

CABINET

HELD: Tuesday, 2 November 2021

Start: 7.00 pm

Finish: 7.11 pm

PRESENT:

Councillors:

Portfolio

Councillor Ian Moran	Leader of the Council and Portfolio Holder for Economic Regeneration
Councillor Yvonne Gagen	Deputy Leader of the Council and Portfolio Holder for Leisure & Human Resources
Councillor Vickie Cummins	Portfolio Holder for Health and Wellbeing
Councillor Gareth Dowling	Portfolio Holder for Communities and Community Safety
Councillor Gaynar Owen	Portfolio Holder for Planning

In attendance: Councillors

Juckes and Owens

Officers:

Jacqui Sinnott-Lacey, Chief Operating Officer
Heidi McDougall, Corporate Director of Place & Community
Fiona Graham, Head of Housing and Regulatory Services
Alan Houghton, Interim Head of Growth & Development
James Pierce, Head of Finance, Procurement and Commercial Services
Kay Lovelady, Legal & Democratic Services Manager
Jacky Denning, Democratic Services Manager
James Crowley, Leisure Project Development Manager
Stephen Benge, Principal Planning Officer
Jonathan Mitchell, Housing Strategy & Development Programme Manager

39 APOLOGIES

Apologies for absence were received from Councillors Jenny Wilkie, Kevin Wilkie and Adam Yates.

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

There were no items of special urgency.

41 PUBLIC SPEAKING

There were no items under this heading.

42 DECLARATIONS OF INTEREST

The following declarations were received:

1. Councillor Yvonne Gagen declared a non-pecuniary interest in agenda items relating to Lancashire County Council (LCC) as an employee of Lancashire County Council and did not enter into detailed discussions, which affected LCC.
2. Councillor Gaynar Owen (tenant of Council accommodation) declared a disclosable pecuniary interests in agenda items 6(a) 'Tenancy Strategy 2022-2025 and 6(b) 'HRA Revenue and Capital Mid Year Review' but considered they were entitled to speak and vote by virtue of an exemption as nothing in the report relates particularly to the relevant tenancy or lease.

43 MINUTES

RESOLVED: That the minutes of the Cabinet meeting held on Tuesday, 14 September 2021 be received as a correct record and signed by the Leader.

44 MATTERS REQUIRING DECISIONS

Consideration was given to report relating to the following matters requiring decisions and contained on pages 437 to 1396 and 1421 to 1450 of the Book of Reports.

45 TENANCY STRATEGY 2022-2025

The Leader introduced the report of the Corporate Director of Place & Community, which sought approval for the publication of the Tenancy Strategy 2022-2025.

The minutes of the Executive Overview & Scrutiny Committee held on 21 October 2021 and Landlord Services Committee (Cabinet Working Group) held on 27 October 2021 had been circulated prior to the meeting.

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

- RESOLVED:
- A. That the minutes of the Executive Overview & Scrutiny Committee, set out in Appendix D to the report, and the Landlord Services Committee (Cabinet Working Group) set out in Appendix E, be noted.
 - B. That the Tenancy Strategy 2022 -2025 attached at Appendix A be approved for consultation purposes.
 - C. That the Head of Housing & Regulatory Services, in consultation with the relevant Portfolio Holder, be given delegated authority

to make drafting changes arising from any consultation responses received and publish any such revised and final version of the Tenancy Strategy in February 2022.

46 HRA REVENUE & CAPITAL MID-YEAR REVIEW

The Leader introduced the report of the Head of Finance, Procurement and Commercial Services, which provided a summary of the Housing Revenue Account (HRA) and Housing capital programme positions for 2021/22 financial year.

The minutes of the Executive Overview & Scrutiny Committee held on 21 October 2021 and Landlord Services Committee (Cabinet Working Group) held on 27 October 2021 had been circulated prior to the meeting.

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

- RESOLVED:
- A. That the minutes of the Executive Overview & Scrutiny Committee, set out in Appendix D to the report, and the Landlord Services Committee (Cabinet Working Group) set out in Appendix E, be noted.
 - B. That the 2021/22 HRA and Housing capital programme positions be noted.
 - C. That the proposed budget adjustments identified in Appendix 2 be endorsed for consideration by Council.

47 CAPITAL PROGRAMME MID YEAR REVIEW

The Leader introduced the report of the Head of Finance, Procurement and Commercial Services, which sought approval of the revised General Revenue Account (GRA) Capital Programme for 2021/22 and provided an update on progress on capital schemes.

