

CABINET

HELD: Tuesday, 12 March 2019

Start: 7.00 pm

Finish: 7.12 pm

PRESENT:

Councillor: Councillor Ian Moran
(Leader, in the Chair)

Councillors:	Councillor Yvonne Gagen	<u>Portfolio</u> Deputy Leader of the Council and Portfolio Holder for Leisure & Human Resources
	Councillor Claire Cooper	Portfolio Holder for Communities and Older People
	Councillor Jenny Forshaw	Portfolio Holder for Housing and Landlord Services
	Councillor Kevin Wright	Portfolio Holder for Health and Community Safety
	Councillor Adam Yates	Portfolio Holder for Resources & Transformation

In attendance: P. Baybutt, M. Blake, G Dowling, A Owens & D Westley
Councillors

Officers: Kim Webber, Chief Executive
John Harrison, Director of Development and Regeneration
Terry Broderick, Borough Solicitor
Marc Taylor, Borough Treasurer
Simon Burnett, Deputy Director of Leisure and Wellbeing
Philip Samosa, Deputy Director of Street Scene
Peter Richards, Strategic Planning & Implementation Manager
Sue Griffiths, Principal Member Services Officer

83 APOLOGIES

Apologies for absence were submitted on behalf of Councillor Wilkie.

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

It was noted that agenda item 6(m) (Local Plan) had been placed on the agenda and the relevant process had been followed in accordance with Constitution 6, Rule 16 (Special Urgency), minute no. 101 refers.

85 DECLARATIONS OF INTEREST

Councillor Forshaw (tenant of Council accommodation) declared a disclosable pecuniary interest in agenda item 6g (HRA Revenue and Capital Monitoring) but considered she was entitled to speak and vote by virtue of an exemption as nothing in the report relates particularly to her relevant tenancy or lease.

86 PUBLIC SPEAKING

There were no items under this Heading.

87 MINUTES

RESOLVED That the minutes of the Cabinet meeting held on 15 January 2019 be received as a correct record and signed by the Leader.

88 MATTERS REQUIRING DECISIONS

Consideration was given to the reports relating to the following matters requiring decisions as circulated and contained on pages 1539 - 1744 and 1801 – 1825 of the Book of Reports.

At this point the Leader changed the order of business to enable agenda item 6(m) (Local Plan) to be considered before agenda item 6(a).

89 QUARTERLY PERFORMANCE INDICATORS (Q3)

The Leader introduced the report of the Director of Housing and Inclusion which presented performance monitoring data for the quarter ended 31 December 2018.

Minute no. 60 of the Corporate and Environmental Overview and Scrutiny Committee meeting held on 7 March 2019 was circulated at the meeting.

In reaching the decision below, Cabinet considered the minute of the Corporate and Environmental Overview and Scrutiny Committee and 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 31 December 2018 be noted.

B. That the call-in procedure is not appropriate for this item as the report was submitted to the meeting of the Corporate & Environmental Overview & Scrutiny Committee on 7 March 2019.

90 COUNCIL PLAN 2019/20 - 2020/21

The Leader introduced the report of the Chief Executive which sought approval of the "Council Plan 2019/20 – 2020/21".

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 Plan 2019/20 – 2020/21” attached as Appendix A to this report be approved and referred to Council for adoption.
- B. That authority is given to the Chief Executive in consultation with the Leader to make any final amendments to the document, prior to publication.
- 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 28 March 2019.

91

CORPORATE PERFORMANCE MANAGEMENT 2019/20

The Leader introduced the report of the Director of Housing and Inclusion which sought approval of the Suite of Performance Indicators to be adopted as the Council’s Corporate PI Suite 2019/20.

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 Suite of Performance Indicators 2019/20 (Appendix A to the report) and targets identified be approved and adopted as the Council’s Corporate PI Suite 2019/20.
- B. That the Director of Housing & Inclusion, in consultation with the Leader of the Council as Portfolio Holder, be authorised to finalise and amend the suite having regard to agreed comments from Executive Overview and Scrutiny Committee made on 28 March 2019, and to make necessary amendments to the suite in year in response to any issues that may arise, for example government policy or collection mechanisms.
- C. That call-in is not appropriate for this item as it is being considered at the next meeting of Executive Overview & Scrutiny Committee on 28 March 2019.

