

CABINET**HELD: 13 SEPTEMBER 2011**

Start: 7.30pm

Finish: 9.10pm

PRESENT:

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

Councillors		<u>Portfolio</u>
M Forshaw		Planning and Technical Services
A Fowler		Health and Leisure
Mrs V Hopley		Landlord Services and Community Safety
A Owens		Deputy Leader & Housing (Finance), Regeneration and Estates
D Westley		Resources and Transformation

In attendance Councillors:	Mrs Atherley	Grice
	Furey	Hodson
	Gagen	R A Pendleton

Officers

Chief Executive (Mr W Taylor)
Director of People and Places (Mrs G Rowe)
Director of Transformation (Ms K Webber)
Assistant Director Housing and Regeneration (Mr R Livermore)
Assistant Director Community Services (Mr D Tilleray)
Borough Economic Regeneration and Strategic Property Officer
(Mrs J Traverse)

Borough Treasurer (Mr M Taylor)
Transformation Manager (Mr S Walsh)
Deputy Borough Planner (Mr I Gill)
Assistant Member Services Manager (Mrs J Denning)

30. APOLOGIES

An apology for absence was received on behalf of Councillor Ashcroft.

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

There were no items of urgent business.

32. DECLARATIONS OF INTEREST

The following declarations were received:

1. Councillors Forshaw and Hodson declared a personal and prejudicial interest in Agenda Item 6(m) 'Landlord Accreditation Scheme' as private Landlords and Councillor Fowler declared a personal interest due his employment as a Mortgage Broker.
2. Councillors Grant, Mrs Atherley, Fowler, Forshaw and Westley declared a personal interest in all items in the Capital Programme containing reference to Parish Councils as Members of a Parish Council.

33. MINUTES

RESOLVED: That the minutes of the meeting held on 14 June 2011 be received as a correct record and signed by the Leader, subject to Minute 3. 'Declarations of Interest' being amended to read:
"Councillor Owens declared a personal and prejudicial interest in agenda item 5(k) 'Proposed Appointment of Partner Registered Provider', as his sister-in-law was an employee of one of the suggested partners."

34. COMMENTS FROM EXECUTIVE OVERVIEW AND SCRUTINY COMMITTEE - IMPLEMENTING SELF FINANCING FOR COUNCIL HOUSING

Councillor Grant introduced the report of the Director of People and Places which set out comments referred from the Executive Overview and Scrutiny Committee at its meeting held on 30 June 2011, in respect of a report considered 'Implementing Self-Financing for Council Housing', also considered by Cabinet at its meeting on 14 June 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: A. That Minute 15 'Implementing Self-Financing for Council Housing' of the Executive Overview and Scrutiny Committee on 30 June 2011 and the comments from the Assistant Director Housing and Regeneration, detailed in paragraph 4 of the report, be noted.
- B. That Call In is not appropriate for this item as the matter has previously been considered by the Executive Overview and Scrutiny Committee.

35. MATTERS REQUIRING DECISIONS

Consideration was given to reports relating to the following matters requiring decisions as contained on pages 389 to 761 of the Book of Reports:

36. RISK MANAGEMENT

Councillor Westley introduced the report of the Director of People and Places which set out details on the Key Risks facing the Council and how they were being managed.

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

RESOLVED: That the progress made in relation to the management of the risks shown in the Key Risks Register, attached at Appendix A to the report, be noted and endorsed.

37. REVENUE OUTTURN 2010-11

Councillor Westley introduced the report of the Director of People and Places which set out the key features of the financial outturn position for the last financial year.

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

- RESOLVED:
- A. That the outturn position including the proposed contributions to reserves set out in Appendix 2 to the report be noted and endorsed.
 - B. That call in is not appropriate for this item as the report is to be submitted to the next meeting of Executive Overview and Scrutiny Committee on 29 September 2011.

38. REVENUE MONITORING 2011-12

Councillor Westley introduced the report of the Director of People and Places which provided an early assessment of the financial position on the Revenue Accounts in the new financial year.

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

- RESOLVED:
- A. That the financial position of the Revenue Accounts be noted.
 - B. That call in is not appropriate for this item as the report is to be submitted to the next meeting of Executive Overview and Scrutiny Committee on 29 September 2011.

39. CAPITAL PROGRAMME OUTTURN 2010-11

Councillor Westley introduced the report of the Director of People and Places which provided a summary of the capital outturn position for the 2010/2011 financial year.

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

- RESOLVED:
- A. That the final position, including slippage, on the Capital Programme for the 2010/2011 financial year be noted and endorsed.
 - B. That Call In is not appropriate for this item as the report is being submitted to the next meeting of the Executive Overview and Scrutiny Committee on 29 September 2011.

40. CAPITAL PROGRAMME MONITORING 2011-12

Councillor Westley introduced the report of the Director of People and Places which provided an overview of the current progress on the Capital Programme.