The minute of the Executive Overview & Scrutiny Committee held on 21 October 2021 had been circulated prior to the meeting.

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

- RESOLVED:
- A. That the revised Capital Programme, including the re-profiling, virements and budget adjustments contained within Appendix A to the report, be approved.
 - B. That progress against the Revised Capital Programme at the mid-year point be noted.

48 NEW CUSTOMER FEEDBACK POLICY

The Leader introduced the report of the Corporate Director of Transformation & Resources, which sought approval of the new Customer Feedback Policy (previous Complaints Policy).

The minute of Executive Overview & Scrutiny Committee held on 21 October 2021.

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

RESOLVED: That the Customer Feedback Policy be approved.

49 DATA QUALITY POLICY

The Leader introduced the report of the Director of Transformation & Resources, which sought approval of the new Data Quality Policy.

The minute of the Executive Overview & Scrutiny Committee held on 21 October 2021 had been circulated prior to the meeting.

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

RESOLVED: That the new Data Quality Policy be approved.

50 CORPORATE PEER CHALLENGE

The Leader introduced the report of the Chief Operating Officer, which advised that the Local Government Association would be supporting the Council with a Corporate Peer Challenge in the coming months.

The minute of Executive Overview & Scrutiny Committee held on 21 October 2021 had been circulated prior to the meeting.

A Motion, displayed on the screens, was moved and seconded.

In reaching the decision below, Cabinet considered the details set out in the report before it, the reasons contained therein and the agreed comments submitted from Executive Overview & Scrutiny Committee.

RESOLVED: A. That the contents of the report and the indicative timetable at appendix 1, be noted.

B. That the results of the Corporate Peer Challenge and action plan be published following good practice and advice from the peer challenge team.

- C. That all Councillors be invited to send their views on the scoping exercise to the Leader and Chief Operating Officer prior to the scoping meeting with the Local Government Association ahead of the onsite review.

51 FOOD INSECURITY

Councillor Dowling introduced the report of the Corporate Director of Place & Community, which set out the findings report following a research study into food insecurity within West Lancashire and recommended actions for implementation that would help tackle food insecurity within the borough in a dignified way, and help address the root causes.

The minute of Executive Overview & Scrutiny Committee held on 21 October 2021 was circulated prior to the meeting.

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

- RESOLVED: A. That the minutes of Executive Overview and Scrutiny Committee attached at appendix 3, be noted.
- B. That the findings of the research study be noted and the implementation of the following opportunities, identified in section 5 of the report, to address food insecurity be approved:
- That the Chief Operating Officer nominates a senior officer within the Council to take overall responsibility for co-ordinating a response to tackling food insecurity in the borough.
 - The establishment of a cross-sector food insecurity forum, led by a WLBC officer, to strengthen ties and support cross-sector co-ordination and that this forum commits to a sustainable and dignified approach to tackling food insecurity in the borough.
 - Where applicable, the Council and partners highlight the issues which cause food insecurity and their impact at both a regional and national level.
- C. That the Portfolio Holder for Communities and Community Safety be appointed as Food Security Champion for West Lancashire, providing political leadership at both a local and national level.
- D. That the newly established cross-sector forum, in consultation with the Food Security Champion, consider the other opportunities identified within the research report and where appropriate seek Cabinet / Council approval for their

implementation

52 **MINIMUM ENERGY EFFICIENCY STANDARD ENFORCEMENT POLICY**

Councillor Gareth Dowling introduced the report of the Corporate Director of Place & Community, which sought approval of the Minimum Energy Efficiency Standard Enforcement Policy.

The minute of the Executive Overview & Scrutiny Committee held on 21 October 2021 was circulated prior to the meeting.

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

- RESOLVED:
- A. That the Minimum Energy Efficiency Standard Enforcement Policy, attached at Appendix 1 to the report, be approved.
 - B. That the minute of Executive Overview & Scrutiny be noted.
 - C. That the Corporate Director of Place & Community, in consultation with the relevant Portfolio Holder, be authorised to amend the policy considering any legislative or guidance changes.
 - D. That the Corporate Director of Place & Community, in consultation with the relevant Portfolio Holder, be authorised to review and change the level of financial penalties issued as required.
 - E. That the Corporate Director of Place & Community, in consultation with the relevant Portfolio Holder, be authorised to amend the current Private Sector Housing Enforcement Policy, originally approved by Cabinet, to include the Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015 (the Regulations) (as amended).

