

OVERVIEW AND SCRUTINY COMMITTEE

THURSDAY, 26TH JANUARY 2017, 6.30 PM

COMMITTEE ROOM 1, TOWN HALL, CHORLEY

I am now able to enclose, for consideration at the above meeting of the Overview and Scrutiny Committee, the following reports that were unavailable when the agenda was published.

Agenda No Item

C	MINUTES OF THE EXECUTIVE CABINET, 19 JANUARY 2017 (ENCLOSED)	(Pages 3 - 12)
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GARY HALL
CHIEF EXECUTIVE

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**MINUTES OF****EXECUTIVE CABINET****MEETING DATE****Thursday, 19 January 2017****MEMBERS PRESENT:**

Councillor Alistair Bradley (Chair), Councillor Peter Wilson (Vice-Chair) and Councillors Beverley Murray, Paul Walmsley, Adrian Lowe and Graham Dunn

MEMBER RESPONSIBLE:

Councillors Matthew Lynch, Alistair Morwood and Anthony Gee

COUNCIL CHAMPIONS:

Councillors Gordon France, Alan Whittaker, Margaret France and Marion Lowe

OFFICERS:

Gary Hall (Chief Executive), Jamie Carson (Director (Early Intervention and Support)), Chris Sinnott (Director (Policy and Governance)), Asim Khan (Director (Customer and Digital)), Lester (Director of Business Development and Growth), Chris Moister (Head of Legal, Democratic & HR Services), James Thomson (Principal Management Accountant), Jo Oliver (Waste and Streetscene Manager), Andrew Daniels (Communications and Events Manager), Martin Sample (Private Sector Housing Officer) and Dianne Scambler (Democratic and Member Services Officer)

APOLOGIES:

Councillor Jean Cronshaw

OTHER MEMBERS:

Councillors Aaron Beaver, Tom Gray, June Molyneaux, Richard Toon, Eric Bell, Paul Leadbetter and Greg Morgan

17.EC.43 Minutes of meeting Thursday, 8 December 2016 of Executive Cabinet

Decision: The meeting of the Executive Cabinet meeting held on 8 December 2016 were confirmed as a correct record for signing by the Executive Leader.

17.EC.44 Declarations of Any Interests

There were no declarations of any interests.

17.EC.45 Public Questions

There were no public questions.

17.EC.46 Exclusion of the Public and Press

Approval that the press and public be excluded for the following items of business on the grounds that they involve the likely disclose of exempt information as defined in Paragraphs 1 and 3 of Part 1 of Schedule 12A to the Local Government act 1972.

17.EC.47 Market Walk Extension - Pre Construction Services Agreement

The Executive Leader presented the report of the Chief Executive that updated members on the proposals concerning the letting of the construction contract and sought approval of the entering of a pre-agreement with Eric Wright.

In September Full Council members had agreed to proceed with the new Market Walk project subject to planning approval of a Section.73 application and having pre-let contract agreements in place for 75% or more of the new units. The Council have agreed Heads of Terms for 74.3% of the units (an additional 3% of the units are associated landlord areas) making a total of in excess of 77%. Only one of the units has actually exchanged a pre-let contract.

In order to progress the project to enable the Council to meet target completion dates for prospective tenants, it was proposed to enter into a pre-construction services agreement (PCSA) with Eric Wright. This would enable the Council to simultaneously progress the detailed design together with the phased enabling works but would not commit the Council to a final construction contract.

There are two advantages to this approach. Liability under this contract would be significantly limited as it would relate only to the reduced scope of works and the delay in signing the full construction agreement would enable the Council to better specify the works both in terms of the shell but also tenant requirements. This would enable the head contractor to obtain detailed quotes for work, providing certainty on contract price and better managing the risk for the Council.

Decision:

- 1. That the recommendation for the Council to enter into a pre-construction services agreement with Eric Wright to enable greater certainty to be obtained on the final construction contract, whilst maintaining the momentum of the programme and phased enabling works be noted.**
- 2. That the recommendation for the Council to use a JCT (D&B) 2016 form of contract for the construction contract be noted.**
- 3. That Council be recommended to approve the authority entering into a pre-construction services agreement contract with Eric wright under the Lancashire Regeneration Property Partnership.**

Reasons for Recommendation(s)

The use of a PCSA will enable the Council to progress the project whilst limiting any liability to a reduced scope of works.

