial assets portfolio will exceed the budget targets. Investment Centre income levels though have diminished over recent years meaning that trading conditions are proving challenging.

Staffing costs are being carefully scrutinised and will provide some savings that can be contributed towards the corporate salary savings target. Overall, as all expenditure is being closely scrutinised and income levels are above target it is anticipated that the division will under spend by some £170,000.

Street Scene – Favourable variance £235,000

The commissioning of the waste transfer station has been completed successfully and operational arrangements are being implemented accordingly. The budget position is being tightly monitored as the financial implications of the new facility are being fully evaluated. A significant saving will also be made on the management of staffing costs. As such, an under spend is expected for the year despite some increased cost pressures particularly in relation to fuel.

Central budget and savings items

This heading covers a range of corporate budgets including savings targets, treasury management, and capital charges. Central savings targets for staff efficiency, Gershon efficiency improvements and savings from Organisational Re-engineering are all held in this area. The actual savings that are made in relation to these items are contained within Divisions. Consequently savings made elsewhere will help to offset the adverse variances on these budget items.

Interest rates continue to remain at historically low levels and this has had an adverse impact on treasury management income. There have also been additional capital charges incurred in excess of the budget provision.



AGENDA ITEM: 11

CABINET: 15 March 2011

**EXECUTIVE OVERVIEW &
SCRUTINY COMMITTEE:
31 March 2011**

Report of: Director Designate (Council Secretary and Solicitor)

Relevant Portfolio Holder: Councillor D Westley

**Contact for further information: Mrs K Samosa (Ext. 5038)
(E-mail: karen.samosa@westlancs.gov.uk)**

SUBJECT: CAPITAL MONITORING 2010/2011

Wards Affected: Borough wide

1.0 PURPOSE OF THE REPORT

- 1.1 To update Members on the current position in respect of the 2010/2011 Capital Programme.

2.0 RECOMMENDATIONS TO CABINET

- 2.1 That the current position in respect of the 2010/2011 Capital Programme be noted.
- 2.2 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.

3.0 RECOMMENDATIONS TO EXECUTIVE OVERVIEW AND SCRUTINY COMMITTEE

- 3.1 That Members note the current position in respect of the 2010/2011 Capital Programme.

4.0 BACKGROUND

- 4.1 The Capital Programme is set on a three-year rolling basis that is updated regularly when Members are advised of progress against it. The revised programme of £11.013m for 2010/2011 was presented to Members in November/December 2010. Council subsequently approved the new Medium

Term Programme on 23rd February 2011. This has not been incorporated into this report but Cabinet will be updated verbally at their meeting of the impact of this.

5.0 CAPITAL EXPENDITURE

- 5.1 Generally, capital schemes are profiled with relatively low spending compared to budget in the early part of the financial year with increased spending as the year progresses. This reflects the fact that many new schemes have considerable lead in times, for example, because of the need to undertake the tendering process and award contracts at the start of the scheme. Some schemes are dependant on external partner funding and schemes can only begin once their funding details have been finalised. Other schemes include contract retentions or contingencies that will only be spent some time after completion of the contract. Most schemes then progress and spend in line with their approval by the year-end.
- 5.2 This pattern has been repeated in the current year with £5.084m (46%) of expenditure having been incurred by the end of January. This compares to recent programmes as indicated in Table 1:

Table 1: Capital Expenditure against Budgets			
Year	Expenditure £m	Budget £m	% Spend against Budget
2010/2011	5.084	11.013	46%
2009/2010	5.106	12.413	41%
2008/2009	5.470	10.502	52%

- 5.3 There is also currently around £0.722m of other committed expenditure due to take place over the coming months. Taking this into account would show an increase in the percentage spend against the revised programme to 53%. This compares to 50% at the same point last year.
- 5.4 Appendix B provides the Divisional Managers' comments on the progress of schemes against the Programme. Housing Public and Private Sector schemes represent 78% of the overall programme and consequently progress in these areas will largely determine the overall spending position at the year end.

6.0 CAPITAL RESOURCES

- 6.1 Sufficient resources have been identified to fund the Capital Programme as shown in Appendix A.
- 6.2 A proportion of the resources to fund capital expenditure are based on government allocations that have been confirmed. Other resources come from external funding and schemes that are heavily dependent on this source are not able to start until after the funding has been confirmed. A further source of funding is capital receipts.
- 6.3 Capital receipts are the main area of the capital resources budget that is subject to variation. They are the useable proceeds from the sale of Council assets (mainly houses under Right to Buy legislation) that are available to fund capital expenditure and can vary significantly depending on the number and value of assets sold.

- 6.4 The Mid Year Review report identified that, 9 RTB sales had been achieved against the target of 10 for the year along with 2 plots of land. To the end of January a further 6 RTB sales had been achieved with a further potential sale in the pipeline. Consequently, the income target for the year will be exceeded.
- 6.5 This income position is monitored closely and income variations will be managed over a medium term timescale.

7.0 SUSTAINABILITY AND COMMUNITY STRATEGY LINKS

- 7.1 The Capital Programme includes schemes that the Council plans to implement to enhance service delivery and assets. Individual project plans address sustainability and Community Strategy issues and links to Corporate Priorities. The Capital Programme also achieves the objectives of the Prudential Code for Capital Finance in Local Authorities by ensuring capital investment plans are affordable, prudent, and sustainable. This report provides an updated position and progress against project plans.

8.0 RISK ASSESSMENT

- 8.1 Capital assets shape the way services are delivered for the long term and, as a result, create financial commitments. The formal reporting of performance against the Capital Programme is part of the overall budgetary management and control framework that is designed to minimise the financial risks facing the Council. Schemes within the Programme that are reliant on external contributions or decisions are not started until funding is secured and other resources that are subject to fluctuation are monitored closely to ensure availability. The capital receipts position is scrutinized on a regular basis and managed over the medium term to mitigate the risk of unfunded capital expenditure.

