

ITEM: 4

CABINET

HELD: 11 SEPTEMBER 2012

Start: 7.30pm

Finish: 8.45pm

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

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

In attendance	Ashcroft	Savage
Councillors:	Dereli	Pendleton
	J Hodson	

Officers

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

31. APOLOGIES

There were no apologies for absence.

32. LEADER ANNOUNCEMENT

The Leader announced the retirement of Councillor Fowler from the Cabinet at the end of September and expressed his thanks to him for his valuable contribution to the work of Cabinet over recent years.

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

There were no items of special urgency.

34. DECLARATIONS OF INTEREST

1. Councillor Grant declared a non-pecuniary interest in agenda item 7(f) (Use of Section 106 monies in Aughton) in view of his membership of Aughton Parish Council.

2. Councillor Westley declared a non-pecuniary interest in agenda items 6 (Item referred from Special Meeting of Corporate & Environmental Overview and Scrutiny Committee – One Connect IT Service), 7(a) Burscough Community Woodlands and 7(n) Revenue Budget Position, in respect of matters relating to Lancashire County Council as a member of Lancashire County Council.

35. MINUTES

RESOLVED: That the minutes of the meetings of Cabinet held on 12 June 2012 and 18 July 2012 be approved as a correct record and signed by the Leader.

36. ITEM REFERRED FROM THE EXECUTIVE OVERVIEW AND SCRUTINY COMMITTEE - CCTV NEW LOCATIONS

Councillor Sudworth introduced the report of the Borough Solicitor which set out comments referred from the Executive Overview and Scrutiny Committee at its meeting held on 28 July 2012, when scrutinising Cabinet minute 10 CCTV – New Locations, which was considered by Cabinet on 12 June 2012.

In responding to the comments of the Executive Overview and Scrutiny Committee Councillor Sudworth indicated that the production of a report would have limited value due to the nature of the criteria to be measured, particularly in relation to crime prevention and the use of CCTV in contributing to residents 'feeling safe'. He went on to outline the latest position in relation to the CCTV locations project, and indicated that the final locations would need to be determined largely by the technical and feasibility study.

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

RESOLVED: A. That the comments of the Executive Overview and Scrutiny Committee be noted, and that no further action be taken in this regard.

B. That call-in is not appropriate as it relates to an item already considered by the Executive Overview and Scrutiny Committee.

37. ITEM REFERRED FROM SPECIAL MEETING OF CORPORATE & ENVIRONMENTAL OVERVIEW AND SCRUTINY COMMITTEE - ONE CONNECT LTD. IT SERVICE

Councillor Grant introduced the report of the Borough Solicitor which set out comments referred from the Corporate and Environmental Overview and Scrutiny Committee at its special meeting held on 12 July 2012, in respect of the report 'One Connect Limited Annual Review 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 proposals for internet access for Members at 52 Derby Street via mobile and/or tablet computers be noted.
 - B. That the further investigations for Members to access their e-mail account on line from any P.C. be noted.
 - C. That call-in is not appropriate as it relates to an item already considered by the Corporate and Environmental Overview and Scrutiny Committee.

38. MATTERS REQUIRING DECISIONS

Consideration was given to the reports relating to the following matters requiring decisions as contained on pages 1805 – 2026 and 2029 – 2058 of the Book of Reports.

39. BURSCOUGH COMMUNITY WOODLANDS

Councillor Sudworth introduced the report of the Assistant Director Community Services which advised Members of the results of the site investigations undertaken to assess the feasibility of a community woodland scheme on the former landfill site at Platts Lane, 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:
- A. That the findings of the Geo-Environmental Interpretive Report on site investigations at Platts Lane landfill site, be noted and a further report be submitted to Cabinet on design proposals, costings and funding options for the scheme.
 - B. That Lancashire County Council be requested to undertake further analysis of the effects of organic growing medium (OGM) on the mobility and leachability of some contaminants, as recommended in the site investigation report, and its possible short and long term effects on nearby watercourses.

40. PILOT SCHEME FOR COMPENSATION FOR MISSED REPAIR APPOINTMENTS

Councillor Mrs Hopley introduced the report of the Assistant Director Housing and Regeneration in which approval was sought for a pilot scheme for compensation for missed repair appointments.

Councillor Mrs Hopley referred to the excellent work undertaken by the tenants. She went on to express concern over elements of the pilot scheme, particularly in relation to administrative procedures, bureaucracy, costs, manpower, levels of compensation etc. and indicated that as current targets were being met she could not offer support to the scheme at the present time. She circulated a motion which was seconded.

A copy of minute no. 18 of the Landlord Services Committee (Cabinet Working Group) held on 5 September 2012 was circulated.

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

- RESOLVED:
- A. That the comments of the Landlord Services Committee be noted.
 - B. That thanks and appreciation be expressed to the tenants for their work on this project.
 - C. That a pilot scheme not be implemented at the present time.

