

## CABINET

**HELD: 19 MARCH 2013**

Start: 7.30pm

Finish: 8.45pm

## PRESENT

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

Councillors		<u>Portfolio</u>
Mrs 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 Councillor J Hodson  
Councillors: Councillor Pendleton

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 Solicitor (Mr T Broderick)
- Borough Planner (Mr J Harrison)
- Transformation Manager (Mr S Walsh)
- Strategic Housing Manager (Mr S Jones)
- Principal Member Services Officer (Mrs S Griffiths)

### 104. APOLOGIES

Apologies for absence were submitted on behalf of Councillor Forshaw.

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

There were no items of special urgency.

### 106. DECLARATIONS OF INTEREST

Councillor Westley declared a non-pecuniary interest in agenda item 5(k) "Cycling in West Lancashire – Final Report of the Corporate & Environmental Overview and Scrutiny Committee" as a member of Lancashire County Council.

**107. MINUTES**

RESOLVED: That the minutes of the meeting of Cabinet held on 15 January 2013 be approved as a correct record and signed by the Leader.

**108. MATTERS REQUIRING DECISIONS**

Consideration was given to the reports relating to the following matters requiring decisions as contained on pages 2669 – 2978 of the Book of Reports.

**109. USE OF SECTION 106 MONIES IN DOWNHOLLAND**

Councillor Sudworth introduced the joint report of the Assistant Director Community Services and the Borough Planner which considered proposals regarding the use of Section 106 monies received from housing developers for the enhancement of public open space and recreation provision within Downholland.

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 enhancements to Haskayne Parish Fields as detailed in Section 6 of the report, be approved and the Section 106 commuted sum of £85,416 generated in Downholland be made available for this project.

**110. TENANT'S CASH BACK SCHEME**

Councillor Owens introduced the report of the Assistant Director Housing and Regeneration which provided an update on the Government's proposals for tenants involvement in the repair and maintenance of their homes, and advised on the outcome of consultations with the Tenant's Task & Finish Group on the introduction of a cash back scheme for the Council.

Minute no. 46 of the Landlord Services Committee (Cabinet Working Group) held on 13 March 2013 was circulated.

In reaching the decision below, Cabinet considered the minute 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 report be noted.  
B. That the suggestions made by the Tenant's Task & Finish Group be noted, and that a further report be submitted to Cabinet following the findings of the three pilot schemes referred to in the report.

**111. TENURE POLICY**

Councillor Mrs. Hopley introduced the report of the Assistant Director Housing and Regeneration which sought approval of the draft Tenure Policy.

Minute no. 43 of the Landlord Services Committee (Cabinet Working Group) held on 13 March 2013 was circulated.

The Assistant Director Housing and Regeneration circulated revised recommendations.

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

- RESOLVED:
- A. That, having considered the comments from the consultation exercise at Appendix B, the Tenure Policy attached as Appendix A be approved, subject to the Assistant Director Housing and Regeneration, in consultation with the relevant Portfolio Holder, being authorised to present an updated Tenure Policy to Council on 17 April 2013.
  - B. That implementation of the policy from 1 July 2013 be noted.
  - C. That call-in is not appropriate for this item as this item has been considered by the Executive Overview and Scrutiny Committee on 31 January 2013.

**112. HOUSING ALLOCATIONS POLICY**

Councillor Mrs. Hopley introduced the report of the Assistant Director Housing and Regeneration which sought consideration of the comments arising from the consultation exercise on the updated Housing Allocations Policy.

Minute no. 44 of the Landlord Services Committee (Cabinet Working Group) held on 13 March 2013 was circulated.

The Assistant Director Housing and Regeneration circulated revised recommendations and Councillor Mrs. Hopley circulated a motion, which was seconded, which was based on the revised recommendations.

In reaching the decision below, Cabinet considered the minute of the Landlord Services Committee, the revised recommendations, the motion circulated by Councillor Mrs. Hopley and the details set out in the report before it and accepted the reasons contained therein.