9.0 CONCLUSIONS

- 9.1 The Capital Programme for 2010/2011 totals £11.013m. Expenditure at the end of January is £5.084m which represents 46% of the Programme. It is expected that sufficient capital resources will be available to fund the current year's programme.

Background Documents:

There are no background documents (as defined in Section 100D(5) of the Local Government Act 1972) to this Report.

Equality Impact Assessment

An impact assessment has been prepared for this report which does not identify an adverse impact on equality in relation to the equality target groups.

Appendices:

- A Capital Programme Expenditure and Resources Budget
- B Divisional Manager Comments

2010/2011 CAPITAL PROGRAMME
EXPENDITURE AND RESOURCES BUDGET

	Budget Approval	Actual	
	£'000	£'000	%
<u>Divisional Expenditure</u>			
Parish Capital Schemes	50	24	48%
Assistant Chief Executive	254	194	76%
Corporate Property	744	260	35%
Planning	32	21	65%
Regeneration & Estates	62	43	70%
Street Scene	273	267	98%
Community Services	990	352	36%
Private Sector Housing	1,528	668	44%
Public Sector Housing	7,080	3,254	46%
<u>Expenditure Total</u>	11,013	5,084	46%
<u>Financed by:</u>			
Capital Receipts	2,200		
Specific Capital Grants	1,696		
Housing Allocation	757		
Major Repairs Allowance	3,546		
Internal Contributions			
Housing Revenue Account	1,105		
General Revenue Account	835		
Internal Borrowing	874		
<u>Resources Total</u>	11,013		

CAPITAL PROGRAMME 2010/2011
DIVISIONAL MANAGER COMMENTS
AT END OF JANUARY

Parish Capital Schemes
Spending on grants to Parishes is determined by the progress that Parishes make on individual schemes and is not within the direct control of the Council. Parishes must complete schemes within 2 years or risk losing their funding.
Assistant Chief Executive
<p>Expenditure against the ICT Infrastructure budget, used to keep the Council's ICT equipment up to date and to maintain its speed, integrity, and security, is almost complete for the year. Works are progressing in relation to the integration of M3PP with front office on the EDM scheme and any underspends will be slipped into 2011/2012 to enable further OR projects to be rolled out.</p> <p>The Server Virtualisation and other projects are progressing on the E-Government scheme and it is anticipated that the Web Improvement Programme will slip into next year.</p>
Street Scene
The new wheelie bins for the rollout of AWC in Skelmersdale have been purchased and distributed. The Vehicle Tracking Scheme will be completed towards the end of the year.
Regeneration and Estates
<p>The Council is currently working on two separate phases of the Skelmersdale Town Centre Regeneration Project with a development partner but the economic conditions remain challenging. Consultancy costs are being shared with the HCA and the current phase should near completion within this financial year.</p> <p>The Investing in Business Regeneration Programme is complete as is the residual budget on the Abbotsford project.</p>

CAPITAL PROGRAMME 2010/2011
DIVISIONAL MANAGER COMMENTS
AT END OF JANUARY

Planning

Conservation Grants are progressing and any unspent budget will be slipped into next year's Programme. The minor overspend on the Free Tree scheme will be funded by a contribution from Revenue and the Buildings at Risk Scheme will be fully utilised by the end of the financial year.

Community Services

Contaminated Land schemes are dependant of Government guidance and are progressing. Following completion of the OR Project it is anticipated that the Environmental Health System will now be completed before the end of the financial year.

Consultants have been employed on the implementation of the new CCTV suite and preparatory work is underway. The full scheme will get underway in August 2011 and the budget will need to slip into subsequent Programmes. Works are due to commence in March for the acquisition and installation of new Outdoor Gym Equipment. This will continue into April.

Lottery funding is awaited for works on Play Engagement and works on other parks are progressing. An anticipated £8,000 overspend on Richmond Park will be funded from the anticipated underspend on Coronation Park (Ph 4) which is complete. Halsall Lane and Manor Road Park schemes are nearing completion. The consultation/design process is underway on Stanley Coronation Park and tenders are due in March. This funding will be sipped into 2011/2012.

The final invoice for works on Nye Bevan Roof repair is awaited and expenditure on the Leisure Trust contract continues. Funding is committed on Allotments and Chapel Gallery and WiFi provision are complete.

CAPITAL PROGRAMME 2010/2011
DIVISIONAL MANAGER COMMENTS
AT END OF JANUARY

Corporate Property

Work, including plans being drawn up, is progressing on most larger schemes and tender returns are awaited. Some delay has been caused by the severe weather over winter and overall there will be an element of slippage

The vast majority of work on the Office Move and Refurbishment has been completed and utilisation of the remaining resources has still to be finalised.

Housing Private Sector

Both Affordable Housing Schemes that transferred at the Mid Year Point to revenue, due to the nature of their expenditure, have been launched. The remaining approval is likely to be slipped into 2011/2012 and is discussed elsewhere on this agenda.

The transition of a grant regime to home loans has proved challenging and take up has been slower than anticipated. Remaining approvals will be slipped into the next financial year. This scheme is discussed elsewhere on this agenda.

A property in Firbeck has been acquired under the Clearance Programme and the remaining balance is likely to be slipped into 2011/2012 pending the outcome of negotiations at Lime Court.

The Disabled Facilities Grant budget is fully committed although some invoices are likely to be paid in the new year. Commitment against the Empty Homes Initiative is dependant on Government proposals and this budget will slip into the new financial year.

CAPITAL PROGRAMME 2010/2011
DIVISIONAL MANAGER COMMENTS
AT END OF JANUARY

Housing Public Sector

Energy Efficiency and Window Replacement Programmes are practically complete as are the Homecarelink and Simdell System Replacements. The Decent Homes and Professional Fee budgets are fully committed.