92

USE OF SECTION 106 MONIES IN THE PARISH OF BURSCOUGH

Councillor Gagen introduced the joint report of the Directors of Leisure and Environment and Development and Regeneration which considered a proposal regarding the use of Section 106 monies for the development of public open space provision in the Parish of Burscough.

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 bid from Burscough Parish Council for £43,507 of S106 monies be refused on the grounds that the proposed use of the funds for the purchase of land in Burscough would not comply with the criteria of the S106 agreement from where the funds were generated, namely to "provide new/enhance existing public open space in the parish/ward".
- B. That the applicants be informed that a future bid for S106 funds, once the land has been purchased, to contribute towards a more detailed and costed programme of deliverable works to create a public open space facility would be more appropriate.

93 USE OF SECTION 106 MONIES IN THE PARISH OF TARLETON

Councillor Gagen introduced the report of the Director of Leisure and Environment which considered a proposal regarding the use of Section 106 monies for the enhancement of public open space provision in the Parish of Tarleton.

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 Section 106 monies be approved for the use as outlined in paragraph 5.1 of the report, to enable an extension of Carr Lane Sports Pavilion, Tarleton.

94 ADOPTION OF REVISED SAFEGUARDING POLICY

Councillor Gagen introduced the report of the Director of Leisure and Environment which presented the revised Safeguarding Policy for adoption.

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 Safeguarding Policy 2019 attached at Appendix 1 to the report be approved.
- B. That the Director of Leisure and Environment be authorised to Implement, publish and keep under review the Safeguarding Policy 2019, to update the Safeguarding Policy 2019 as necessary and to nominate an officer as the Designated Safeguarding Officer.

95 HRA REVENUE AND CAPITAL MONITORING

Councillor Forshaw introduced the joint report of the Director of Housing and Inclusion and the Borough Treasurer which provided an update on the current position of the 2019/29 Housing Revenue Account (HRA) and the Council Housing

Capital Investment 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 financial position in respect of the 2018/19 HRA and Council Housing Capital Investment 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 28th March.

96 **ORMSKIRK TOWN CENTRE STRATEGY UPDATE**

The Leader introduced the report of the Director of Development and Regeneration which provided an update on the implementation of the Ormskirk Town Centre Strategy 2015-2020.

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 by the Ormskirk Town Centre Management Group be noted and that officers continue to work with the Management Group to progress the proposed future actions set out in Appendix A to the report.

97 **RISK MANAGEMENT**

Councillor Yates introduced the report of the Borough Treasurer which provided details on the key risks facing the Council and how they are managed, and sought approval to changes to the Risk Management Policy.

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 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.
- B. That the updated Risk Management Policy at Appendix B be approved.

98 BURSCOUGH PARISH NEIGHBOURHOOD PLAN

The Leader introduced the report of the Director of Development and Regeneration which sought authority to publish a Decision Statement in relation to the Burscough Parish Neighbourhood Plan following completion of an examination by an independent examiner, and to adopt the neighbourhood plan if it passes a subsequent referendum.

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 authority be delegated to the Director of Development and Regeneration to publish a Decision Statement in relation to the Burscough Parish Neighbourhood Plan once the examination of the Plan is completed by an independent examiner and in accordance with regulation 18 of the Neighbourhood Planning (General) Regulations 2012.
- B. That authority be delegated to the Director of Development and Regeneration to 'make' the Burscough Parish Neighbourhood Plan in accordance with Section 38A of the Planning and Compulsory Purchase Act 2004, should it pass a referendum.

99 GREATER MANCHESTER SPATIAL FRAMEWORK REVISED DRAFT

The Leader introduced the report of the Director of Development and Regeneration which sought approval of the proposed Council response to the consultation on the Greater Manchester Spatial Framework (GMSF) Revised Draft.