53 **PRIVATE RENTED SECTOR ELECTRICAL SAFETY POLICY 2021**

Councillor Gareth Dowling introduced the report of the Corporate Director of Place & Community, which sought approval of the Private Rented Sector Electrical Safety Policy 2021.

The minute of Executive Overview & Scrutiny Committee held on 21 October 2021 was circulated prior to the meeting.

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

- RESOLVED:
- A. That the Private Rented Sector Electrical Safety Policy 2021, attached at Appendix 1 to the report, be approved.
 - B. That the minute of Executive Overview & Scrutiny be noted.
 - C. That the Corporate Director of Place & Community, in consultation with the relevant Portfolio Holder, be authorised to amend the policy considering any legislative or guidance changes.
 - D. That the Corporate Director of Place & Community, in consultation with the relevant Portfolio Holder, be authorised to review and change the level of financial penalties issued as required.
 - E. That the Corporate Director of Place & Community, in consultation with the relevant Portfolio Holder, be authorised to amend the current Private Sector Housing Enforcement Policy, originally approved by Cabinet, to include the Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020.

54

LOCAL PLAN REGULATION 18 (SCOPE, ISSUES & OPTIONS) CONSULTATION

Councillor Gaynar Owen introduced the report of the Corporate Director of Place & Community, which sought authorisation to publicly consult on the scope of a new Local Plan and on the West Lancashire Local Plan 2023 -2040: Issues & Options material.

The minute of Executive Overview & Scrutiny Committee held on 21 October 2021 had been circulated prior to the meeting.

A Motion circulated prior to the meeting was moved and seconded.

In reaching the decision below, Cabinet considered the details set out in the report before it, the reasons contained therein and the agreed comments of the Executive Overview & Scrutiny Committee.

- RESOLVED:
- A. That the Sustainability Appraisal and Habitats Regulations Assessment of the Issues & Options material (provided at Appendices B and C respectively), and the Duty to Co-operate Statement (provided at Appendix D), be noted.
 - B. That the Local Plan 2023-2040 Issues & Options material (provided at Appendix A) be approved for public consultation, subject to any minor amendments made by the Interim Head of Growth and Development in consultation with the Portfolio Holder, and that comments on the scope of a new Local Plan

also be sought as part of this public consultation.

- C. That the Local Plan Cabinet Working Group meet more frequently to consider documents.

55 **GREATER MANCHESTER COMBINED AUTHORITY 'PLACES FOR EVERYONE' STATEMENT OF COMMON GROUND**

Councillor Gaynar Owen introduced the report of the Corporate Director of Place & Community, which sought agreement of a Statement of Common Ground covering cross-boundary spatial planning matters with Greater Manchester Combined Authority partner authorities, as required under the Duty to Co-operate.

The minute of Executive Overview & Scrutiny Committee held on 21 October 2021 had been circulated prior to the meeting.

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

- RESOLVED:
- A. That the minute of Executive Overview & Scrutiny Committee (21 October 2021, provided at Appendix B) and the content of the Greater Manchester Combined Authority 'Places for Everyone' Statement of Common Ground provided at Appendix A be noted.
 - B. That the Statement of Common Ground be agreed for signature by the Leader of the Council.

56 **INFRASTRUCTURE FUNDING STATEMENT 2021**

The Leader introduced the report of the Corporate Director of Place & Community, which set out the Community Infrastructure Levy (CIL) Infrastructure Funding Statement for 2021 and sought approval to publish the report.

The minute of Executive Overview & Scrutiny Committee held on 21 October 2021 had been circulated prior to the meeting.

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

- RESOLVED:
- A. That the content of the Infrastructure Funding Statement be noted and published on the Council website.
 - B. That delegated authority be given to the Corporate Director of Place and Community, in consultation with the Portfolio Holder for Planning, to make any amendments to the Infrastructure Funding Statement, following its initial publication, to reflect the subsequent decisions of Cabinet regarding the CIL Funding

Programme for 2022/23, and any other non-material amendments required, as set out in paragraph 5.9 of the report.

57 A REGENERATION PLAN FOR SKELMERSDALE TOWN CENTRE

The Leader introduced the report of the Corporate Director of Place & Community, which sought approval to the funding arrangements for the preparation of a Regeneration Plan for Skelmersdale Town Centre.