RESOLVED: A. That, having considered the comments from the consultation exercise at Appendix B, the Housing Allocations Policy attached as Appendix A be approved, subject to the Assistant Director Housing and Regeneration in consultation with the relevant Portfolio Holder being authorised to present an updated Housing Allocations Policy to Council on 17 April 2013, to include the following amendments:-

- i) removal of bullet point 3, paragraph 28 (local connection criteria)
- ii) amendment to paragraph 1, Appendix 3 (lettings criteria) as follows:-

“Sheltered housing is reserved for those over 60 years of age who need the added benefits of a safe and secure environment that supports and sustains their long term health and wellbeing. For those people with some levels of support needs the Council will work with appropriate agencies to achieve independent and sustainable tenancies”

And also add

“In exceptional circumstances applicants under 60, with identified support needs which cannot be met in general needs accommodation, may be considered for Category 1 sheltered housing. This decision will be taken in consultation with the manager responsible for the management of the Councils sheltered housing schemes.”

- iii) references to “Armed Forces” being amended to “British Armed Forces”

- B. That the implementation of the policy from 1 July 2013 be noted.
- C. That call-in is not appropriate for this item as it has been considered by the Executive Overview and Scrutiny Committee on 31 January 2013.

### **113. REVIEW OF ANTI- MONEY LAUNDERING POLICY**

Councillor Westley introduced the report of the Borough Treasurer which outlined the findings of a review of the Council’s Anti-Money Laundering Policy and Guidance and Procedure Notes.

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 updated Anti-Money Laundering Policy and Guidance and Procedure Notes as set out in Appendix 1 & 2 to the report, be endorsed for agreement.

**114. QUARTERLY PERFORMANCE INDICATORS (Q3 2012/13)**

Councillor Westley introduced the report of the Transformation Manager which presented performance monitoring data for the quarter ended 31 December 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 December 2012 be noted.
- B. That call-in is not appropriate for this item as it has been considered by the Corporate & Environmental Overview and Scrutiny Committee on 21 February 2013.

**115. CORPORATE PERFORMANCE MANAGEMENT 2013/14**

Councillor Westley introduced the report of the Transformation Manager which sought approval for the Suite of Performance Indicators for adoption as the Council's Corporate PI Suite for 2013/14.

Referring to target TS1-BV66a, the Assistant Director Housing and Regeneration proposed that the annual target for % rent collected be set at 97%.

In reaching the decision below, Cabinet considered the comments of the Assistant Director Housing and Regeneration, the details set out in the report before it, and accepted the reasons contained in it.

- RESOLVED: A. That the draft Suite of Performance Indicators 2013/14 (Appendix A) and targets be approved as being the most important in terms of delivering the Council's Corporate Priorities and adopted as the Council's Corporate PI Suite 2013/14, subject to B, below.
- B. That target TS1-BV66a (rent collected) be amended to 97% for 2013/2014.
- C. That the Managing Director (Transformation), in consultation with the Portfolio Holder for Resources & Transformation, be authorised to finalise and amend the suite having regard to comments from Executive Overview and Scrutiny Committee made on 4 April 2013, and to amend the finalised suite in year (with the exception of agreed targets) in response to any issues that may arise, for example government policy or collection mechanisms.

- D. That call-in is not appropriate for this item as it is being considered at the next meeting of Executive Overview & Scrutiny Committee on 4 April 2013.

**116. STRATEGIC ASSET MANAGEMENT PROGRAMME**

Councillor Owens introduced the report of the Assistant Director Housing and Regeneration which updated Members on the progress of the Strategic Asset Management Project and advised on the outcomes of the Derby Ward, proposals relating to the Digmaor Ward, and sought authority for the disposal 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 Appendix A and B in relation to the 34 sites in the Derby ward, and the Garage Court to the south of 80 Abbeywood, Digmaor, and be authorised to take any other steps necessary to secure disposal of the sites.
- C. That the sites set out in Appendix C 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 Appendix C and sign the memoranda of appropriation.

