

# Executive Cabinet

## Minutes of meeting held on Thursday, 20 October 2011

**Present:** Councillor Peter Goldsworthy (Executive Leader in the Chair), Councillor (Deputy Leader of the Council) and Councillors Eric Bell, Alan Cullens, Greg Morgan and John Walker

**Also in attendance:**

**Lead Members:** Councillor Harold Heaton

**Other Members:** Councillors Alistair Bradley, Terry Brown, Pat Case, Anthony Gee, Alison Hansford, Steve Holgate, Paul Leadbetter, Adrian Lowe and Marion Lowe

### 11.EC.29 APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillors Ken Ball (Deputy Executive Leader), Kevin Joyce (Executive Member Resources) and Henry Counce.

### 11.EC.30 MINUTES

**RESOLVED - The minutes of the meeting of the Executive Cabinet held on 18 August 2011 were confirmed as a correct record for signature by the Executive Leader.**

### 11.EC.31 DECLARATIONS OF ANY INTERESTS

In accordance with the provisions of the Local Government Act 2000, the Council's Constitution and the Members Code of Conduct Councillor Eric Bell declared a prejudicial interest in respect of item 8: Allotments Update and Councillor Alan Cullens declared a prejudicial interest in respect of items 11: Disposal of Parcel 10 Gillibrands and 15: Free School Proposal.

### 11.EC.32 PUBLIC QUESTIONS

The Executive Leader reported that there had been no requests from members of the public to speak on any of the meeting's agenda items.

### 11.EC.33 3 TIER FORUM

The Executive Leader presented a report outlining the Council's involvement in the new 3 Tier Forum arrangements.

The membership of the Forum would be all 7 local County Councillors and an equal number of District Councillors. The proposal from Lancashire County Council was that only one Town/Parish Council would sit on each Forum. There had been a meeting with Town/Parish Councils the previous evening where representatives had reiterated their wish not to participate.

The recommended membership would ensure there was broad political involvement and give groups representing nonparished areas the opportunity to put members forward. The membership would be confirmed at the next Council meeting.

### **Decision made**

1. **Chorley Council would participate in the local forum to work towards enhanced joint working.**
2. **The Council would be involved for an initial period of 12 months. At this point a report to be brought back to the Executive Cabinet on the effectiveness of the local forum and to decide on future involvement.**
3. **The Council would make representations for the number of Parish/Town Councillor representatives to be increased for the Chorley 3 Tier Forum.**
4. **To achieve a political balance in relation to the Borough Council membership of the Forum for the remainder of the current municipal year would be:  
Conservative representatives - 3  
Labour representatives - 2  
Liberal Democrat representatives - 1  
Independent representatives – 1**

### **Reason for decision**

To improve joint working between Chorley Council, Lancashire County Council and Parish/Town Councils.

### **Alternative option(s) considered and rejected**

Not to participate.

## **11.EC.34 CHORLEY RURAL HOUSING NEEDS STUDY**

The Executive Member for Partnerships and Planning presented the major findings and recommendations of the Chorley Rural Housing Needs Study 2011.

This would be the topic for part of the Member Learning session on 21 November and Town/Parish Councils had been invited to attend the session. It would also be presented to the Equality Forum.

The report made several recommendations:

- That the Council took the report into account when considering any new residential development in a rural parish, especially the highlighted need for all tenures of affordable housing, and to balance the aspirations of new households for home ownership with the highly apparent need for increased numbers of social housing, including social rented accommodation.
- Where housing need could only be met by new social rented properties, wherever possible local lettings policies should be applied to prioritise households with a local connection, along with similar criteria for the sale of intermediate ownership properties.
- At planning application stage the Council's Strategic Housing function should look at models of intermediate ownership which would allow new households in rural parishes to fulfil their aspiration to buy given the affordability issues raised in this report.
- The Strategic Housing function should do more to raise awareness of and promote intermediate home ownership models and availability, as the study highlighted a possible gap in knowledge of the benefits of this tenure.
- That new residential developments took into account older people's housing needs, which were for mainly 2 (and some 3) bedroom semi-detached bungalows.
- That the Council promoted the borough's housing related support services including the Home Improvement Agency, to ensure rural parishes were fully aware of Disabled Facilities Grants and support to enable people to live independently in their own homes.

