

## CABINET

12 JUNE 2012

Start: 7.30pm

Finished: 9.00pm

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

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

In attendance	Aldridge	J. Hodson
Councillors:	Dereli	Pendleton
	Furey	Savage

Also Present: Ms H Scully Tenants and Residents Forum

Officers

- Managing Director (People and Places) (Mrs G Rowe)
- Managing Director (Transformation) (Ms K Webber)
- Assistant Director Housing and Regeneration (Mr B Livermore)
- Assistant Director Community Services (Mr D Tilleray)
- Borough Treasurer (Mr M Taylor)
- Borough Planner (Mr J Harrison)
- Transformation Manager (Mr S Walsh)
- Principal Member Services Officer (Mrs S Griffiths)

### 1. APOLOGIES

There were no apologies for absence.

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

There were no items of urgent business.

**3. DECLARATIONS OF INTEREST**

1. Councillor Fowler declared a personal and prejudicial interest in agenda item no. 6(i) (High Street Innovation Fund) in view of his membership of an organisation likely to bid for a grant from this Fund, and he left the meeting during consideration of this item.
2. Councillor J Hodson left the meeting during consideration of item no. 6(h) Local Development Scheme, when particular reference to 'Linear Park Proposals' was raised.

**4. MINUTES**

RESOLVED: That the minutes of the meeting of Cabinet held on 13 March 2012 be approved as a correct record and signed by the Leader.

**5. CONFIRMATION OF PROCEDURAL MATTERS**

RESOLVED: A. That the appointment of Cabinet Committee, Panels and Working Groups for 2011/12, as circulated at the Annual Meeting of the Council on 16 May 2012, with the terms of reference included in the Constitution, be noted.

B. That the 'Proper Officer Provisions and Scheme of Delegation to Chief Officers', insofar as they are executive functions, and the Scheme of Delegation to Cabinet Members, as set out in the Constitution, be noted.

**6. MATTERS REQUIRING DECISIONS**

Consideration was given to the reports relating to the following matters requiring decisions as contained on pages 1 – 199 of the Book of Reports.

**7. QUARTERLY PERFORMANCE INDICATORS (Q4 2011/12)**

Councillor Westley introduced the report of the Transformation Manager which detailed performance monitoring data for the quarter ended 31 March 2012.

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

RESOLVED: A. That the Council's performance against the indicator set for the quarter ended 31 March 2012 be noted.

B. That call-in is not appropriate for this item as the report is to be considered by the Corporate & Environmental Overview and Scrutiny Committee on 5 July 2012.

**8. USE OF SECTION 106 MONIES IN BURSCOUGH**

Councillor Sudworth introduced the report of the Assistant Director Community Services which contained a proposal regarding the use of Section 106 monies received by the Council from housing developers for the enhancement of public open space and recreation provision in Burscough.

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 proposed project to re-furbish the play area at Pickles Drive, Burscough, detailed in section 6 of the report, be approved and the Section 106 commuted sum of £45,800 generated in Burscough be made available for this project.

**9. INITIAL PROPERTY ALLOCATIONS DIGMOOR ROAD, SKELMERSDALE AND NEW REGISTERED PROVIDER DEVELOPMENTS**

Councillor Mrs Hopley introduced the report of the Assistant Director Housing and Regeneration which sought approval to include a local lettings policy for the first Council nominations to Cosmopolitan Housing Association's Digmoor Road housing development and to any future registered provider schemes that are not covered by local connection criteria as contained in the Council Housing Allocation Scheme/Choice Based Lettings Policy.

A copy of minute no. 9 of the Landlord Services Committee (Cabinet Working Group) held on 6 June 2012 was circulated.

In reaching the decision below, Cabinet considered the details set out in the report before it together with the minute of the Landlord Services Committee and accepted the reasons contained in the report.

RESOLVED: A. That the inclusion of a local lettings policy as part of the first group of Council nominations to Cosmopolitan Housing Association's Digmoor Road housing development, be approved.

B. That delegated authority be given to the Assistant Director Housing and Regeneration in consultation with the Portfolio Holder (Landlord Services and Human Resources), to consider on a scheme by scheme basis the introduction of a local lettings policy as part of initial Council nominations to any future Registered Provider schemes where those schemes are not covered by local connection criteria as contained in the Council Housing Allocation Scheme/Choice Based Lettings Policy.

**10. CCTV - NEW LOCATIONS**

Councillor Sudworth introduced the report of the Assistant Director Community Services which provided an update on the progress made on the CCTV project and sought approval for a priority order for locations for new cameras, for both the rural and urban areas of the Borough.

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 Assistant Director Community Services, in consultation with the relevant Portfolio Holder, be authorised to agree numbers and siting of CCTV cameras having regard to the guidance on locations and relative priorities of new cameras, as detailed in paragraph 5.3 of the report, subject to available finances and to:-

Amendment of paragraph 5.3 as follows:-

Rural List – Halsall – Add “to reduce the fear of crime and target an entrance/exit route for the Borough”.