**117. HOUSING OMBUDSMAN SERVICE AND RELATED CHANGES TO THE COUNCIL'S COMPLAINTS PROCEDURE**

Councillor Mrs. Hopley introduced the joint report of the Borough Solicitor and Assistant Director Housing and Regeneration which proposed amendments to the Council's complaints procedures following changes to the Housing Ombudsman Service with effect from 1 April 2013.

Minute no. 45 of the Landlord Services Committee (Cabinet Working Group) held on 13 March 2013 was circulated.

The Borough Solicitor/Assistant Director Housing and Regeneration circulated revised recommendations.

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

- RESOLVED:
- A. That the changes brought about by the Localism Act to the Housing Ombudsman Service be noted.
  - B. That the revised Council complaints procedure, set out at appendix 2, be adopted with effect from 1 April 2013.
  - C. That the Assistant Director Housing and Regeneration and Transformation Manager in consultation with the Leader and Portfolio Holder for Landlord Services and Human Resources be given authority to amend the Council's complaints procedure set out at appendix 2 in relation to information to be given to Council tenants wishing to refer their complaint to a designated person/Housing Ombudsman Service.
  - D. That the Assistant Director Housing and Regeneration in consultation with the Portfolio Holder for Landlord Services and Human Resources be given authority to agree the Council's policy with regard to recognition criteria for tenant panels and to review and update the policy as required.
  - E. That the Assistant Director Housing and Regeneration in consultation with the Portfolio Holder for Landlord Services and Human Resources be given authority to determine whether tenant panels requesting recognition should be so recognised.
  - F. That the Assistant Director Housing and Regeneration offer guidance and training to members and tenant panel members on their new role as designated persons and that an invitation be extended to Rosie Cooper MP and Lorraine Fulbrook MP to attend training sessions .
  - G. That call-in is not appropriate for this item as this matter is one where urgent action is required due to the need to introduce an amended complaints procedure and agree the Council's policy with regard to recognition criteria for tenant panels in advance of 1 April 2013.

#### **118. UNREASONABLY PERSISTENT COMPLAINANTS**

Councillor Grant introduced the report of the Borough Solicitor which sought adoption of a revised "Unreasonably Persistent Complainants and Unreasonable Complaint Behaviour" Policy following recent refreshed Local Government Ombudsman guidance.

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 revised “Unreasonably Persistent Complaints and Unreasonable Complaint Behaviour” Policy, set out at appendix 2, be adopted.
- B. That the Borough Solicitor, in consultation with the Leader, be given authority to amend the Policy in the future in light of any further guidance from the Local Government Ombudsman/Housing Ombudsman or subsequent changes in the Council’s organisational structure.

#### **119. CYCLING IN WEST LANCASHIRE - FINAL REPORT CORPORATE & ENVIRONMENTAL OVERVIEW AND SCRUTINY COMMITTEE**

Councillor Grant introduced the report of the Assistant Director Community Services, as Lead Officer, which presented the final report and recommendations of the Corporate and Environmental Overview & Scrutiny Committee following an in-depth review conducted entitled ‘Cycling in West Lancashire’.

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

- RESOLVED: A. That the final report on “Cycling in West Lancashire”, attached at Appendix A to the report, be approved and the Committee be thanked for its work.
- B. That following recommendations contained in the final report be endorsed:
- (1) That Lancashire County Council (LCC), as the Highway Authority, give due consideration to the following:
    - (i) Take account of cyclists safety on the highways, particularly at junctions when re-surfacing and upgrading road markings.
    - (ii) When considering highways changes, consider making the following adjustments:
      - (a) Cycle priority signals at traffic lights.
      - (b) Cycle priority through traffic.
      - (c) Cycle junction improvements.
    - (iii) When reviewing the cycling network in the Borough and, prior to any future exercise, seek the views of Ward Councillors in respect of proposed cycle routes or maintenance of existing routes.
    - (iv) When examining widening access within the Borough through its proposed cycle hire initiative also look at the possibility to extend this to the hire of electric powered cycles.
    - (v) When considering the Travel Plans for West Lancashire College, Skelmersdale, give due consideration to any cycling options coming through the Skelmersdale Vision Project.