Contracts have been awarded for Communal Areas at less than budget and works should be completed by the end of March. Finalisation on the framework agreement has meant an underspend of Electrical Upgrades and Re-Roofing Works. Whitburn Cladding has been delayed till 2011/2012 and the remaining budget will be unspent in 2010/2011. Balances from these underspends along with the unused budget on the General Contingency will be used to fund overspends indicated below.

Demand for Adaptations is a key priority for tenants and has exceeded all expectations. Re-let works have been greater than forecast meaning expenditure is higher than anticipated. Severe inclement weather has resulted in an unexpected and unplanned Heating Equipment Replacement Programme to tenants across the Borough. Excess expenditure on these schemes will be funded from underspends indicated above.

Although contractually committed, the timing of expenditure on Elmstead will cross into the new financial year and there will be significant slippage in this area. HCA funding has been received for this scheme as planned.

General Upgrades to Sheltered Schemes had a delayed start but other schemes are progressing and due to finish mid-March. The remaining budgets will be slipped into 2011/2012.

Tenant proposals are awaited for Environmental Improvements meaning that this budget will slip into 2011/2012 as will the Binstore Upgrades that are dependent on corporate proposals.



<u>AGENDA ITEM:</u>	12
Planning Committee:	10th March 2011
Cabinet:	15th March 2011
Executive Overview &Scrutiny:	31st March 2011

Report of: Acting Executive Manager Planning

Relevant Portfolio Holder: Councillor M. Forshaw

Contact for further information: Mr P. Richards (Extn. 5046)
(E-mail: peter.richards@westlancs.gov.uk)

SUBJECT: LDF Core Strategy – Preferred Options Paper for Public Consultation

Wards affected: Borough wide

1.0 PURPOSE OF THE REPORT

- 1.1 To inform Members of the Planning Committee, Cabinet and Executive Overview and Scrutiny Committee of the progress of the Core Strategy DPD for the West Lancashire Local Development Framework (LDF), particularly in relation to the proposed Preferred Options Paper on the Core Strategy for public consultation, and to determine whether this document should proceed to a six week public consultation period.

2.0 RECOMMENDATIONS TO PLANNING COMMITTEE

- 2.1 That the Core Strategy Preferred Options Paper be considered and that agreed comments be referred to Cabinet.

3.0 RECOMMENDATIONS TO CABINET

- 3.1 That the comments of the LDF Cabinet Working Group provided at Section 9.0 of this report and any comments received from Planning Committee be considered.
- 3.2 That the Core Strategy Preferred Options Paper be approved for a six week public consultation exercise commencing after the Local Elections in May.
- 3.3 That the Acting Executive Manager Planning, in consultation with the Portfolio Holder for Planning and Transportation, be authorised to finalise and make amendments, prior to public consultation, to the Core Strategy Preferred Options Paper following consideration of any agreed comments from the Executive Overview & Scrutiny Committee.

- 3.4 That call-in is not appropriate for this item as the report is being considered at the next meeting of the Executive Overview and Scrutiny Committee on 31 March 2011.

4.0 RECOMMENDATIONS TO EXECUTIVE OVERVIEW & SCRUTINY COMMITTEE

- 4.1 That the Core Strategy Preferred Options Paper be considered and that agreed comments be referred to the Acting Executive Manager Planning.

5.0 BACKGROUND & CURRENT POSITION

- 5.1 The 'Core Strategy Preferred Options Public Consultation Document' (referred to as the 'Preferred Options Paper' in the remainder of this report) has been prepared over the course of 2010 following on from initial visioning work and the identification of key issues, undertaken through a series of consultation exercises in 2008/09, and the Public Consultation on the Core Strategy Options Paper in Autumn 2009.
- 5.2 The Preferred Options Paper sets out the key strategic planning policies for the Borough in a "first draft" format for public consultation. The policies cover various topics, including a spatial framework for new development, economic development, residential development, infrastructure and services provision, and for sustaining the Borough's environment and addressing climate change.
- 5.3 The spatial framework for new development sets targets for residential and employment development, focuses the majority of new development in Skelmersdale in order to support the regeneration of the town and sets out two options for releasing land on the edge of existing settlements (mainly in the Green Belt) to meet the Core Strategy housing and employment targets. These two options have previously been considered by Cabinet on 18th January 2011, when they were selected for inclusion in the Preferred Options Paper from a choice of three options. These options were previously considered by the LDF Cabinet Working Group on 17 January 2011.
- 5.4 The Preferred Options Paper has been prepared for Cabinet to consider for public consultation. Should Cabinet approve the document for public consultation it will be put out for a six week public consultation period from mid-May to the end of June (i.e. after the local elections) in order to gain the views and comments of the general public and stakeholders on the document. Details of the Public Consultation exercise proposed are set out in Section 7.0 below.
- 5.5 Several other documents will also accompany the Preferred Options Paper at public consultation and will be available for comment:
- A Sustainability Appraisal (SA) of the Core Strategy Preferred Options
 - A Habitat Regulations Assessment (HRA) Screening Report for the Core Strategy Preferred Options¹

¹ Subject to the results of the HRA screening report, there may also be an Appropriate Assessment (AA) undertaken of the Preferred Options to assess the impact of proposals on International Sites of habitat value

- A Health Impact Assessment (HIA) of the Core Strategy Preferred Options
- An Equalities Impact Assessment (EqIA) of the Core Strategy Preferred Options
- A Rural Proofing Assessment of the Core Strategy Preferred Options
- A draft Infrastructure Delivery Plan (IDP) – a document that will ultimately accompany the final Core Strategy