**Decision made**

**The major findings and recommendations of the Chorley Rural Housing Needs Study 2011 be noted.**

**Reason for decision**

To recognise extent of housing need in rural parishes, particularly affordability of newly forming households, many of which are likely to be displaced from their communities which compromises sustainability.

**Alternative option(s) considered and rejected**

Not applicable.

**11.EC.35 PRIVATE SECTOR STOCK CONDITION SURVEY 2010**

The Executive Member for Partnerships and Planning explained that the report outlined the major findings of the Private Sector Stock Condition Survey and how the information would be used.

The Private Stock Condition Survey was a sample survey carried out in 2010. The survey concentrated on the physical condition of Chorley's 38,236 occupied privately owned and rented residential properties. Survey forms were sent to 2,315 households. A target of 1,350 surveys was set and 1,359 surveys were achieved (1175 private 184 Registered Social Landlord).

The two most significant measurements used by the survey were the number of homes classed as Non-Decent and the number of households in Fuel Poverty. The data from the survey showed Chorley's stock condition compared favourably to national averages.

The stock condition survey would help to inform private sector housing policy, such as Chorley's Home Energy Saving Scheme which provided free loft and wall insulation to economically vulnerable households and people aged over 70. Both of these groups were at higher risk of experiencing fuel poverty.

The survey had highlighted the need for continuing the discretionary Minor Repairs Assistance grant which assisted vulnerable home owners who could not otherwise afford to carry out repairs. The Minor Repairs budget for 2011/12 was £50k, with the maximum individual grant being £3,000. The survey data would help the Council prioritise areas that were in the most need of assistance and help to inform future housing and neighbourhood policy, and bids for funding.

**Decision made**

**The major findings of the Private Sector Stock Condition Survey and how the information would be used be noted.**

**Reason for decision**

It was recognised good practice to conduct stock condition surveys every 5 years. The previous survey was carried out in 2004.

**Alternative option(s) considered and rejected**

Not applicable.

## 11.EC.36 ALLOTMENTS UPDATE

(Councillor Eric Bell declared a prejudicial interest but stayed in the meeting)

The Executive Member for People presented a report which updated Members on the progress with the Manor Road and Duke Street elements of the allotments project. A report would be presented to a future meeting in relation to the Common at Adlington.

The initial work for the sites had focused on consultation; determining planning application requirements and issues concerning the transfer of land ownership at the Duke Street site.

The previously reported legal issues at Manor Road, Clayton Le Woods concerning rights of access had now been resolved and there were no outstanding matters in this respect. Work required on the drainage should be completed in by November 2011 and a full planning application would then be submitted. Subject to planning approval the allotments would then be created.

At Duke Street, Chorley there had been discussions with the school regarding the exchange of a portion of Rangletts recreation ground, for part of the school land on Duke Street, to provide for 40 new allotment plots.

Lancashire County Council (LCC) had commissioned a desktop study of the land to be exchanged which had a suspected old mineshaft under it. Following the investigation, it emerged that the Coal Authority had no record of how the pit was capped and LCC now required a further site investigation at a cost of approximately of £ 6,000. LCC had indicated that this cost would have to be met by the Council and / or school and without this work the land exchange could not proceed. If this work was undertaken it could also lead to further costs with no guarantee that the land exchange would happen. Given that this land had been used as a play area for many years, without any reported land movement, it was doubtful that any further investigation offered any significant value.