**11. RIPA - REGULATION OF INVESTIGATORY POWERS - ANNUAL SETTING OF THE POLICY AND REVIEW OF USE OF POWERS**

The Leader introduced the report of the Borough 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 be approved.

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

**12. FINDON/FIRBECK REVIVAL**

Councillor Owens introduced the report of the Assistant Director Housing and Regeneration on the initial findings of the residents consultation for the Firbeck Revival and sought approval to progress with the energy efficiency phase of the project on housing in the area together with Firbeck Court.

A copy of minute no. 10 of the Landlord Services Committee (Cabinet Working Group) held on 6 June 2012 was circulated.

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

- RESOLVED:
- A. That the preliminary findings and key issues raised by the resident's consultation to date, be noted.
  - B. That the Assistant Director Housing and Regeneration be authorised to implement the installation proposal at paragraph 5.3 and 7.2 of the report in accordance with the recommendations at C,D, E and F.
  - C. That the Assistant Director of Housing and Regeneration be authorised to apply for, enter into/facilitate necessary agreements for and use grant assistance to support the work identified at paragraphs 5.3 and 7.2 of the report.
  - D. That the Assistant Director Housing and Regeneration be authorised to use the funds identified in the revival budget to support this energy efficiency work if necessary.
  - E. That an exception to Contract Procedure rules 5,6,7 and 12(iii) be authorised for the reasons given at 7.3 of the report.
  - F. That the Assistant Director Housing and Regeneration, after consultation with the relevant Portfolio Holders, develop an assistance package for private owners to enable them to be part of a comprehensive energy efficiency scheme.
  - G. That call-in is not appropriate for this item as this matter is one where urgent action is required to ensure receipt of external energy efficiency funding.

**13. APPROPRIATION OF LAND AT FURNIVAL DRIVE AND PICKLES DRIVE, BURSCOUGH**

Councillor Owens introduced the joint report of the Assistant Director Housing and Regeneration and Borough Planner on the objections received to the proposed appropriation of land at Furnival/Pickles Drive, Burscough, from housing purposes to planning purposes. He sought approval to appropriate the land and confirm the disposal of part of the land to a Registered Provider selected to deliver affordable housing.

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 action taken by the Borough Solicitor to advertise notice of the proposed appropriation of the land be noted and endorsed.
  - B. That the land at Furnival/Pickles Drive, Burscough be no longer required for housing purposes and be appropriated for planning purposes for the reasons stated in the report.

- C. That the Assistant Director Housing and Regeneration and the Borough Planner be requested to sign the memorandum of appropriation.
- D. That the Borough Planner be authorised to negotiate and agree the terms for disposal of that part of the land required for affordable housing development to a registered provider of affordable housing (such delegation to include the ability to enter into and give effect to all necessary agreements, licences (including building licences) and the obtaining to all necessary permissions and consents) enabling the disposal to proceed.

#### **14. LOCAL DEVELOPMENT SCHEME**

Councillor Forshaw introduced the report of the Borough Planner which sought approval to publish the Local Development Scheme 2012.

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

- RESOLVED:
- A. That the Local Development Scheme 2012, as set out in Appendix 2 to the report, be approved for publication on the Council's website.
  - B. That delegated authority be given to the Borough Planner in consultation with the Portfolio Holder Planning and Development, to update the Local Development Scheme and publish it on the Council's website should any future iterations of the document be required.

#### **15. HIGH STREET INNOVATION FUND**

Councillor Owens introduced the report of the Borough Treasurer which provided details of the above-mentioned new government grant fund.

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 Borough Treasurer in consultation with the relevant Portfolio Holder be authorised to take all necessary action to apply the High Street Innovation grant to the proposed uses set out in Section 4 of the report where feasible and appropriate.

**16. THE FUTURE OF SKELMERSDALE SPORTS CENTRE**

Councillor Sudworth introduced the joint report of the Assistant Director Housing and Regeneration and Assistant Director Community Services which advised of the severe defects in the roof of Skelmersdale Sports Centre and outlined future options.

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 Assistant Director Community Services undertake a consultation exercise as outlined in paragraph 7 of the report, looking at the options for the future.
  - B. That the outcome of the consultation exercise, the assessment of alternative provision available in the Skelmersdale area and details of the costs associated with the options be provided to Council on 18 July 2012.
  - C. That this item is not available for call-in in view of the need for early action and for consultation to start immediately to feed back to Council on 18 July 2012.

**17. PUBLIC LAND AUCTION PILOT**

Councillor Owens introduced the report of the Assistant Director Housing and Regeneration which sought authority to progress the Land Auction Pilot.