41. QUARTERLY PERFORMANCE INDICATORS (Q1 2012/13)

Councillor Westley introduced the report of the Transformation Manager which detailed performance monitoring data for the quarter ended 30 June 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 30 June 2012, 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 and Environmental Overview and Scrutiny Committee on 25 October 2012.

42. USE OF SECTION 106 MONIES IN TARLETON

Councillor Forshaw introduced the report of the Assistant Director Community Services which considered proposals regarding the use of Section 106 monies received by the Council from housing developers for the creation/enhancement of public open space within Tarleton.

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 projects detailed in section 6 of the report be approved and the Section 106 commuted sum of up to £43,970 in Tarleton be made available for these projects.

43. USE OF SECTION 106 MONIES IN ORMSKIRK

Councillor Forshaw introduced the report of the Assistant Director Community Services which considered proposals regarding the use of Section 106 monies received by the Council from housing developers for the enhancement of public open space and recreation provision within Ormskirk.

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 projects to provide new teenage play facilities in Coronation Park, an Access for All project in Ruff Wood, new seating in Victoria Park, and path and drainage enhancement in West End Park detailed in section 6 of the report, be approved and the Section 106 commuted sum of £50,335 generated in Ormskirk be made available for these projects.

44. USE OF SECTION 106 MONIES IN AUGHTON

Councillor Forshaw introduced the report of the Assistant Director Community Services which considered proposals regarding the use of Section 106 monies received by the Council from housing developers for the creation or enhancement of public open space in Aughton.

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 projects detailed in section 6 of the report be approved and the Section 106 commuted sum of up to £70,335 in Aughton be made available for these projects.

45. USE OF SECTION 106 MONIES IN BURSCOUGH

Councillor Forshaw introduced the report of the Assistant Director Community Services which considered 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 within 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 provide new furniture and bins at Junction Lane War Memorial, Burscough, detailed in section 6 of the report, be approved and the Section 106 commuted sum of £2,000 generated in Burscough be made available for this project.

46. APPROVAL OF STATEMENT OF LICENSING POLICY AND AUTHORISATIONS REQUIRED BY THE GAMBLING ACT 2005

Councillor Sudworth introduced the report of the Assistant Director Community Services in which he sought approval of the draft Statement of Licensing Policy prior to public consultation.

A copy of minute no. 15 of the Licensing and Gambling Committee held on 17 July 2012 was included within the report.

In reaching the decision below, Cabinet considered the details set out in the report before it and the minutes of the Licensing and Gambling Committee, and accepted the reasons contained therein.

- RESOLVED:
- A. That the draft Statement of Licensing Policy attached as Appendix 2 to the report (Appendix A) be approved.
 - B. That the Assistant Director Community Services be given delegated authority to publish the draft Statement of Licensing Policy and conduct a period of public consultation prior to returning the final policy for approval before the 31 January 2013.
 - C. That the Assistant Director Community Services be given delegated authority to make any minor/inconsequential amendments to the draft Statement of Licensing Policy.
 - D. That the Assistant Director Community Services be requested to make representations to the appropriate Government Department regarding the scope for deregulation to allow the review of the policy less frequently.

47. HOUSING AND REGENERATION - ANNUAL REPORT 2012

Councillor Mrs Hopley introduced the report of the Assistant Director Housing and Regeneration seeking approval of the Housing and Regeneration Annual Report 2012.

A copy of minute no. 19 of the Landlord Services Committee (Cabinet Working Group) held on 5 September 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 therein.

- RESOLVED:
- A. That the comments of the Landlord Services Committee, be noted.
 - B. That the Housing and Regeneration Annual Report 2012 be approved.

- C. That the Assistant Director Housing and Regeneration be given delegated authority to make any minor/inconsequential amendments to the Housing and Regeneration Annual Report 2012.

48. FIRBECK REVIVAL

Councillor Owens introduced the report of the Assistant Director Housing and Regeneration in which he advised Members of the results of the consultation exercise and sought authority to determine the improvement scheme and give the necessary consents and approvals in order to deliver the Firbeck Revival Initiative.

A copy of minute no. 20 of the Landlord Services Committee (Cabinet Working Group) held on 5 September 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 it.

- RESOLVED:
- A. That the results of the consultation undertaken with residents as set out in Appendix A to the report, be noted.
 - B. That the position regarding energy efficiency (Phase 1) works in paragraph 5.4, be noted.
 - C. That the proposal to demolish all flats highlighted on the plan at Appendix B to the report except for Firbeck Court, be confirmed, subject to necessary consents and approvals.
 - D. That the position regarding Findon Field be noted and that the Assistant Director Housing and Regeneration bring a further report if this proves necessary.
 - E. That the Assistant Director Housing and Regeneration be authorised:-
 - a) to offer the tenants of flats affected:
 - Alternative suitable accommodation
 - Home loss payments subject to qualification criteria
 - Disturbance allowance
 - An option to return to the area when redevelopment has taken place
 - b) to take appropriate action through the Courts to obtain vacant possession when tenants do not voluntarily vacate the premises
 - c) to offer alternative accommodation to tenants of the Sanctuary Group and that these properties be leased to the Sanctuary Group under terms to be agreed by the Assistant Director of Housing and Regeneration