Alternative options considered and rejected:

Entering into a final construction contract was considered, however, this would not serve the Council's priorities in managing risk and cost.

17.EC.48 Proposed Changes to the Waste Collection Service

The Executive Member (Customer and Advice Services) presented the report of the Director of Customer and Digital that sought approval for fundamental changes to the waste collection service provided to households in the borough in order to generate future savings and to simplify paper and card recycling. An amendment to the proposals was also highlighted to Members.

The report also sought approval for commencing the work required in procuring the new waste collection contract effective April 2019.

From April 2018 the Council would no longer receive waste cost share funding from Lancashire County Council so fundamental changes to the waste collection service need to be made to mitigate the impact of this reduction.

The Council is in year eight of a ten year contract with Veolia for household waste and recycling collections, which will end in March 2019 so it is considered prudent to make these changes now in preparation to align with the awarding of a new contract commencing April 2019.

The proposals sought to introduce a number of changes to the collection service that included:

- A charge for all new and replacement wheeled bins to be introduced in April 2017.
- A subscription based garden waste collection service to be introduced with a proposed effective date of May 2017, and
- Co-mingled paper and card collections to be introduced in July 2017. The brown bins currently in circulation will be used for this purpose. Collection and frequency would change to four weekly for this collection stream.

Decision:

1. **That Council be recommended to adopt the following proposals:**
 - a. **The introduction of a charge for all new and replacement wheeled bins to be introduced in April 2017 (excluding new garden waste bins)**
 - b. **A subscription based garden waste collection service to be introduced with a proposed effective date of May 2017.**
 - c. **That co-mingled paper and card collections are introduced in July 2017 and that the brown bins currently in circulation are used for this purpose. Collection frequency will change to four weekly for this waste stream.**
2. **Approval of the following recommendations in relation to the procurement of the new waste disposal contract commencing in April 2019:**
 - a. **Preparation for the new waste contract commences with an options appraisal report to be provided to Members in 2017.**
 - b. **The appointment of external consultants to provide procurement support to enable the Council to secure the best value waste contract.**
 - c. **The creation of a new graduate trainee post to support the implementation of significant changes to waste services over the next two years.**
3. **Approval that the proposed cost will apply to requests made across all access channels.**

Reasons for recommendation(s)

The Council needs to make changes to how waste and recycling are collected and charged for in order to mitigate the loss of the waste cost share funding circa £900k from Lancashire.

Alternative options considered and rejected

The Council is limited by legislation on what waste types it can charge for. It is required to provide a waste and recycling collection service to households. It can stop providing a garden waste collection service.

17.EC.49 Approval for the Contract Award Procedure and Evaluation Criteria for the procurement and Distribution of Waste Receptacles

The Executive Member (Resources) presented the report of the Director of Customer and Digital that sought approval for the contract award procedure and evaluation criteria for the procurement and distribution of waste receptacles that are required if the proposed changes to waste collections are approved by Council.

Decision:

1. **Approval of the contract award procedure of using the ESPO Framework to advertise the tender on the CHEST to all suppliers included on the framework for the supply and distribution of wheeled bins. Tenders will be evaluated to establish the most economically advantageous tender based on 85% cost, 15% quality.**

- 2. Delegated authority granted to the Executive Member (Resources) for the awarding of the contract.**

Reason(s) for recommendations

Under the Council's Contract Procedure Rules approval by the Executive Cabinet for contract award tenders greater than £75,000 is required.

Alternative options considered and rejected

To not agree the contract procedure and award would fail to comply with the Council's Procurement rules.

17.EC.50 Approval for the Contract Award Procedure and Evaluation Criteria for Trade Waste Collections from Council Buildings

The Executive Member (Resources) presented the report of the Director of Customer and Digital that sought approval for the contract award procedure and evaluation criteria for the two year contract to collect waste from Council owned buildings including the Market Walk shopping centre. The report also sought approval for the Council to cost delivering the service in house and compare cost against the tenders received.

The Council as a business has a duty of care to ensure that any waste it produces is collected and disposed of correctly, This includes waste from its offices, community centres, Chorley Markets and the Market Walk shopping centre. The current contract ends on 31 March 2017, so new arrangements need to be put in place

Decision:

- 1. Approval of the contract award procedure of an open invitation to tender advertised on the Council's procurement website, Chest. Tenders to be evaluated to establish the most economically advantageous tender based on 85% cost, 15% quality.**
- 2. Approval for officer to explore the option of delivery this service in house.**

Reasons for recommendation(s)

Under the Council's Contract Procedure Rules approval by the Executive Cabinet for contract award for tenders greater than £75,000 is required.