6.0 PROPOSALS

Overview of the Core Strategy Preferred Options Paper

- 6.1 The key messages of the Preferred Options Paper are those of sustainable growth across the Borough, the regeneration of Skelmersdale and the preservation of the Borough's attractive environment and rural character. The document also brings to the fore key issues such as climate change, infrastructure provision, catering for an ageing population and providing affordable housing, thus reflecting national planning policy and local concerns.
- 6.2 A potentially controversial matter that the Core Strategy needs to address is the release of a small amount of Green Belt land for new development in order to meet all the development requirements over the Core Strategy period (2012-2027). Two "strategic development" options for this release of Green Belt land have been included in the Preferred Options Paper, as per Cabinet's decision in January 2011.
- 6.3 These two options have been briefly set out in Chapter 4 of the Preferred Options Paper but are also reflected throughout the document in various policies, especially Policy CS1.
- 6.4 A final point to make on the Core Strategy as a whole is that it seeks to fulfil the Vision and Objectives set out earlier on in the process for the Core Strategy and, in doing so, to also be consistent with, and help fulfil the objectives of, the Sustainable Community Strategy for West Lancashire.

Over-arching Spatial Strategy and the Strategic Sites

- 6.5 The first set of policies in the Preferred Options Paper address the spatial framework for development in the Borough and set out two specific strategic development sites (one of which relates to one of the strategic development options for development on Green Belt).
- 6.6 The sustainable spatial development framework (Policy CS1) reflects the key messages of the Core Strategy by focusing over two-thirds of development over the Core Strategy period specifically in Skelmersdale and approximately 90% of all development within the Borough's three Key Service Centres (Skelmersdale, Ormskirk and Burscough). It also sets out a settlement hierarchy to broadly guide what levels of development would be appropriate in each settlement.
- 6.7 Policy CS1 establishes the key development targets for the Core Strategy period (2012-2027) for residential and employment land development and disaggregates these targets between spatial areas. The overall targets are 4,500 dwellings (300 a year on average) and an additional 87 hectares of employment land.

- 6.8 Policy CS1 promotes development of brownfield land over greenfield and Green Belt land, but recognises that some greenfield and Green Belt land will be required over the Core Strategy period.
- 6.9 This key, over-arching policy also sets the context for other Core Strategy policies by discussing renewable energy, biodiversity, landscape, heritage and green infrastructure, ground conditions, utilities infrastructure and flood risk.
- 6.10 Policy CS2 identifies Skelmersdale Town Centre as a Strategic Development Site. It builds upon the existing 2008 Skelmersdale Town Centre SPD, establishing the town centre regeneration as a cornerstone of the Core Strategy and updating the broad development proposals so that they are more in line with the current plans for the town centre that are being discussed with the Council's development partner, St Modwen. The boundary of the Strategic Development Site also extends the town centre boundary established in the SPD to the north to include more land to assist with improving the viability of the wider scheme and to deliver more development.
- 6.11 Policy CS3 identifies a Strategic Development Site in the Green Belt at Yew Tree Farm in Burscough. This policy reflects the first of the two options for strategic development in the Green Belt and so would only be included in the Core Strategy if this option is ultimately taken forward.

Facilitating Economic Growth

- 6.12 Policy CS4 addresses the economy and employment land. In line with the key development targets set out within Policy CS1, Policy CS4 provides further details on the practical delivery of 87ha of new employment development between 2012 and 2027. This policy again reflects the wider objectives of the Core Strategy in that it prioritises redevelopment and regeneration opportunities in existing employment areas, particularly in terms of vacant or under-used employment land and premises.
- 6.13 Aside from this, Policy CS4 recognises that additional land, including some within the Green Belt, will be required outside of existing employment areas in order to ensure that sufficient economic growth continues over the plan period. In addition to land supply, Policy CS4 further recognises the importance of targeting certain sectors of employment and aligning skills to jobs in order that local people can benefit from improved employment opportunities.
- 6.14 Policy CS5 seeks to protect the rural economy by setting out a general presumption against the loss of employment sites in rural areas for non-employment uses. It is recognised that the Borough contains some of the most versatile agricultural land in the UK and therefore development in these areas should be limited. Loss of agricultural land will only be permitted where absolutely necessary, to deliver strategic development, and only where it is adjacent to the three Key Service Centres of Skelmersdale, Ormskirk/Aughton and Burscough.

- 6.15 Whilst few new sites will be allocated for employment development within the rural parts of the Borough, existing undeveloped allocations for rural employment in the Local Plan will be carried forward into the Core Strategy period and Policy CS5 will encourage development which provides new investment and job opportunities in rural areas.
- 6.16 Policy CS6 relates to Edge Hill University. It promotes the role of Edge Hill University in terms of maximising employment opportunities, investing in the local area and upskilling the population. However, it is also recognised that negative impacts on Ormskirk town centre and its local residents, in particular traffic and housing problems, must be minimised. Policy CS6 further requires that a masterplanned approach is taken in relation to any further expansion of the campus.

Providing for Housing and Residential Accommodation

- 6.17 Policy CS7 addresses residential development. Consistent with Policy CS1, it sets out the net numbers of new dwellings expected in the different settlements across West Lancashire over the Core Strategy period, as well as the types of new development that would be permitted in each settlement. As with Policy CS1, it prioritises brownfield development over greenfield but recognises that the supply of brownfield sites is limited and that a significant amount of greenfield development is inevitable over the Core Strategy period.
- 6.18 The policy also contains a mechanism whereby if housing land supply becomes excessive in relation to housing targets, an element of restraint will be applied until supply decreases once again to a reasonable level. Housing designed specifically for the elderly, and housing that meets the “Lifetime Homes” standard is supported.
- 6.19 Policy CS8 deals with affordable housing, which is supported in all non-Green Belt settlements and would be permitted in certain cases on small sites in the Green Belt. It sets out the percentages of affordable housing that the Council will require for different levels of development (above a minimum threshold of 5 units) and for development in different parts of the Borough. The policy allows for variation from the specified targets if it is demonstrated that these targets would make a scheme unviable.
- 6.20 Policy CS8 also allows for future variation in targets if subsequent housing needs and viability studies conclude that the targets should be changed. The details of how viability will be assessed, and how targets may vary in the future will be set out in a forthcoming Supplementary Planning Document.
- 6.21 Policy CS8 does not make the decision as to whether specific sites should be allocated for affordable housing in the Site Allocations DPD. However, it “leaves the door open” for this course of action, should it be chosen as the Council’s preferred strategy for facilitating the provision of affordable housing.
- 6.22 Policy CS9 deals with student accommodation, both the provision of new purpose-built accommodation and student HMOs (Houses in Multiple Occupation). The policy generally restricts the development of purpose-built accommodation away from the Edge Hill University Campus. The proliferation of HMOs will be controlled by limiting the percentage of HMOs that will be permitted