- d) to purchase any privately owned flats
- e) to take all necessary steps to obtain vacant possession including compulsory purchase
- f) to demolish blocks of flats when vacant
- g) upon completion of phases 1 & 2 of the revival initiative, to develop and consult on proposals for the improvement of the neighbourhood, and following consultation with Ward Councillors and relevant Portfolio Holders, to implement the preferred revival improvements (Phase 3)
- h) to procure and implement improvements to Council owned properties that will be made as part of the revival scheme in 2013/14 consisting of renewing kitchens and bathrooms. (It being noted that for the ground floor flats in Firbeck Court showers or, where appropriate, wet rooms would be installed rather than bathrooms)
- i) to enter into negotiations to purchase and demolish 110-116 Firbeck (the empty flats adjacent to the Dental Surgery)
- j) to take all necessary action, obtain all necessary permissions and consents and to enter into all necessary documentation to facilitate the Firbeck Revival Initiative.

49. HIGH INCOME TENANTS - PAY TO STAY CONSULTATION

Councillor Mrs Hopley introduced the report of the Assistant Director Housing and Regeneration which sought approval of the response to The High Income Social Tenants – Pay to Stay consultation paper issued by the Department of Communities and Local Government on 13 June 2012.

A copy of minute no. 21 of the Landlord Services Committee (Cabinet Working Group) held on 5 September 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 therein.

- RESOLVED:
- A. That the comments of the Landlord Services Committee be noted.
 - B. That the response at Appendix A to the report be approved as the Council's response to The High Income Social Tenants – Pay to Stay Consultation paper.
 - C. That call-in is not appropriate for this item as the matter is one where urgent action is required to meet the closing date for consultation which is 12 September 2012.

50. CONTRACT FOR PLAY EQUIPMENT MAINTENANCE

Councillor Grant introduced the report of the Assistant Director Community Services in which he sought authority for the process for the engagement of a contractor for the maintenance of Council play equipment.

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 undertake a tender exercise in relation to play area maintenance and accept the highest scoring tender.

51. CHANGE TO FIXED PENALTY NOTICE - WASTE RECEPTACLE NOTICES

Councillor Sudworth introduced the report of the Assistant Director Community Services in which he updated Members on changes to legislation and sought authority for an amended level of fixed penalty.

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 fixed penalty amount for offences relating to waste receptacles be reduced to £60.

52. REVENUE BUDGET POSITION

Councillor Westley introduced the report of the Borough Treasurer in which he set out the key features on revenue budget performance for both the General Revenue Account (GRA) and Housing Revenue Account (HRA).

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 for the last financial year be noted and endorsed.
 - B. That the financial performance in the current year to date be noted.
 - C. That £25,000 for the marketing of Delf House, agreed by Council on 18 July 2012, be allocated to employ consultants who are to negotiate the lease extension on this commercial asset.
 - D. 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.

53. CAPITAL PROGRAMME OUTTURN 2011-12

Councillor Westley introduced the report of the Borough Treasurer which summarised the capital outturn position for the 2011/2012 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 2011/2012 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 27 September 2012.

54. CAPITAL PROGRAMME MONITORING 2012-13

Councillor Westley introduced the report of the Borough Treasurer 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 2012, 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 27 September 2012.

55. 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 April – 30 June 2012.

RESOLVED: That it be noted that Access to Information Rule 16 (Special Urgency) was not exercised during the quarter ending 30 June 2012.

56. 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.

57. MATTERS REQUIRING DECISIONS

Consideration was given to the report relating to the following matter requiring decisions as contained on pages 2029 - 2052 of the Book of Reports.

58. 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 Parbold and Digmaor 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 in relation to the 9 sites in the Parbold ward and the 116 sites in the Digmaor ward, together with the land adjacent to Digmaor Parade, Birleywood, Skelmersdale, which is an opportunity site.
 - C. That the sites set out in Appendix D are no longer required for their current uses as set out in that Appendix and that they be appropriated as required for regeneration purposes for the reasons set out in the report.
 - D. That the Assistant Director Housing and Regeneration be authorised to take all necessary steps to appropriate the sites referred to in C. above and sign the memoranda of appropriation.

- E. That the Assistant Director Housing and Regeneration be authorised to dispose of all of the sites marked in bold with an * in Appendix B (as identified on Plans B1-B3), together with land adjacent to Digmoor Parade, Birleywood, Skelmersdale in Appendix C (as identified on Plan C1).

- F. That funding of £10,000 be made available from contingencies to enable sites designated in previous report as '1- Seek to Dispose' along with those identified in Appendices B and C, to be progressed further, as detailed in paragraph 8.2 of the report.

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LEADER