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 comments at paragraph 4.10 of the report be approved for submission to the Greater Manchester Combined Authority.

100 LEASEHOLDER PROPERTIES AND THE PLANNING PROCESS

The Leader introduced the report of the Director of Development and Regeneration which advised upon the Council's ability to restrict the development of further leasehold homes through the planning process.

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 report be noted.

101 LOCAL PLAN

The Leader introduced the report of the Director of Development and Regeneration entitled 'Local Plan Review Preferred Options – Initial Feedback on Public Consultation' which advised on the initial feedback received through the Local Plan Review Preferred Options Consultation. In relation to these comments he outlined the options available in order to address the Council's obligations under the Duty to Co-operate in respect of any unmet housing need arising from Sefton Metropolitan Borough Council and the implications that the proposed change would have on the next version of the emerging local plan.

A motion from the Leader was circulated at the meeting.

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

RESOLVED That the Local Delivery Scheme be amended to allow time for the reconsideration of the proposed Local Plan timescale and for the preparation of and consultation on a new Local Plan Preferred Options.

102 EXCLUSION OF PRESS AND PUBLIC

RESOLVED That under Section 100A(4) of the Local Government Act 1972, the press and 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 1 (any individual) and 3 (financial/business affairs) 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.

(Note: No representations had been received in relation to the following items being considered in private)

103 MATTERS REQUIRING DECISIONS

Consideration was given to the report relating to the following items of business as contained on pages 1745 – 1800 and 1827 of the Book of Reports.

104 PROPOSED STRATEGY FOR THE COMMUNITY ASSET TRANSFER OF BANKS LEISURE CENTRE

Councillor Gagen introduced the report of the Director of Leisure and Environment which sought authority to implement the proposed strategy for the Community Asset Transfer of Banks Leisure Centre.

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, subject to the funding being agreed by Council, the Director of Leisure and Environment in consultation with the Portfolio Holder for Leisure and Human Resources be authorised to:-

- i) enter into all necessary legal agreements and obtain any consents and permissions as required to enable North Meols Parish Council (NMPC) to undertake a transitional period of operation of Banks Leisure Centre.
- ii) enter into all necessary legal agreements and obtain any consents and permissions as required to progress the proposed transfer of Banks Leisure Centre to NMPC providing that the transitional period of operation of Banks Leisure Centre is successful.

B. That in the event that an agreement is not reached with NMPC the Director of Leisure & Environment in consultation with the Portfolio Holder for Leisure and Human Resources be authorised to :-

- i) seek expressions of interest from other organisations wishing to take on the operation of the facility and to take all necessary steps with an alternative provider as set out in A. (i) & (ii) above.
- ii) notify the Department for Health and Social Care (DHSC) of the future lease requirements by September 2020.

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 28 March 2019.

105

VEHICLE PROVISION AND MAINTENANCE CONTRACT

The Leader introduced the report of the Director of Leisure and Environment which advised on the findings of an options appraisal undertaken for the future provision and maintenance of the Council's vehicle fleet.

A motion from the Leader was circulated at the meeting.

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

- RESOLVED A That the findings of the options appraisal report, attached at Appendix 1 be noted and option 1, to procure a new contract for the provision of vehicles and maintenance, be approved.
- B. That the Director of Leisure and Environment in consultation with the relevant Portfolio Holder be authorised to undertake soft marketing testing and procure a new vehicle fleet and maintenance service with ASPE's input.
- C. That if the tendered costs of option 1 referred to above are greater than the available budget or the in-house option appears more favourable on a costs basis, then a further report be presented to Cabinet and/or Council, as appropriate.

106

PURCHASE OF LAND IN ORMSKIRK

The Leader introduced the report of the Director of Development and Regeneration which sought authority to purchase a site on New Court Way, Ormskirk, from Lancashire County Council.

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 authority is granted to the Director of Development and Regeneration to take all necessary steps to purchase the land hatched on the attached plan (Appendix A to the report) with the cost funded through internal borrowing.

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Leader