within the streets of the Borough. Precise details of the streets and percentages will be finalised in the forthcoming Development Management Policies DPD.

- 6.23 Policy CS10 provides numbers of permanent and transient pitches required to meet the established needs of gypsy and travellers and travelling showpeople in West Lancashire, using evidence collected from the North West and Lancashire Gypsy and Traveller Accommodation Assessment (GTAA). The policy also sets broad locations for where sites providing these pitches should be created. Criteria for assessing the suitability of specific sites for pitches will be provided in a Development Management Policies DPD and will be based upon national planning policy taking account of local issues.

Infrastructure and Services Provision

- 6.24 Although National Planning Policy Statement 4 will generally guide development within the Borough in relation to retail, leisure and viable town and village centres, Policy CS11 focuses on protecting the town and local centres from the threat of incremental change to existing retail units. This is necessary in order to prevent too much leakage to surrounding retail centres and to maintain the vitality of the centres with a good service provision for local residents. The Development Management Policies DPD will provide more detailed policy designed to preserve retail uses in the Borough's town and local centres.
- 6.25 Policy CS12 seeks to improve the transport network across the Borough to meet current and future demands and to improve the quality of life for residents as well as supporting economic growth and reducing the Borough's carbon footprint. Specifically the policy focuses on the provision of new infrastructure, where appropriate, in order to alleviate existing congestion issues around Ormskirk, Burscough and the rural areas. The policy also encourages sustainable travel links to be integral to new development across the Borough and to be improved in areas currently lacking in good provision of rail and bus links.
- 6.26 Policy CS13 is fundamental to the delivery of sustainable development in the Borough. It seeks to ensure that, in the first instance, development will be directed to areas with existing infrastructure and services and, secondly, where infrastructure needs are identified, they should be delivered in line with the new development to prevent pressure on existing services.
- 6.27 One of the most concerning issues identified through the Infrastructure Delivery Plan (IDP) process is the major constraint issue relating to waste water treatment capacity in the majority of Ormskirk, Burscough and the outlying areas of Rufford and Scarisbrick. Consequently, council officers and United Utilities officers are working together to maintain strong communication links and build up a case of evidence which will allow United Utilities the opportunity to bid for funding to alleviate this pressure within a future Asset Management Plan.
- 6.28 The IDP is a key document in ensuring a good understanding of the existing infrastructure and service provision across the Borough and identifying deficits in order to plan for their improvement and delivery through new development. The document will also act as a base line for setting developer contributions within a Supplementary Planning Document in line with the Community Infrastructure Levy (CIL) Regulations and the requirements of Policy CS14.

- 6.29 The purpose of Policy CS14 is to ensure that all new qualifying development contributes to the improvement and delivery of all types of infrastructure. The details of how this will be implemented will be set out within the SPD and will allow the Council to prioritise the delivery of infrastructure to meet development pressures.

Sustaining the Borough's Environment and Addressing Climate Change

- 6.30 Climate Change is a continuous thread running through the entire Preferred Options Paper. However, amongst the Council's greatest priorities relating to climate change is low carbon development and the delivery of renewable energy development.
- 6.31 Policy CS15 sets out a supportive framework to ensure the delivery of low and zero carbon development in order to demonstrate the Council's commitment to energy security and climate change initiatives. The Policy seeks to create a holistic approach through development management and building regulations to delivering both on- and off-site energy solutions and also encourages a strategic perspective to delivering energy infrastructure rather than on a site by site basis.
- 6.32 Policy CS16 seeks to protect all parks, natural assets, sports facilities and open space of high ecological or recreational value in the Borough. Through encouraging management of resources the policy seeks to maximise the use of existing facilities to meet the needs of current and future residents, whilst providing appropriate new provision where deficiencies have been identified and where new developments are planned. The policy is in line with the recommendations of Policy CS14 Developer Contributions.
- 6.33 As one of the key messages of the Preferred Options Paper is to preserve the Borough's attractive environment and rural character, Policy CS17 focuses on enhancing West Lancashire's distinctive character and ensuring quality design within new development. This includes supporting new and inspiring design that also responds to the local vernacular, sustaining cultural and heritage assets and integrating development into the landscape character without any adverse impacts.

Delivery and Risk in the Core Strategy – a "Plan B"

- 6.34 Core Strategies are required to consider the deliverability of their policies and any potential risks to delivery that may exist. In particular, where there are significant risks, the Core Strategy should incorporate sufficient flexibility to overcome those risks.
- 6.35 Appendix E of the Preferred Options Paper provides the deliverability and risk issues for each policy area but Chapter 10 of the paper focuses on a key risk of non-delivery of development and incorporating flexibility in the Core Strategy to address that issue through a "Plan B".
- 6.36 It is a very real risk that, for any number of reasons, delivery of residential dwellings in particular and / or employment land may not keep pace with the targets set in the Core Strategy. This may be because the market is not able to deliver all that is hoped for in a specific area or because a very large site is not

able to be delivered for development because of a previously unforeseen constraint.