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

- RESOLVED:
- A. That the progress on the Capital Programme as at the end of July, 2011 be noted.

- B. That Call In is not appropriate for this item as the report is being submitted to the next meeting of the Executive Overview and Scrutiny Committee on 29 September 2011.

41. FEE CHARGING FOR STREET NAMING AND NUMBERING SERVICE

Councillor Forshaw introduced the report of the Director of Transformation which detailed the Council's responsibilities in relation to street naming and numbering and sought to formally adopt the Street Naming and Numbering process and approve the introduction of charging for the Street Naming and Numbering function.

The Director of Transformation circulated a revised recommendation to take into account the consultation currently being undertaken on the Major Service Review and consideration of it at the Council meeting on 19 October 2011.

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

- RESOLVED: A. That the Street Naming and Numbering service process be approved, as detailed in Appendix 1 to the report.
- B. That the fee charging schedule for the Street Naming and Numbering service set out in Appendix 2 to the report be approved and implemented by 1 November 2011, subject to the Council's decision (on 19 October 2011) on the consultation currently being carried out.
- C. That authority to amend the policy, process and the charges, in the future, be delegated to the Borough Planner in consultation with the relevant portfolio holder.

42. DRAFT NATIONAL PLANNING POLICY FRAMEWORK

Councillor Forshaw introduced the report of the Director of Transformation which set out the Draft National Planning Policy Framework (NPPF) and its potential implications for the Council's Planning Service and sought approval for the draft response officers had prepared on behalf of the Council to the consultation.

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 responses to the Consultation Questions set out in Appendix A and B to the report be approved for submission to the Department for Communities and Local Government (CLG) along with a covering letter setting out the Council's general support of the draft NPPF, subject to particular aspects of concern within the document.

- B. That the Borough Planner, in consultation with the Portfolio Holder for Planning and Transportation, prepare a covering letter to CLG to reflect the content of the report, following consideration of any agreed comments from the Executive Overview & Scrutiny Committee and Planning Committee.
- C. That Call In is not appropriate for this item as the report is being submitted to the next meeting of the Executive Overview and Scrutiny Committee on 29 September 2011.

43. THE SEFTON/WEST LANCASHIRE VISITOR ECONOMY PROJECT (LOCAL SUSTAINABLE TRANSPORT FUND)

Councillor Forshaw introduced the report of the Director of Transformation which detailed the Council's involvement in the successful joint Local Sustainable Transport Fund bid between Sefton and West Lancashire Borough Council and sought authority for future Member and officer involvement.

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 officers continue to work on the project to ensure that West Lancashire benefits from this funding and that cross boundary opportunities, to promote the visitor economy, are not missed.
 - B. That the establishment of a Project Board be supported, and officers support the Project Board and Working Group, as appropriate.
 - C. That Councillors Forshaw and Fowler be appointed to the Project Board as representatives of West Lancashire Borough Council.
 - D. That the Borough Planner, in consultation with the Planning Portfolio Holder, agree the terms of reference for the Project Board and Working Group.
 - E. That the Borough Planner negotiate and enter into a formal Governance Agreement with Sefton MBC and Lancashire County Council.

44. EVENT SAFETY ADVISORY GROUP

Councillor Fowler introduced the report of the Director of People and Places which detailed information regarding the formation of a new multi-agency Group to provide a co-ordinated approach to events in West Lancashire, with the purpose of ensuring public safety and sought approval of a 'Safer Events Policy' for this Council, including the establishment of the Event Safety Advisory Group, together with its Terms of Reference.

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 'Safer Events Policy', as attached at Appendix A to the report, be approved.
- B. That the Assistant Director Community Services, in consultation with the relevant Portfolio Holder, be given delegated authority to review and make minor amendments to the policy as necessary, significant changes to the policy being referred back to Cabinet.

45. SUNBEDS (REGULATION) ACT 2010

Councillor Fowler introduced the report of the Director of People and Places which sought authority for officers to take enforcement action in respect of the Sunbeds (Regulation) Act 2010.

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

- RESOLVED: That delegated authority be given to the Assistant Director Community Services to appoint authorised persons under the Sunbeds (Regulation) Act 2010, to authorise any prosecutions necessary under that Act and to administer the relevant provisions of the legislation.

46. REVISIONS TO THE INDUSTRIAL DEVELOPMENT ACT 1982

Councillor Owens introduced the report of the Director of Transformation which sought approval to submit comments on the proposed revisions to the Industrial Development Act 1982 (IDA).

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 response to the Department for Business, Innovation and Skills (BIS) consultation paper on revisions to the IDA, attached as an Appendix to the report be approved.
- B. That the Borough Economic Regeneration and Strategic Property Officer, in consultation with the Portfolio for Regeneration and Estates, be authorised to make final amendments to the response and submit to the BIS, taking into account the agreed comments of the Executive Overview and Scrutiny Committee.
- C. That Call In is not appropriate for this item as the report is being referred to Executive Overview and Scrutiny Committee on 29 September 2011.

