

CABINET

HELD: Tuesday, 13 September 2016

Start: 7.00 pm

Finish: 7.25 pm

PRESENT:

Councillor: Councillor I Moran
(Leader of the Council, in the
Chair)

Portfolio

Councillors:	Councillor Y Gagen	Deputy Leader of the Council and Portfolio Holder for Leisure & Human Resources
	Councillor T Aldridge	Portfolio Holder for Older People
	Councillor J Hodson	Portfolio Holder for Planning
	Councillor J Patterson	Portfolio Holder for Housing and Landlord Services
	Councillor K Wilkie	Portfolio Holder for Street Scene
	Councillor K Wright	Portfolio Holder for Health and Community Safety
	Councillor C Wynn	Portfolio Holder for Finance

In attendance: Furey, Owens, Pendleton and D Westley
Councillors

Officers:

- Chief Executive (Ms K Webber)
- Director of Housing and Inclusion (Mr B Livermore)
- Director of Leisure and Wellbeing (Mr D Tilleray)
- Director of Development and Regeneration (Mr J Harrison)
- Borough Solicitor (Mr T Broderick)
- Borough Treasurer (Mr M Taylor)
- Borough Transformation Manager and Deputy Director of Housing and Inclusion (Mr S Walsh)
- Strategic Planning & Implementation Manager (Mr P Richards)
- Principal Member Services Officer (Mrs S Griffiths)

23 APOLOGIES

There were no apologies for absence.

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

The Leader advised that, in accordance with Rule 16 and 20 Access to Information Procedure Rules, he had obtained the agreement of the Chairman of the Executive Overview & Scrutiny Committee to consider a joint report from the Director of Development and Regeneration and Borough Solicitor in relation to the a Planning Appeal Decision Regarding Land to the East of Prescott Road, Aughton, as this item could not reasonably be deferred as the matter concerns a potential legal challenge, under Section 288 of the Town and Planning Act 1990, to a decision of the Secretary of State's Planning Inspectorate, with strict time limits, expiring on 29 September 2016, which will not be capable of being met if a decision is delayed.

The Leader also advised that, in accordance with Rule 20 Access to Information Procedure Rule, he had obtained the agreement of the Chairman of the Executive Overview and Scrutiny Committee to consider the report in Part 2 of the agenda, which is not open to the public, on the grounds that it involves the likely disclosure of exempt information, as defined in paragraphs 3 (business/financial affairs) and 5 (legal matters) of Schedule 12A to the Local Government Act 1972.

This item was considered at the end of the meeting (Minute 43 refers).

25 **DECLARATIONS OF INTEREST**

1. Councillors Aldridge declared a non-pecuniary interest in agenda item 6a (Garage Strategy) as he is a tenant of Council accommodation and a garage. Insofar as that interest becomes a disclosable pecuniary/pecuniary interest he declared that interest but considered that his was entitled to speak and vote by virtue of an exemption as nothing in this report relates particularly to the relevant tenancy or lease.
2. Councillor Aldridge declared a non-pecuniary interest in agenda item 6h (A Market Town Strategy for Ormskirk – Final Report of the Corporate & Environmental Overview and Scrutiny Committee) as a Member of Lancashire County Council, as did Councillor Gagen as an employee of Lancashire County Council.

26 **PUBLIC SPEAKING**

There were no items under this heading.

27 **MINUTES**

RESOLVED That the minutes of the Cabinet meeting held on 14 June 2016 be received as a correct record and signed by the Leader.

28 **MATTERS REQUIRING DECISIONS**

Consideration was given to the report relating to the following matters requiring decisions as contained on pages 463 – 786 and pages 801 - 806 of the Book of Reports.

29 GARAGE STRATEGY 2016-20

Councillor Patterson introduced the report of the Director of Housing and Inclusion which sought approval of the Garage Strategy 2016-20.

Minute no. 18 of the Landlord Services Committee (Cabinet Working Group) held on 8 September 2016 was circulated at the meeting.

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 That the Garage Strategy 2016-2020 attached at Appendix A to the report, be approved.