- 6.37 In such a situation, to ensure that the Borough is able to provide the dwellings and / or employment land required over the Core Strategy period, a “Plan B” within the Core Strategy could be brought into effect to ensure that targets are met.

7.0 PUBLIC CONSULTATION

- 7.1 The six week public consultation exercise will be carried out in conformity with the Council’s LDF Statement of Community Involvement (SCI). It will involve public events in all parts of the Borough, online consultation and more traditional written correspondence. The consultation exercise, the public events and details of how to respond will be publicised through a leaflet inserted in local papers. Council officers will also be engaging specifically with Parish Councils and school-age children through presentations and workshops to gain their views and input.
- 7.2 In order to engage more younger people in the consultation exercise we will also be launching a Facebook page.

8.0 SUSTAINABILITY APPRAISAL & OTHER ASSESSMENTS

- 8.1 The Draft Sustainability Appraisal (SA) has now been received. It broadly concludes that in relation to climatic factors and flooding, transportation and air quality, social equality and community services, housing and local economy and employment topic areas, the Core Strategy policies will generally have a positive impact on the Borough. It also concludes that where varying cumulative impacts may occur as a result of the Core Strategy Policies on heritage, landscape, biodiversity and water and land resources, Policies CS16 and CS17 help to mitigate any negative impacts as they incorporate measures that will help to protect areas of environmental value. The Sustainability Appraisal has therefore raised no major issues which would undermine the deliverability or sustainability of the Core Strategy Preferred Options Document.
- 8.2 The draft SA has now been sent to Natural England and the Environment Agency and any comments they may have will be incorporated into the Core Strategy Preferred Options Document. Officers will be able to verbally update Members on progress with this.
- 8.3 Officers are also in receipt of the Habitat Regulations Assessment (HRA) which is currently being reviewed. In terms of the Health Impact Assessment (HIA) and Equality Impact Assessment (EqIA), both are currently being carried out by officers in partnership with the necessary stakeholders (in relation to the HIA) and will be completed ahead of the proposed consultation in May.
- 8.4 All the above documents will be made available for comment during the official consultation period. Draft versions of the Sustainability Appraisal, Habitats Regulation Assessment and Equality Impact Assessment will be made available as soon as possible through the following link on the Council’s intranet site <http://intranet/intranet/documents/miscellaneous.aspx>.

9.0 COMMENTS OF THE LDF CABINET WORKING GROUP

9.1 No specific comments on the document were agreed by the Cabinet Working Group. However, individual Members of the Group, did ask that consideration be given to the following:

- Incorporate within the document an explanation of what housing density assumptions have been used in calculating the area of land that will be required to meet the Borough's development targets;
- That a Core Strategy consultation event be held at Edge Hill University.

10.0 SUSTAINABILITY IMPLICATIONS/COMMUNITY STRATEGY

10.1 The sustainability implications of the options for strategic development are set out above, having been fully evaluated by Scott Wilson Ltd, the independent consultants preparing the Sustainability Appraisal (SA) for the Core Strategy. The full findings of the SA for the Core Strategy will be made available in a report alongside the main Core Strategy Preferred Options document.

10.2 Progressing the Core Strategy, as the key document within the Local Development Framework, will help progress the implementation of key aspects of the Sustainable Community Strategy.

11.0 FINANCIAL AND RESOURCE IMPLICATIONS

11.1 Budgetary provision has been made to allow for the Public Consultation on the Core Strategy Preferred Options. Budgetary provision has also been made to allow for any further evidence base work that may be required following the Public Consultation.

12.0 RISK ASSESSMENT

12.1 The Core Strategy will ultimately be subject to an Examination in Public where a Planning Inspector will ensure that all the correct procedures have been followed in preparing the document and will assess whether the document can be considered "sound" or not. Soundness is assessed in relation to whether the document is:

- justified by the available evidence;
- deliverable; and
- consistent with national planning policy.

12.2 A key part of the evidence base will also be the Sustainability Appraisal, and so the relative sustainability merits of each policy within the Preferred Options will be an important factor considered by the Planning Inspector. Therefore, it is important that these factors are taken into account when selecting Preferred Options for the Core Strategy and that the selection of Preferred Options is fully justified by evidence, otherwise the document could ultimately be found "unsound" by the Planning Inspector.

13.0 CONCLUSIONS

- 13.1 The Core Strategy Preferred Options paper has been prepared and Cabinet are being asked to allow the document to go out to public consultation for a six week period in May / June 2011.

Background Documents

The following documents are also available from the LDF Team Leader:

- Sustainability Appraisal of the Core Strategy Preferred Options (March 2011) prepared by URS / Scott Wilson
- A Habitat Regulations Assessment (HRA) Screening and Appropriate Assessment (AA) Report for the Core Strategy Preferred Options (March 2011) prepared by URS / Scott Wilson
- An Equalities Impact Assessment (EqIA) of the Core Strategy Preferred Options (March 2011)
- A Rural Proofing Assessment of the Core Strategy Preferred Options (March 2011)

A draft Infrastructure Delivery Plan (IDP) and Health Impact Assessment (HIA) will also accompany the Preferred Options paper but these documents are currently still being prepared.

Equality Impact Assessment

A statutory Equality Impact Assessment (EqIA) has been prepared for the Core Strategy Preferred Options document. The findings of this EqIA have been taken into account in the recommendations contained within this report.