47. MEANS TESTING FOR PUBLIC SECTOR HOUSING DISABLED ADAPTATIONS

Councillor Mrs Hopley introduced the report of the Director of Transformation which sought approval to means test the Council's public sector tenants when applications are made for disabled adaptations and to consult on this for introduction from the 1 April 2012.

Councillor Mrs Hopley referred to the Minute of the meeting of the Landlord Services Committee (Cabinet Working Group) held on 5 September attached at Appendix 2 to the report, which endorsed the recommendations to Cabinet.

In reaching the decision below, Cabinet considered the Minute of the Landlord Services Committee (Cabinet Working Group) and the details set out in the report before it and accepted the reasons contained therein.

- RESOLVED:
- A. That the principle of introducing means testing for Public Sector Disabled Adaptations, be approved, subject to a consultation exercise being carried out.
 - B. That the Assistant Director Housing and Regeneration, in consultation with the Housing Portfolio Holder, implement the scheme subject to satisfactory consultation responses.

48. LANDLORD ACCREDITATION SCHEME

Councillor Mrs Hopley introduced the report of the Director of People and Places which sought approval to introduce a Landlord Accreditation Scheme in partnership with the Residential Landlords Association (RLA). She advised that following a meeting on Friday, 9 September Edge Hill University/the Student Union had agreed to support and make a contribution of £1,500 towards the scheme.

Councillor Hopley referred to schemes in Leeds and Oxford City Councils that had extended licensing to cover Houses in Multiple Occupation, regardless of their size, and circulated a Motion in that respect.

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

- RESOLVED:
- A. That the Assistant Director Community Services work with the RLA to develop and implement an Accreditation Scheme and be given delegated authority to review and update the scheme as required, in consultation with the relevant Portfolio Holder.
 - B. That the Assistant Director Community Services explore the advantages and disadvantages of the Council introducing an additional licensing scheme which would cover all Houses in Multiple Occupation regardless of their size and bring back a report to Cabinet.

(Note: Councillors Forshaw and Hodson declared a personal and prejudicial interest and left the room during consideration of this item.)

49. QUARTERLY PERFORMANCE INDICATORS (APRIL 2011 TO JUNE 2011)

Councillor Westley introduced the report of the Director of Transformation which presented performance monitoring data for the quarter ended 30 June 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: A. That the Council's overall good performance against the indicator set for the quarter ended 30 June 2011, be noted.
- B. That Call in is not appropriate for this item as the report is being submitted to the next meeting of the Corporate Overview and Scrutiny Committee on 22 September 2011.

50. PROGRESS ON THE ICT DEVELOPMENT PROGRAMME 2010/11 AND THE PROPOSED DEVELOPMENT PROGRAMME 2011/12

Councillor Westley introduced the report of the Director of Transformation which detailed progress on the ICT development programme in 2010/11 and set out the proposed ICT development programme for 2011/12.

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

- RESOLVED: A. That progress on the ICT development programme in 2010/11 be noted.
- B. That the proposed ICT development programme detailed at Section 5.2 of the report be approved, taking account of the capital funding available in 2011/12.

51. TENANT INVOLVEMENT STRATEGY

Councillor Mrs Hopley introduced the report of the Assistant Director Housing and Regeneration which set out the West Lancashire Borough Council Tenant Involvement Strategy (TIS).

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 report be noted and the TIS be endorsed.
- B. That the use of £60,000, from the budget provided for Service Improvement, be approved as detailed in paragraph 9.1 of the report.

52. CONSULTATION - IMPLEMENTING SOCIAL HOUSING REFORM: DIRECTIONS TO THE SOCIAL HOUSING REGULATOR

Councillor Mrs Hopley introduced the report of the Assistant Director Housing and Regeneration which set out the Government's consultation paper on 'Implementing Social Housing Reform: Directions to the Social Housing Regulator' and the proposed response.

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

- RESOLVED:
- A. That the proposed response to the Department of Communities and Local Government (CLG) consultation paper on 'Implementing Social Housing Reform: Directions to the Social Housing Regulator', as set out in appendix C, be approved, taking into account the Minute of the Landlord Services Committee (Cabinet Working Group), attached at Appendix D to the report.
 - B. That the Assistant Director of Housing and Regeneration, in consultation with the Portfolio Holder for Housing, be authorised to make final amendments and submit the response to the CLG, taking into account the agreed comments of the Executive Overview and Scrutiny Committee.
 - C. That call in is not appropriate for this item as the report is being submitted to the next meeting of the Executive Overview and Scrutiny Committee on the 29 September 2011.