If the land exchange does not take place, allotment provision for a similar number of new plots could be progressed on part of the Council owned land on Rangletts Recreation Ground. The estimated outline costs for 40 new plots on the school land at Duke Street or Rangletts Recreation Ground would be approximately £15,000.

The Cabinet discussed the options which needed to be agreed to progress the Duke Street allotments further.

### **Decision made**

- 1. The report detailing the current position on the development and provision of both allotment sites be noted.**
- 2. The Council would not fund any further site investigation work and continue negotiations regarding the land exchange to be concluded by 30 November 2011.**
- 3. If recommendation 2 does not proceed, the Council would progress with a similar number of new plots on part of the Council owned land on Rangletts Recreation Ground.**
- 4. The project delivery timeframe be reprofiled into 2012-13.**

### **Reason for decision**

1. To allow officers to develop new allotments on sites which had been identified.
2. To increase future allotment provision and attempt to address public demand.

### **Alternative option(s) considered and rejected**

Not applicable.

### **11.EC.37 DUXBURY PARK GOLF COURSE**

The Executive Member for People presented a report updating Members on the improvement works at Duxbury Golf Course, the likely financial saving and the proposal to use this saving to improve the access road at Duxbury Park.

At the start of the 25 year lease with Glendale Golf in 2006 a number of improvement works were identified and it was agreed the capital cost of these works would be split 50:50 between Glendale Golf and Chorley Council. The amount of improvement works judged necessary at Duxbury Golf course had been reduced as they provided little added value. This resulted in a £45,000 capital saving to the Council.

The Council was responsible for maintaining the access road to Duxbury Golf Course and Park which was an unadopted road. The road was badly pot holed and, especially in the winter, numerous complaints about the state of the road were made by users of the golf course and workers based at the Coach House and Barn. The Council would be liable for claims resulting from the poor standard of the road surface each year. The Council carried out repairs and over the past four years had spent £14,500 on repairs.

#### **Decision made**

- 1. The Council's capital saving of £45,000 from revision to the improvement works at Duxbury Golf course be earmarked for improvements to the access road to Duxbury Park and Golf Course.**
- 2. Liberata be instructed to start negotiations on the Council's behalf with European Settled Estates (ESE) for a contribution to improvements to the access road.**
- 3. Amendments to the golf course improvement works be included in the revised lease agreement with Glendale Golf.**

#### **Reason for decision**

The Council was jointly responsible for the access road which required major improvements rather than patch repairs. The saving from the improvement works could part fund this work and reduce the Council's future liabilities.

#### **Alternative option(s) considered and rejected**

To return the saving to the Corporate capital programme. The access road would remain in a state of disrepair and the Council would continue to receive complaints and need to undertake regular patch repairs to meet its responsibilities.

### **11.EC.38 DESIGNATED PUBLIC PLACES ORDER REVIEW**

The Executive Member for Places presented a report showing the results of the Chorley Town Centre and Astley Park Designated Public Place Order (DPPO) review.

The review had included an evaluation of crime and Anti Social Behaviour (ASB) data for the current DPPO zone and its surrounding area. Consultation had been undertaken with key stakeholders. The results of the review demonstrated that since the introduction of the Chorley Town Centre and Astley Park DPPO, alcohol related crime and ASB within the DPPO zone had reduced and there was no statistical evidence that indicated that alcohol related crime and ASB had been displaced from the Town Centre and Astley Park area to other areas.

There was evidence to support that Chorley Town Centre and Astley Park DPPO was being effectively enforced by Lancashire Constabulary and 100% of respondents to the consultation were supportive of the DPPO remaining in place.

### **Decision made**

- 1. The continuation of the Chorley Town Centre and Astley Park Designated Public Place Order (DPPO) be supported in its current form.**
- 2. To recommend the continuation of the Chorley Town Centre and Astley Park Designated Public Place Order (DPPO) in its current form to Council.**

### **Reason for decision**

1. Since the introduction of the Chorley Town Centre and Astley Park DPPO alcohol related crime and ASB within the order's current boundary had reduced and there was no statistical evidence which indicated that alcohol related crime and ASB had been displaced from the Town Centre and Astley Park area to other surrounding areas.
2. There was evidence to support that Chorley Town Centre and Astley Park DPPO was being effectively enforced by Lancashire Constabulary.
3. Respondents to the consultation were supportive of the DPPO remaining in place.