Appendices

Appendix 1 – Draft Core Strategy Preferred Options Paper (February 2011)
(Circulated under a separate cover)



<u>AGENDA ITEM:</u>	13
Planning Committee:	10th March 2011
Cabinet:	15th March 2011
Executive Overview & Scrutiny:	31st March 2011

Report of: Acting Executive Manager Planning

Relevant Portfolio Holder: Councillor M. Forshaw

Contact for further information: Miss. G Whitfield (Extn. 5393)
(E-mail: gillian.whitfield@westlancs.gov.uk)

SUBJECT: LDF CORE STRATEGY EVIDENCE BASE – DRAFT GREEN BELT STUDY

Wards affected: Borough wide

1.0 PURPOSE OF THE REPORT

- 1.1 To inform Members of the Planning Committee, Cabinet and Executive Overview and Scrutiny Committee of the Draft Green Belt Study, which forms a key plank of evidence within the West Lancashire Local Development Framework (LDF) Evidence Base, and to determine whether this document should proceed to a six week public consultation period.

2.0 RECOMMENDATIONS TO PLANNING COMMITTEE

- 2.1 That the Draft Green Belt Study be considered and that agreed comments be referred to Cabinet.

3.0 RECOMMENDATIONS TO CABINET

- 3.1 That the comments of the LDF Cabinet Working Group provided at Section 8.0 of this report and any comments received from the Planning Committee be considered.
- 3.2 That the Green Belt Study be approved for a six week public consultation exercise commencing after the Local Elections in May.
- 3.3 That the Acting Executive Manager Planning, in consultation with the Portfolio Holder for Planning and Transportation, be authorised to finalise and make amendments, prior to public consultation, to the Green Belt Study following consideration of any agreed comments from the Executive Overview & Scrutiny Committee.

- 3.4 That call-in is not appropriate for this item as the report is being considered at the next meeting of the Executive Overview and Scrutiny Committee on 31 March 2011.

4.0 RECOMMENDATIONS TO EXECUTIVE OVERVIEW AND SCRUTINY

- 4.1 That the Committee provide any agreed comments on the Draft Green Belt Study for consideration by the Acting Executive Manager Planning, in consultation with the Portfolio Holder, prior to the document being issued for public consultation.
-

5.0 BACKGROUND

- 5.1 Through the preparation of the Core Strategy Preferred Options Paper, targets have been identified to meet the Borough's growth needs to 2027, including 87 hectares of new employment land and a total of 4500 new dwellings over the 15 year plan period.
- 5.2 It has become evident through this process that due to the significant amount of land designated as Green Belt within the Borough (91%) and the limited amount of land available for development within existing settlements, achievement of the above targets will not be possible unless development is permitted within the Green Belt or the Green Belt boundaries are amended.
- 5.3 Planning Policy Guidance 2: Green Belts, stresses that Green Belt boundaries should only be altered where exceptional circumstances exist. Before any change can be approved, local authorities must satisfy the Secretary of State that they have considered all reasonable opportunities for development in the urban areas, and that they have considered the possibility of neighbouring authorities meeting any outstanding development needs.
- 5.4 In order to evidence this final point, the Liverpool City Region (LCR) Housing and Spatial Planning Co-ordinating Group agreed in June 2009 that, once all the Merseyside authorities and West Lancashire have completed their evidence base studies and established their growth targets, an 'Overview Study' should be carried out to understand the capacity of each authority to meet its own needs, and to assess whether any authority has the ability to meet any of the needs of the adjoining authorities. This work commenced in spring 2010, and at this point in time, it is not anticipated that the Overview Study will identify any capacity elsewhere in the LCR to meet West Lancashire's needs.
- 5.5 As a result of the pressure which will be mounting on Green Belt boundaries and land, a study was also commissioned to review Green Belt land around the edge of existing built-up areas within the Borough that is likely to come under development pressure and to identify whether or not this land still meets the purposes of including land within the Green Belt, as set out within National Planning Policy (PPG2).
- 5.6 The study does not identify or allocate land which would be suitable for development as this is done through the LDF process and, ultimately, through the Site Allocations document within the LDF at a later stage within the process.

- 5.7 The study was carried out alongside similar studies being undertaken by Sefton and Knowsley Borough Council's who neighbour West Lancashire to the east and south respectively. A shared methodology was used as the starting point for the studies and discussion of analysis and outcomes has taken place. However, Sefton and Knowsley have engaged independent consultants to validate each stage of the methodology, whilst West Lancashire has used Lancashire County Council in order to provide independent validation.
- 5.8 The validation process has resulted in the methodology used by West Lancashire diverging slightly from that used by the neighbouring authorities in order to take total account of the differing local geographies and circumstances.
- 5.9 The study is now complete in draft and it is hoped that public consultation will assist in ensuring the findings are accurate and take account of the communities understanding of West Lancashire's Green Belt land.

6.0 CURRENT POSITION

Overview of the Green Belt Study

- 6.1 The purpose of the Green Belt Study is to review land around the edge of existing built-up areas and to identify whether or not this land still meets the purposes of including land within the Green Belt, as set out within National Planning Policy (PPG2). The study does not identify land suitable for development or allocate any land to be released at a later stage. This process will form part of the LDF through the Core Strategy Site Allocations Development Plan Documents (DPD).
- 6.2 The study is split into 3 stages:
- Stage 1 – Sub-division of the West Lancashire Green Belt into Parcels;
 - Stage 2 – Assessment of all parcels against the purposes of including land within the Green Belt; and
 - Stage 3 – Assessment of the remaining parcels against sustainability criteria.

Stage 1

- 6.3 The parcels were devised using existing strong physical boundaries as a guide to identify logical parcels, which could then be assessed. Given the size and extent of the Green Belt within West Lancashire, the study focused only on parcels on the periphery of existing built-up areas, as these were likely to come under pressure from future development needs. However, Sefton and Knowsley assessed the entire Green Belt as the designation covers a significantly smaller amount of land within their Borough's.
- 6.4 At the end of this stage, a total of 258 parcels were identified for assessment around the settlements of Appley Bridge, Ormskirk / Aughton, Burscough, Halsall, Haskayne, Parbold / Hilddale, Wrightington, Mere Brow, Newburgh, Rufford, Scarisbrick, Skelmersdale / Up Holland, Westhead and along the Sefton and Knowsley boundaries.