53. CONSULTATION ON A NEW MANDATORY POWER OF POSSESSION FOR ANTI-SOCIAL BEHAVIOUR

Councillor Mrs Hopley introduced the report of the Director of Transformation which set out the Council response to the Consultation proposing a mandatory order of possession where Anti-Social and criminal behaviour has been perpetrated by a tenant or someone for whom the tenant is responsible.

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 response to the Department of Communities and Local Government (CLG) consultation paper on 'A New Mandatory Power of Possession for Anti-Social Behaviour', attached at Appendix 3 to the report be approved, taking into account consideration of the Minute of the Landlord Services Committee (Cabinet Working Group), attached at Appendix 4 to the report.
 - B. That the Assistant Director Housing and Regeneration, in consultation with the Portfolio for Housing, be authorised to make final amendments to the response and submit to the CLG, taking into account the agreed comments of the Executive Overview and Scrutiny Committee.

- C. That Call In is not appropriate for this item as the report is being referred to Executive Overview and Scrutiny Committee on 29 September 2011.

54. HEALTH AND SAFETY ANNUAL REPORT 2011

Councillor Grant introduced the report of the Director of People and Places which provided an update on the progress made in relation to the Health and Safety Management of the Council.

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

- RESOLVED: A. That the Annual Health and Safety Report 2011, be noted and endorsed.
- B. That Call In is not appropriate for this item as the report is being submitted to the next meeting of the Executive Overview and Scrutiny Committee on 29 September 2011.

55. ELMSTEAD DEVELOPMENT PROPERTY ALLOCATION

Councillor Mrs Hopley introduced the report of the Director of Transformation which provided an update in respect of the Elmstead new build development and sought approval to allocate the 17 Council properties through the Choice Based Lettings system (Home finder) using a local connection criteria for the initial allocations only.

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 taking into account the minute of the Landlord Services Committee (Cabinet Working Group), attached as an Appendix to the report, initial allocation of properties at Elmstead be approved, using the local connection criteria of applicants living in Tanhouse 1&2 (Egerton, Ennerdale, Enstone, Elmridge, Elmstead and Elswick).

56. HOUSING SERVICE IMPROVEMENT PLAN

Councillor Mrs Hopley introduced the report of the Director of Transformation which set out the Housing Improvement Plan to ensure that that the Council is doing all it can to provide an excellent service for tenants and is meeting all the requirements of the regulator, the Tenant Services Authority (TSA).

The Leader advised:

- That Helena Housing Association had been appointed as the Council's 'Critical Friend'.
- That Gas Inspections for Council housing had met the 100% target

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 comments of the Landlord Services Committee (Cabinet Working Group) at its meeting on 5 September 2011, as detailed in the Minute at Appendix B, be noted.
 - B. That progress on the Housing Service Improvement Plan be noted.
 - C. That Call in is not appropriate for this item as the report will be presented to the Corporate Overview and Scrutiny Committee on 22 September 2011.

57. KEY DECISION FORWARD PLAN - QUARTERLY REPORT ON SPECIAL URGENCY DECISIONS - 1 APRIL - 30 JUNE 2011

Councillor Grant introduced the report of the Director of People and Places which advised that no decisions had been made during the last quarter in respect of Access to Information Procedure Rule 16 (Special Urgency).

RESOLVED: That it be noted that Access to Information Procedure Rule 16 (Special Urgency) was not exercised during the quarter ending 30 June 2011.

58. 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 items of business on the grounds that it they involve 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.

59. MATTERS REQUIRING DECISIONS

Consideration was given to reports relating to the following matters requiring decisions as contained on pages 765 to 781 of the Book of Reports:

60. STRATEGIC ASSET MANAGEMENT PROJECT

Councillor Owens introduced the report of the Director of Transformation which detailed progress on the Strategic Asset Management Project and the outcome of the Knowsley Ward review and sought authority to dispose of the assets identified.

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, including the work undertaken by officers to date and the progress on the assets identified as Category 1s for Burscough West, be noted (Appendix A).
 - B. That the thirty eight sites identified within Appendix B to the report, relating to Knowsley Ward, be actioned as recommended.

- C. That the Assistant Director Housing and Regeneration be authorised to dispose of all sites marked * in Appendices A and B and site NMI (land at Todds Lane, Banks).

61. ASSET MANAGEMENT BUSINESS PLAN - CONSULTANCY WORK

Councillor Owens introduced the report of the Director of Transformation which sought approval to appoint consultants to provide independent options and recommendations in relation to the Council's income generating property portfolio.

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

- RESOLVED: A. That the Borough Economic Regeneration & Strategic Property Officer be authorised to prepare a consultants brief, seek quotations and appoint the most suitable company to undertake an options appraisal and provide recommendations in relation to the Council's income generating property portfolio and operational assets.

THE LEADER