Alternative options considered and rejected

To not agree a contract procedure and award would fail to comply with the Council's Procurement rules.

17.EC.51 Communications and Events team staffing review

The Executive Member (resources) presented the report of the Director of Policy and Governance that sought approval for a new structure in the Communications and Events team.

The role of the team had changed significantly since the staffing of the team was last reviewed four years ago and following one member of the team taking early retirement, the opportunity was taken to change the structure of the team to ensure that is best positioned to deliver the Council's priorities.

Decision:

- 1. Approval of the proposed structure for consultation.**
- 2. Delegated authority granted to the Executive Member (Resources) to approve the final structure subject to there being no major changes following the consultation period.**

Reasons for recommendation(s)

It is necessary to look at changing the structure of the team to make sure that it is best positioned to deliver the priorities of the Council.

Alternative options considered and rejected

To continue with the current structure was rejected because the capacity in the team does not reflect the priorities of the service,

17.EC.52 Review of commissioning and the process for 2017/18

The Executive Member (Early Intervention) presented the report of the Director of Policy and Governance that provided the Cabinet with the findings of a review of the current commissioning process which was implemented in 2014/15. It also provided recommendations to improve the process for allocation to be implemented from the 2017/18 financial year.

The report provided members with a summary review of the current commissioning process, how funding is allocated and what had been achieved. It was proposed to continue with the commissioning process with a number of improvements. A review has been undertaken to ensure that the commissioning model continues to achieve best use of resources and maximum impact for our communities, when the current contract ended in March 2017.

Decision:

- 1. Approval to continue the process of allocating third sector support through a commissioned service model.**
- 2. Approval to commission the services based on the distribution of funding outlined in the report.**
- 3. Delegated authority granted to the Executive Member (Early Intervention) to approve the preferred provider for each service following a commissioning process.**

Reason for recommendation(s)

The recommendations are proposed to reflect the council's commitment to supporting third sector groups and development. The approach will maximise the impact of the commissioning budget to ensure that funding continues to be allocated to where needs are greatest and ensure that local service provision complements council priorities.

Alternative options considered and rejected

Not to provide support for the third sector given the current financial climate, however this option has been rejected on the basis that it would reduce the council's ability to direct funding to the areas where needs are greatest and to ensure a sustainable third sector to complement council provision.

17.EC.53 Community Infrastructure Governance Arrangements and Allocation of Funding To Infrastructure

The Executive Member (Resources) presented the report of the Director of Business Development and Growth that provided an update on governance and allocation of CIL infrastructure monies and sought approval for the proposals.

The Community Infrastructure Levy (CIL) was introduced to simplify the process of calculating and collecting planning obligations and must be spent on infrastructure needed to support the development within the borough.

The Council adopted a CIL Charging Schedule in 2013 which required the application of CIL to new planning applications submitted following its adoption. It is used to plug the gap on infrastructure projects which arise as a result of the scale of development required in the Council's Local Plan.

These infrastructure projects are included on the CIL Regulation 123 List which is required by the regulations and can only be amended following appropriate consultation. The CIL Regulation 123 list is a living document that requires updating periodically to ensure any new infrastructure is added, and that any projects which are no longer required or have been delivered are omitted. A review of the CIL 123 list in addition to a full review of CIL is planned for 2017. A review will enable partners, particularly LCC to propose new infrastructure projects for inclusion on the list, and

potential allocation of monies. This is important as LCC have suggested that there is a need for educational contributions to respond to the growing demand on school places in Chorley.

The Leader explained that the current list had been drawn up through the Local Development Framework process some years ago. Now that the council were more knowledgeable about its infrastructure needs and how the CIL process works they would be better equipped to make better suggestions next time around.

Parish Councils received a percentage total of CIL which could be spent on infrastructure needs in their areas within a five year period. The Council could look to providing match CIL funding deliver larger projects within the parishes.

There is a need to develop a framework as to how projects on the current CIL 123 list will be assessed and how the CIL receipts will be allocated, given that there is £1,549,338.68 of accumulated CIL receipts, it is appropriate to formalise a framework to decide how that money will be spent.