- (vi) That during future consideration of the Lancashire Local Transport Plan and associated documents, the potential to extend cycle recreation and other routes, particularly eastward, be considered.
- (vii) For a pilot period, consider an amendment to the Traffic Order that currently prohibits cyclists from cycling in the pedestrian area of Ormskirk Town Centre in order to permit cyclists to cycle in that area.
- (2) That Council (subject to resource availability) work with our partners to:
  - (i) encourage the potential to recycle otherwise discarded bicycles through established mechanisms.
  - (ii) through Members links with schools in their Wards, encourage the continuation of initiatives adopted within their School Travel Plans.
  - (iii) through established mechanisms with Edge Hill University and other education establishments, encourage the use of cycles as an alternative mode of transport and safe cycling through opportunities available to undertake cycling proficiency courses.
- (3) That the final report of the Corporate and Environmental Overview and Scrutiny Committees review 'Cycling in West Lancashire' be circulated to external contributors to the review, scrutiny at Lancashire County Council and published on the Council and Centre for Public Scrutiny (CfPS) web-sites.
- (4) That the Corporate and Environmental Overview and Scrutiny Committee:
  - (i) consider the results, when available, of the Travel Survey being undertaken by Edge Hill University.
  - (ii) review its recommendations in December 2013.
- C. That the final report and recommendations (approved, subject to resources) be submitted to Council for approval on 17 April 2013.
- D. That call in is not appropriate for this item as it has previously been considered by the Corporate and Environmental Overview and Scrutiny Committee.

## **120. CAPITAL PROGRAMME MONITORING**

Councillor Westley introduced the report of the Borough Treasurer which updated Members on the current position in respect of the 2012/2013 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 2012/2013 Capital Programme 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 4 April 2013.

## **121. REVENUE BUDGET MONITORING**

Councillor Westley introduced the report of the Borough Treasurer which provided a projection of 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 including the position on reserves and balances.
- 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 4 April 2013.

## **122. RISK MANAGEMENT**

Councillor Westley introduced the report of the Borough Treasurer which set out details on the Key Risks facing the Council and how they are 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: A. That the proposed amendment to the Risk Management Policy set out in section 4 be approved.
- B. That the progress made in relation to the management of the risks shown in the Key Risks Register (Appendix A) be noted and endorsed.

**123. GREENSHOOTS PROJECT: REMODELLING OF 18 - 24 GORSEY LANE, GORSEY PLACE BUSINESS PARK, SKELMERSDALE**

Councillor Owens introduced the report of the Assistant Director Housing and Regeneration which advised of the options for the remodelling of 18-24 Gorsey Place, Skelmersdale.

The Assistant Director Housing and Regeneration circulated revised recommendations.

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

- RESOLVED: A. That the Assistant Director Housing and Regeneration, be authorised to carry out the remodelling of 18 – 24 Gorsey Place in accordance with the option discussed under paragraphs 4.3 and 4.7.1 of the report.
- B. That the Assistant Director Housing and Regeneration be authorised, in consultation with the relevant Portfolio Holder to take all necessary steps, enter into all appropriate documentation and to obtain all necessary consents to facilitate the scheme referred to in 2.1 above.

**124. TENANT DOWNSIZING SCHEME**

Councillor Mrs. Hopley introduced the report of the Assistant Director Housing and Regeneration which proposed the relaunch of the Transfer Incentive Scheme in a revised format as the Tenant Downsizing Scheme.

Minute no. 47 of the Landlord Services Committee (Cabinet Working Group) held on 13 March 2013 was circulated.

In reaching the decision below Cabinet considered the minute of the Landlord Services Committee and details set out in the report and accepted the reasons contained therein.

- RESOLVED: A. That the Tenant Downsizing Scheme be approved.
- B. That the Assistant Director Housing and Regeneration be authorised, in consultation with the Landlord Services and Human Resources Portfolio Holder, to make minor alterations to the Scheme in order to make it appropriate and relevant.
- C. That call-in is not appropriate for this item as the Scheme will be brought into effect on 1 April 2013.

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LEADER