### **Alternative option(s) considered and rejected**

1. That the existing Chorley Town Centre and Astley Park DPPO be extended to include areas outside the current DPPO zone.
2. That the current Chorley Town Centre and Astley Park DPPO be revoked.

## **11.EC.39 DISPOSAL OF PARCEL 10 GILLIBRANDS**

(Councillor Alan Cullens declared a prejudicial interest but stayed in the meeting)

The Head of Governance presented a report which sought approval for Parcel 10 to be transferred at nil value to Adactus Housing Group, subject to the assessment of further information on the financial viability. The report also sought approval to retain a small area of land in Chorley Council's ownership which was part of the access to Grundy's Farm.

In response to queries from Members it was clarified that the land had been offered to various Registered Social Landlords (RSL) but Adactus were the RSL who had pursued the option.

### **Decision made**

- 1. The transfer the land at nil value to Adactus be agreed, subject to the schemes financial viability and taking into account the value of the nominations to Chorley Council and the requirement by the HCA on funding applications was approved.**
- 2. Delegated authority be granted to the Head of Governance to approve the transaction at a land's value upon consideration of further information on financial viability being provided by Adactus Housing Group.**
- 3. Approval be agreed to the retention of a strip of land that might be required for access from Grundy's Farm.**

### **Reason for decision**

1. The sale of Parcel 10 would facilitate the development of approximately 25 new affordable homes for rent in perpetuity. It would provide 100% nominations on first and subsequent lets to Chorley Council;
2. There could potentially be a receipt from the sale of the land to Chorley Council depending upon the financial viability of the proposed scheme by Adactus;
3. The provision of affordable housing on Parcel 10 would help meet the Council's housing need in the Borough and help provide a sustainable community similarly to the way Parcels 8 and 9 at Gillibrands had been successfully developed;

4. Retaining a piece of land, which would be required as future access to Grundy's Farm, would ensure that the Council were able to recoup a proportion of any future ransom strip receipt.

**Alternative option(s) considered and rejected**

1. A decision not to enter into negotiations with Adactus would delay the development of Parcel 10 which was the last remaining affordable housing parcel at Gillibrands which was undeveloped;
2. The community would not benefit from the development proposals that would create new housing for those requiring housing at affordable rents;
3. Selling the site for commercial housing would not be viable owing to the S106 restrictions and in accordance with the planning obligations for the site.

**11.EC.40 2009/12 JOINT PROCUREMENT STRATEGY PERFORMANCE MONITORING REPORT**

The Statutory Finance Officer presented a report which set out performance against the 2009/2012 Joint Procurement Strategy with South Ribble approved at the Executive Cabinet in September 2009.

The service had embedded well across the two authorities and key officers were now contacting the team for procurement support and advice as a matter of course.

Arrangements put in place during year 1, coupled with new procurement activity in year 2 had increased the level of savings achieved this year well in advance of the Year 2 target.

In response to a query it was noted that the Chest was a North West e-tendering system, which was free of charge to suppliers, and provided suppliers with quick, easy and transparent on-line access to both Chorley and other North West public sector procurement opportunities. There was a link to the Chest on the Council's website.

**Decision made**

1. **The progress achieved to date be noted.**
2. **The refreshed and extended Joint Procurement Strategy be approved.**
3. **The refreshed Sustainable Procurement Policy be approved.**

**Reason for decision**

To continue the efficiency gains made by procuring jointly with South Ribble.

**Alternative option(s) considered and rejected**

None.