A copy of minute 99 of Executive Overview and Scrutiny Committee of 29 March 2012 was circulated which requested that when further reports providing details of the pilot and a detailed costed programme for progressing the pilot forward is considered, it be referred to the Executive Overview and Scrutiny Committee for comment.

In reaching the decision below, Cabinet considered the details set out in the report before it together with the minute of the Executive Overview and Scrutiny Committee and accepted the reasons contained in the report.

- RESOLVED:
- A. That the Assistant Director Housing and Regeneration in consultation with the relevant Portfolio Holders be authorised to develop the land auction pilot in accordance with paragraphs 4 and 5 of the report.
  - B. That the Assistant Director Housing and Regeneration in consultation with the relevant Portfolio Holders, select the sites to be included in the Public Land Auction.
  - C. That the Assistant Director Housing and Regeneration in consultation with the relevant Portfolio Holders, determine what conditions, if any, are attached to the sale of the land within the Public Land Auction.

- D. That the Assistant Director Housing and Regeneration be authorised to incur necessary costs and expenditure to take the pilot forward within the budget available of £100K and any further monies provided under recommendation E.
- E. That in the event that the likely costs will exceed £100K, the Assistant Director Housing and Regeneration be authorised to draw this to the attention of the Department of Communities and Local Government (DCLG) so that additional funding can be made available to take the Pilot forward.
- F. That the report and Cabinet minute be referred to the next meeting of the Executive Overview and Scrutiny Committee on 28 June 2012.

**18. KEY DECISION FORWARD PLAN QUARTERLY REPORT**

Councillor Grant introduced the report of the Borough Solicitor which advised that no decision had been made during the last quarter in respect of Special Urgency Procedure Rule 16 for the period 1 January to 31 March 2012.

RESOLVED: That it be noted that Access to Information Rule 16 (Special Urgency) was not exercised during the quarter ending 31 March 2012.

**19. 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 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.

**20. MATTERS REQUIRING DECISIONS**

Consideration was given to reports relating to the following matters requiring decisions as contained on pages 139 – 193.

**21. OUTCOME OF THE ASSET REVIEW - REPORT BY CONSULTANTS DTZ**

Councillor Owens introduced the report of the Assistant Director Housing and Regeneration in which he advised Members of the findings of the above-mentioned report and sought authority to progress some of the proposals detailed therein to protect and enhance a secure income stream to support the Council's aims and objectives.



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 authorisation be given to increase the Investment Centre marketing budget by £20,000, including the appointment of an additional temporary resource if required, with the overall objective to increase occupancy levels and move the Centre back to a break even position, and to undertake discussions/negotiations with a private sector serviced office provider and soft market testing with a view to potentially procuring a management partner in the future.
  - B. That authorisation is given to carry out an all options marketing exercise for Delf House, Skelmersdale with an estimated budget of £25,000 to determine whether there is demand for this size and type of accommodation in Skelmersdale. In parallel to this exercise officers be instructed to enter into discussions with the owners of Whelmar House to investigate the possibility of joint working to redevelop the whole of the site.
  - C. That authorisation is granted to prepare the site currently occupied by Westec House and car park shown hatched on Appendix A and market it for sale. A further report will be produced to seek authorisation to sell subject to an acceptable offer being made.
  - D. That authorisation be given to demolish the largest unit on Gorsey Place and thereafter a further report be submitted to Cabinet on options for the future.
  - E. That where the Council owns large industrial properties which are proving difficult to let and are attracting significant empty rates costs, these be offered to charitable enterprises subject to them meeting all the associated costs of occupation on a weekly basis.

## **22. STRATEGIC ASSET MANAGEMENT PROJECT**

Councillor Owens introduced the report of the Assistant Director Housing and Regeneration which updated Members on the progress of the Strategic Asset Management Project, advised on the outcomes of the North Meols and Ashurst Wards and sought authority to dispose of assets.

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 previously identified for disposal be noted.

- B. That the Assistant Director Housing and Regeneration be authorised to take the actions recommended in Appendices A and B to the report in relation to the 17 sites in the North Meols Ward and the 140 sites in the Ashurst Ward, together with the land adjacent to 47 Witham Road, Skelmersdale (opportunity site).
- C. That the Assistant Director Housing and Regeneration be authorised to dispose of all of the sites marked in bold with an \* in Appendix A (as identified on Plans A1-A3) and Appendix B (as identified on Plans B2-8), together with land adjacent to 47 Witham Road, Skelmersdale in Appendix C (as identified on Plan C1).

**23. ACQUISITION OF HALL GREEN CLINIC**

Councillor Owens introduced the report of the Assistant Director Housing and Regeneration which sought authority to progress the acquisition of the former Hall Green Clinic, Up Holland.

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 Assistant Director Housing and Regeneration in consultation with the relevant Portfolio Holder be authorised to negotiate terms and purchase the former Hall Green Clinic, shown hatched on the plan attached in Appendix A, for housing purposes.

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LEADER