30 LOCAL PLAN REVIEW - THE LOCAL DEVELOPMENT SCHEME AND REGULATION 18 "SCOPING" CONSULTATION

Councillor Hodson introduced the report of the Director of Development and Regeneration which advised of the commencement of work towards the Local Plan Review and sought authority to undertake an initial "scoping" consultation exercise with key stakeholders.

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

RESOLVED (A) That the commencement of a Local Plan Review in order to update the current West Lancashire Local Plan be endorsed and that the Local Development Scheme provided at Appendix 1 be adopted with effect from 1 October 2016.

(B) That the initial Regulation 18 "scoping" consultation on the Local Plan Review with key stakeholders described at paragraph 4.7 of the report be authorised.

31 LIVERPOOL CITY REGION STATEMENT OF CO-OPERATION

Councillor Hodson introduced the report of the Director of Development and Regeneration which sought endorsement of the Liverpool City Region Statement of Co-operation.

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

RESOLVED That the Liverpool City Region Statement of Co-operation provided at Appendix 1 be adopted.

32 COMMUNITY INFRASTRUCTURE LEVY FUNDING PROGRAMME 2017/18

Councillor Hodson introduced the report of the Director of Development and Regeneration which proposed options for consideration in respect of a Community Infrastructure Levy funding programme for 2017/18 based on the CIL monies anticipated to have been collected by the Council by 31 March 2017.

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

RESOLVED (A) That the updated Infrastructure Delivery Schedule provided at Appendix 2 to the report, be noted.

(B) That the public consultation on four possible options for spending CIL monies in 2017/18 as set out in paragraph 4.11 of the report be approved.

33 USE OF SECTION 106 MONIES IN BURSCOUGH

Councillor Gagen introduced the joint report of the Director of Leisure and Wellbeing and Director of Development and Regeneration which considered a proposal for 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.

Cabinet was advised that the grant of £8,000 had been secured from 'Tesco Bags of Help' (paragraph 7.2 of the report refers) and confirmed that £12,000 was requested from the S106 funds for this project.

In reaching the decision below, Cabinet considered the comments from the Deputy Leader and Portfolio Holder for Leisure and Human Resources and details as set out in the report before it and accepted the reasons contained therein.

RESOLVED That the proposed project to enhance the public open space on the former landfill site adjacent to Mill Dam Lane, known as Burscough Brickpits, be approved and £12,000 of the Section 106 sum of £17,672 generated in Burscough West, be used for this project.

34 FORMING A DEVELOPMENT COMPANY - OPTIONS APPRAISAL SUPPORTING CONSTRUCTION DEVELOPMENT

Councillor Patterson introduced the report of the Director of Housing and Inclusion which sought authority to further investigate the benefits of the formation of a development company in order to drive forward the ambitions of the Council.

Minute no. 17 of the Landlord Services Committee (Cabinet Working Group) held on 8 September 2016 was circulated at the meeting.

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

RESOLVED (A) That the Director of Housing and Inclusion investigate further the benefits of forming a Development Company or other appropriate vehicle for delivery of achievement of the Council's ambitions for development and facilitating development as set out in paragraph 5 of the report.

(B) That up to £50,000 be made available to carry out initial investigations as set out in paragraph 6 of the report.

35 **RISK MANAGEMENT**

Councillor Wynn 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 as set out in the report before it and accepted the reasons contained therein.

RESOLVED That the progress made in relation to the management of the risks shown in the Key Risks Register (Appendix A to the report) be noted and endorsed.

36 **A MARKET TOWN STRATEGY FOR ORMSKIRK - FINAL REPORT OF THE CORPORATE & ENVIRONMENTAL OVERVIEW AND SCRUTINY COMMITTEE**

The Leader introduced the report of the Director of Leisure and Wellbeing which considered the final report and recommendations of the review entitled "A Market Town Strategy for Ormskirk" undertaken by the Corporate and Environmental Overview and Scrutiny Committee.

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

RESOLVED (A) That the Corporate and Environmental Overview and Scrutiny Committee be complimented on their work.

(B) That the following recommendations contained in the final report of the Corporate and Environmental Overview and Scrutiny Committee on A Market Town Strategy for Ormskirk be endorsed.