Stage 2

- 6.5 In order to assess the parcels against the purposes of including land within the Green Belt, criteria were established to measure how well each parcel performs against each purpose. Paragraph 1.5 of PPG2 states that there are five purposes for including land in the Green Belt and the following criteria were applied to each purpose:
1. **To check unrestricted sprawl of large built-up areas** – How well contained the parcel is by the urban area and is the boundary stronger or weaker than the existing Green Belt boundary.
 2. **To prevent neighbouring towns from merging into one another** – A measure of the width of the open gap between urban areas.
 3. **To assist in safeguarding the countryside from encroachment** – How much of the parcel was covered by built development, the use of the buildings and land, when the development dates from and the strength of the boundary.
 4. **To preserve the setting and special character of historic towns** – Subjective commentary.
 5. **To assist in urban regeneration by encouraging the recycling of derelict and other urban land** – Not measured within this study.
- 6.6 All 258 parcels of land were assessed against the purposes of including land within the Green Belt. Any that were deemed to wholly fulfil at least one of the purposes were ruled out from further consideration at Stage 3. A total of 15 parcels remained where were then taken through to Stage 3.

Stage 3

- 6.7 The remaining parcels were then subject to assessment to consider how deliverable and sustainable they are. A set of constraints were devised which could be considered prohibitive, restrictive or limiting to development and included such things as flood zone designation, utilities constraints, heritage constraints and ecological designations.
- 6.8 In order to consider the sustainability of the parcel, access to services and transport links other than the car were assessed. In addition, any positive attributes for delivering the parcel such as improved access to services for the wider area or the removal of a conflicting use were identified.

Conclusion

- 6.9 The overall findings of the study identified that the majority of the Green Belt land on the periphery of existing settlements in the Borough that had been assessed is still fulfilling one or more of the purposes of including land within the Green Belt and therefore, the boundary within these location was defensible. Of those 15 parcels that were found not to fulfil a purpose of the Green Belt, only the following 7 were considered potentially deliverable and sustainable for future development:
- Ormskirk - ORM.01- Land rear of Grove Farm, High Lane
 - Ormskirk – ORM.07 - Land between Ruff Lane and St Helens Road (Edge Hill)
 - Burscough - BUR.08 - Land rear of Lordsgate Lane
 - Burscough - BUR.09 - Land rear of Liverpool Road South

- Burscough - BUR.10 - Land at Yew Tree Farm, Higgins Lane
- Burscough - BUR.11 - Land adj. to Burscough Employment Area
- Burscough - BUR.12 - Land adj. to Burscough Employment Area

- 6.10 Given the purpose of this study is to review land around the edge of existing built-up areas and to identify whether or not this land still meets the purposes of including land within the Green Belt, as set out within National Planning Policy (PPG2), the process of allocating land for development is beyond the remit of the study. This process has to be undertaken through the LDF process; in particular through the Core Strategy and Site Allocations DPD's. This process takes account of all the evidence base work, including this Study, in order to ensure development is directed to the most appropriate locations within the Borough and includes consideration of sites that do not fulfil the purposes of Green Belt as identified within this Study, as well as certain sites that do fulfil those purposes but may be desirable to allocate due to their location or other advantages.

7.0 PUBLIC CONSULTATION

- 7.1 The six week public consultation exercise will be carried out in conformity with the Council's LDF Statement of Community Involvement (SCI). The Green Belt Study will be available for comment as part of the wider Core Strategy Preferred Options consultation exercise, which will involve public events in all parts of the Borough, online consultation and more traditional written correspondence. The consultation exercise, the public events and details of how to respond will be publicised through a leaflet inserted in local papers.
- 7.2 With regards specifically to the Green Belt Study, the public will be asked to comment on any factual errors they notice in the draft study and on the methodology used in the study.

8.0 COMMENTS OF THE LDF CABINET WORKING GROUP

- 8.1 No comments were raised by the LDF Cabinet Working Group

9.0 SUSTAINABILITY IMPLICATIONS/COMMUNITY STRATEGY

- 9.1 Given that the Green Belt Study itself does not seek to remove land from the Green Belt or allocate land for development, it will not have any direct implications for sustainability or the community strategy. However, it will be used as a key piece of evidence in preparing planning policy for the Borough through the LDF. The documents within the LDF, and the decisions they make as to release of Green Belt land and allocation of land for development, will be subject to an independent Sustainability Appraisal and are required to be consistent with, and help implement, key aspects of the Sustainable Community Strategy.

10.0 FINANCIAL AND RESOURCE IMPLICATIONS

- 10.1 Budgetary provision has been made to allow for the Public Consultation on the Core Strategy Preferred Options and the Green Belt Study. Budgetary provision has also been made to allow for any further evidence base work that may be required following the Public Consultation.

11.0 RISK ASSESSMENT

- 11.1 As a key part of the evidence behind the emerging LDF for West Lancashire, the Green Belt study is an important piece of work. As such, its methodology and conclusions will be examined by a Planning Inspector as part of an Examination in Public to ensure that it is a “sound” study that provides robust evidence for LDF documents.

12.0 CONCLUSIONS

- 12.1 The Green Belt Study is a substantial piece of work and public views will need to be sought on the study before it is finalised.

Background Documents

The following documents are also available from the LDF Team Leader:

- Appendix 2 of the Draft Green Belt Report – Stage 2 raw data analysis
- Appendix 3 of the Draft Green Belt Report – Stage 3 raw data analysis

Equality Impact Assessment

The Green Belt Study will feed into the Core Strategy document, for which a statutory Equality Impact Assessment (EqIA) will be prepared.

Appendices

Appendix 1 - The Draft Green Belt Study (February 2011)
(Circulated under a separate cover)