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

- RESOLVED:
- A. That it be noted that Lancashire County Council (LCC) has made a provisional award of £245,900 from its Lancashire Economic Recovery and Growth Fund (LERG Fund), to the Skelmersdale Regeneration Plan, subject to the Council making a 15% contribution to the project cost.
 - B. That the Council makes a 15% contribution to the cost of the Skelmersdale Regeneration Plan in the sum of £43,100.
 - C. That the Council accepts the award of £245,900 from LCC's LERG Fund, which represents 85% of the project's cost.

58 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 item of business on the grounds that they involve the likely disclosure of exempt information as defined in paragraph 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 item being considered in private.)

59 MATTERS REQUIRING DECISIONS

Consideration was given to report relating to the following matter requiring decisions and contained on pages 1397 to 1420 and 1451 to 1454 of the Book of Reports:

60 LEISURE PROCUREMENT STRATEGY REVIEW

Councillor Yvonne Gagen introduced the report of the Corporate Director of Place & Community, which sought approval of the proposed revised strategy for the procurement of new Wellbeing and Leisure Hubs and the future operational options

for Leisure facilities.

The minutes of the West Lancashire Leisure Partnership Cabinet Working Group held on 12 October 2021 had been circulated prior to the meeting.

Councillor Gagen advised that the report would be submitted to Council on 15 December and would reflect the recommendations of the Cabinet Working Group held on 12 October 2021.

In reaching the decision below, the Cabinet considered the details set out in the report before it, the reasons contained therein and the comments and recommendations of the Cabinet Working Group.

- RESOLVED:
- A. That the minutes of the West Lancashire Leisure Partnership Cabinet Working Group held on 12 October 2021 as attached as appendix 1 to the report and the preferred options recommended by the Group, be endorsed.
 - B. That given the assessments of future operational options detailed in section 6 of the report, Option 3 should be pursued as the preferred option for the future Leisure Procurement and Operating positions.
 - C. That in respect of the financial modelling detail in section 7 of the report, that in the first instance Option 1 should be pursued to reduce the reliance on prudential borrowing on the schemes and allow both buildings to be developed in parallel and consider what option is preferred should Option 1 be unsuccessful.
 - D. That in respect of the extension of the Leisure contract it is recommended that Option 2 in paragraph 8 of the report should be pursued as agreed by the Leisure Procurement Cabinet Working Group on 12 October 2021
 - E. That the Director of Place and Community, in consultation with the Portfolio Holder for Human Resources and Leisure, be granted delegated authority to develop a Leisure only approach to the development of the Wellbeing and Leisure Hubs, as detailed in section 5 of the report.
 - F. That the Director of Place and Community, in consultation with the Portfolio Holder for Human Resources and Leisure be granted delegated authority to develop a Design and Build (D&B) approach to the development of the Wellbeing and Leisure Hubs as detailed in section 6 and section 8 of the report.
 - G. That the Director of Place and Community, in consultation with

the Portfolio Holder for Human Resources and Leisure be granted delegated authority to develop a bid to the Levelling Up Fund in relation to the development of the new Skelmersdale Wellbeing and Leisure Hub as detailed in section 5 of the report.

- H. That the Director of Place and Community and the Head of Finance, Procurement and Commercial Services, in consultation with the Portfolio Holder for Human Resources and Leisure and the Portfolio Holder for Resources and Transformation, be granted delegated authority to provide the necessary resources to support a Levelling Up Fund bid as detailed at 7.16 of the report.
- I That the Director of Place and Community and the Head of Finance, Procurement and Commercial Services, in consultation with the Portfolio Holder for Human Resources and Leisure and the Portfolio Holder for Resources and Transformation, be granted delegated authority to engage the professional design team as detailed in 7.17 of the report.
- J. That the Director of Place and Community, in consultation with the Portfolio Holder for Human Resources and Leisure, be granted delegated authority to undertake a procurement exercise to procure a Leisure Contract using the approach detailed at paragraphs 8.5 to 8.15 of the report.
- K. That the Director of Place and Community, in consultation with the Portfolio Holder for Human Resources and Leisure, be granted delegated authority to negotiate a short term contractual arrangement with Serco Leisure to cover the period from 1st April 2022 until the procurement of a Leisure Contract has been concluded and to enter into contractual arrangements as required.

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Leader