- (1)** That Lancashire County Council (LCC), as the Highways Authority, give due consideration to the following:

 - (i) the impact of heavy goods traffic in the refurbished area of Ormskirk Town Centre.
 - (ii) the on-going maintenance of the gullies and the monitoring of the effectiveness of the aggregate resin within them.
 - (iii) the refurbishment of Aughton Street to tie-in with the Moor Street improvements.
 - (iv) the impact of town centre congestion, including the bottle necks at Derby/Stanley Street/Wigan Road/Moor Street/Moorgate and Park Road.
 - (v) the on-going improvements to the rail bridge and cycle link from the Town Centre to Edge Hill University, as contained in the West Lancashire Highways and Transport Masterplan.
 - (vi) encourage effective enforcement of the Traffic Regulation Orders (TROs) operating in Ormskirk Town Centre, particularly on Market Days by exploring:

 - (a) the provision of more clearer signage to alert drivers to the restrictions of the TROs;
 - (b) breaches of on-street parking.
 - (vii) in relation to finding a permanent solution to traffic management safety in the pedestrian area of Ormskirk by exploring:

 - (a) the provision of Gates at access points (Aughton Street, Church Street and Burscough Street with a “lift assist” bollards to Moor Street/Moorgate.)
 - (b) Hydraulic “lift assist” bollards in Church Street, Aughton Street, Burscough Street and Moor Street/Moorgate.
 - (c) Automatic Rise and Fall Bollards in the areas referred to above.
 - (d) the narrowing of the access points

- (2)** That the Portfolio Holder for Transformation and Regeneration, in consultation with the Director of Development and Regeneration give due consideration to the findings within the report to add to the emerging Ormskirk Town Centre Strategy to include the following:

 - (i) In relation to ‘Events Square that it:

 - (a) is a flexible and multi-functional space;
 - (b) is adaptable for day and evening events.
 - (c) provides an opportunity for wider community use
 - (d) is adaptable and able to embrace new and emerging technologies.
 - (e) is well-managed and there is provision for a semi or permanent cover of the ‘Square’.

- (ii) In relation to the Market Stalls that the:
 - (a) stall canopies be replaced with matching/branded ones.
 - (b) there is provision for a mixture of traditional and non-traditional stalls.
 - (c) there is adequate space around each stall

- (iii) In relation to Car Parking that
 - (a) on-going discussions with Merseyrail continue in respect of car parking arrangements at Ormskirk rail station.
 - (b) alternative ways of paying for parking be considered as part of any future assessment of these facilities including cashless machines; CCTV and advances in technology.
 - (c) the revised Ormskirk Car Park Map be included on the web-site.

- (iv) In relation to Technology and Marketing by exploring:
 - (a) the positioning of the Market and Town Centre locally and in the wider community.
 - (b) methods of promotion and advertising: Ormskirk's historical and special character; embracing traditional and emerging technologies.
 - (c) improvements to the Visitor Map of Ormskirk Town Centre with locations and insertion of the defibrillator icon inserted, as appropriate.
 - (d) digital signage as an alternative to A-boards outside shops.
 - (e) cultural tourism through its visitor attractions- Chapel Gallery; Vintage and Handcraft Fairs and exhibitions.
 - (f) promoting Ormskirk as a tourist destination, to include promotion with the bus and tour operators as a visitor destination.

- (v) In relation to Edge Hill University (EHU), continue the close association with EHU as a contributor to the economy.

- (3)** That the final report of the Corporate and Environmental Overview and Scrutiny Committee's review to be circulated to Love Ormskirk, Ormskirk Community Partnership, Marketing Lancashire, Edge Hill University, Edge Hill Students' Union and Business in the Community (BITC), 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 review its recommendations in December 2016.

- (C) That the final report of the Corporate and Environmental Overview and Scrutiny Committee on A Market Town Strategy for Ormskirk, attached at Appendix A, be approved.
- (D) That the final report and recommendations (approved, subject to resources) be submitted to Council for approval on 19 October 2016.
- (E) That call-in is not appropriate for this item as it has previously been considered by the Corporate and Environmental Overview and Scrutiny Committee.

37 QUARTERLY PERFORMANCE INDICATORS Q1 2016-17

The Leader introduced the report of the Borough Transformation Manager and Deputy Director of Housing and Inclusion which presented performance monitoring data for the quarter ended 30 June 2016.