**11.EC.41 TREASURY STRATEGIES AND PRUDENTIAL INDICATORS 2011/12 TO 2013/14**

The Statutory Finance Officer presented a report which reviewed the Treasury and Investment Strategies approved by the Council on March 1 2011, and reported on performance in the first half of the year and compliance with prudential indicators. The report would be presented to Council on 15 November.

The document reported performance in the first half of the year and compliance with prudential indicators. The Code of Practice for Treasury Management specified that the Council should review the treasury strategy and activity half yearly.

The Council had a statutory duty to determine and keep under review the "Affordable Borrowing Limits" within the approved Treasury Management Statement. In line with this, and the turbulence in the financial markets, the Council's Treasury Advisor,

Sector, had recommended restricting deposit periods to three months for all institutions excepting the part nationalised banks.

The Council had put all possible steps in place to minimise the risks which included the recommendation within this report. Since the report had been written the Council's deposits had been placed within government accounts.

In response to a query on the Landsbanki situation officers advised that the Icelandic courts had previously upheld the Council's status as a priority creditor, but an appeal against that judgement would be heard by the Icelandic Supreme Court mid September, with a decision to be announced within the following month.

#### **Decision made**

- 1. The report be noted.**
- 2. The maximum period for deposits with institutions other than the nationalised banks was currently restricted to 3 months be noted.**

#### **Reason for decision**

The Code of Practice for Treasury Management specifies that Councils should review their treasury strategy and activity half yearly. This report met that requirement.

#### **Alternative option(s) considered and rejected**

None.

### **11.EC.42 EXCLUSION OF THE PUBLIC AND PRESS**

**RESOLVED That the press and public be excluded from the meeting for the following items of business on the ground that it involved the likely disclosure of exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972.**

### **11.EC.43 FREE SCHOOL PROPOSAL**

(Councillor Alan Cullens declared a prejudicial interest and left the meeting)

The Statutory Finance Officer presented a report updating Members on the Free School proposal.

#### **Decision made**

- The Council be authorised to enter into a lease with the Governors of the Chorley Career and Sixth Form Academy, or the appropriate legal body, for the use of either of two sites as a Free School.
- Delegated authority be granted to the Chief Executive, in consultation with the Executive Member for Resources, to settle terms.
- The Executive Member for Resources to report back to the Executive Cabinet as to any terms agreed.

#### **Reason for decision**

- It was part of the Council's Transformation Strategy to improve the usage and financial return on Council assets. The recommendation would provide a significant income for the Council.
- Pursuant to the recommendation of Overview and Scrutiny Committee to the Council, the Council were seeking to rationalise its building and site usage, particularly in the Town Centre to improve efficiency and reduce expenditure. This recommendation promoted this objective by reducing the number of office sites.
- The proposal to lease out the Bengal Street Depot Site at a commercial rent provides an annual revenue stream whilst retaining it as a Council asset and was in line with the Council's aims and objectives.



4. The site at 24-26 Gillibrand Street was currently occupied by Chorley Community Housing under a lease entered into at the time of the Stock Transfer. The lease ends in March 2012 and CCH had served notice upon the council confirming they intend to vacate the premises on that date.
5. The leasing of the premises on commercial terms without the need for marketing and commencing on a date immediately or shortly after the vacation of the premises by Chorley Community Housing has the combined benefit of avoiding a potentially costly marketing exercise and providing a continuous income.

**Alternative option(s) considered and rejected**

1. To sell the Bengal Street Depot Site, would provide a capital income which would not assist on year on year budget.
2. To leave the status quo, the Bengal Street Depot Site be retained for both office space and storage for vehicles machinery and plant. This perpetuates the expenditure the Council would incur by maintaining an additional office building and would not bring in any income to assist in the budgeting going forward.
3. The Bengal Street Depot Site be marketed for rent. This would mean the Council incurring the associated costs of the marketing exercise, there would be delay and would not realise any additional income (market rental value being realised pursuant to the recommendation).

Executive Leader