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

RESOLVED (A) That the Council's performance against the indicator set for the quarter ended 30 June 2016 be noted.

- (B) That the call-in procedure is not appropriate for this item as the report is being submitted to the Corporate & Environmental Overview and Scrutiny Committee on 13 October 2016.

38 CAPITAL PROGRAMME OUTTURN 2015-16

Councillor Wynn introduced the report of the Borough Treasurer which provided a summary of the capital outturn position for the 2015/2016 financial year.

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

RESOLVED (A) That the final position, including slippage, on the Capital Programme for the 2015/2016 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 2016.

39 CAPITAL PROGRAMME MONITORING 2016-17

Councillor Wynn 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 as set out in the report before it and accepted the reasons contained therein.

- RESOLVED (A) That the current progress on the Capital Programme as at the end of July 2016 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 2016.

40 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 paragraphs 3 (financial/business affairs) & 5 (legal matters) 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.

41 MATTERS REQUIRING DECISION

Consideration was given to the report relating to the following matters requiring decisions as contained on pages 787 - 800 and 809 – 842 of the Book of Reports.

42 HALL GREEN - OPTION APPRAISAL

Councillor Patterson introduced the report of the Director of Housing and Inclusion which provided an update on the continued work in respect of the redevelopment of the Hall Green Sheltered accommodation site.

Minute no. 19 of the Landlord Services Committee (Cabinet Working Group) held on 8 September 2016 was circulated at the meeting.

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 current position be noted.

- (B) That a Cabinet Working Group be established consisting of 6 Members in order to consider the range and cost of options for the site and recommend a preferred scheme.
- (C) That Hall Green tenants be updated on progress to date.
- (D) That no further lettings be made to Hall Green.

43

**PLANNING APPEAL DECISION REGARDING LAND TO THE EAST OF
PRESCOT ROAD, AUGHTON**

Councillor Hodson introduced the joint report of the Director of Development and Regeneration and Borough Solicitor which provided an update on the current position in regard to the planning appeal decision in respect of development proposals on the above-mentioned site and advised on the merits and associated risks in relation to a potential legal challenge to the Planning Inspectorate's Decision.

Cabinet was advised that the final sentence of paragraph 5.6 of the report should be amended to read £75,000 rather than £100,000.

A motion was moved and seconded in the following terms:-

“(A) That subject to (B) below, the Borough Solicitor and the Director of Development and Regeneration, in consultation with the Portfolio Holders for Planning and Finance, be authorised to issue and conduct proceedings in the High Court under Section 288 of the Town and Country Planning Act 1990, to challenge the appeal decision issued by the Planning Inspectorate on 19 August 2016, relating to land to the east of Prescott Road, Aughton.

(B) That an extraordinary meeting of Council is called on Thursday 22 September 2016 to consider the matter of virement of Council budgets, as the Council's potential financial exposure in pursuing resolution (A) above is likely to exceed £50,000.

(C) That call-in is not appropriate for this item as this matter is one where urgent action is required because the deadline for submitting a legal challenge to the Planning Inspectorate's Decision falls on 29 September 2016.”

In reaching the decision below, Cabinet considered the comments from the Borough Solicitor, the motion from the Portfolio Holder for Planning and the details as set out in the report before it and accepted the reasons contained therein.

RESOLVED (A) That subject to (B) below, the Borough Solicitor and the Director of Development and Regeneration, in consultation with the Portfolio Holders for Planning and Finance be authorised to issue and conduct proceedings in the High Court, under Section 288 of the Town and Country Planning Act 1990, to challenge the appeal

decision issued by the Planning Inspectorate on 19 August 2016, relating to land to the east of Prescot Road, Aughton.

- (B) That an Extraordinary meeting of Council is called on Thursday 22 September 2016 to consider the matter of virement of Council budgets, as the Council's potential financial exposure in pursuing resolution (A) above is likely to exceed £50,000.
- (C) That call-in is not appropriate for this item as this matter is one where urgent action is required because the deadline for submitting a legal challenge to the Planning Inspectorate's Decision falls on 29 September 2016.

Note

No representations had been received in relation to the above items being considered in private.

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Leader