Decision:

1. **Approval of the methodology for assessing and allocating CIL Infrastructure receipts.**
2. **Approval of the allocation of £1,300,000 CIL capital infrastructure monies to the Chorley Town Centre enhancements/Flat Iron enhancements Market Walk project for spend in 2017/18**
3. **The proposal for the governance of the 15% CIL receipts allocated to unparished areas of Chorley (Town Centre) was noted.**
4. **The undertaking of a review of the CIL 123 List in early 2017 in order to remove obsolete projects and provide LCC with a full opportunity to propose new infrastructure projects, particularly education schemes for the allocation of CIL was noted.**

Reason for the recommendation(s)

To allocate the CIL Infrastructure fund in the way that it is intended and ensure the methodology of how it is allocated is transparent.

Alternative options considered and rejected.

None

17.EC.54 Draft budget and summary position over the medium term 2016/17

The Executive Member (Resources) presented the report of the Chief Finance Officer that set out the budget position for 2017/18 including the forecast for the following two years to 2019/20. The report also presented the relevant proposals in respect of the use of the forecast resources identified in 2017/18 and the budget consultation.

The budget forecasts over the next 3 years had been updated to take account of the following:

- Council Tax to be increased by 2% in 2017/18, 2018/19 and 2019/20
- The Draft Local Government Finance Settlement 2017/18 to 2020/21 published on 15 December 2016
- Progress against current Medium Term Financial strategy (MTFS) budget efficiency objectives including staffing reviews, contract savings and base budget reviews
- Policy decisions taken to reduce the budget deficit and the movement to specific reserves to help the Council manage change and invest in future income generation
- Strategies to reduce the budget deficit in the medium term

The Council has experienced significant reductions in funding over the past few years through funding received through the finance settlement and more recently through the New Homes Bonus grant and LCC support from 2018/19 onwards. However, despite this unprecedented decline in funding the Council has maintained effective budgetary planning so as to continue delivering investment in Council priorities and maintain low council tax levels.

Consultation on the proposed budget for 2017/18 would commence following approval of the proposals by the Executive Cabinet at this meeting. The consultation will focus on obtaining feedback on key proposals within the budget and will invite responses from residents, partners, parish groups and other stakeholders through a variety of methods including a short (available both in hard copy and online) Results will be analysed and published in February for consideration as part of the budget finalisation.

Decision:

The Executive Cabinet approved the contents of the report in order to start the budget consultation process and noted the following proposed budget items, in particular:

- **Council tax to be increased by 2% in 2017/18, 2018/19 & 2019/20**
- **The resourcing of corporate priorities for 2017/18**
- **The changes to the waste and recycling service including a charge for garden waste**
- **The forecast balanced budget for 2017/18**
- **The movement to earmarked reserves including:**
 - £120k set aside to fund one-off projects to further deliver the Council's corporate strategy priorities**
 - £200k to increase the change management reserve to allow the Council to manage the changes outlined in the Transformation Strategy.**
 - £100k set aside for the maintenance of Council assets**
 - £317k to fund future investment that will realise the income generating potential of employment sites acquired by the Council.**
 - The forecast budget position in 2018/19 and 2019/20.**

Reasons for recommendation(s)

To progress the Council's 2017/18 budget setting process to achieve an approved and balanced report.

Alternative options considered and rejected

Setting the budget is statutory responsibility

17.EC.55 Permission to consult on the revised Private Sector Housing Assistance Policy

The Executive Member (Early Intervention) presented the report of the Director of Early Intervention and Support that sought permission to consult on the revised draft Private Sector Housing Assistance policy, with a view to adopting the revised policy from 1 April 2017.

The policy was attached to the report and outlined the Council's policy in relation to the provision of information, advice and action to assist home owners and tenants requiring adaptations (both major and minor), energy efficiency advice and assistance and other support relating to their home.

The report also set out the scope of service provided under the policy and highlighted the main changes in terms of funding and service development since the previous policy review in 2014.

The Cabinet were requested to support a Council pilot for the flexible use of its Disabled Facilities Grant (DFG) budget during 2017/18, to facilitate the delivery of adaptations in a way that will address Better Care Fund (BCF) priorities more effectively. The Cabinet were also asked to support the authorisation of a grant award of up to £10,000 in excess of the DFG mandatory maximum of £30,000, to carry out DFG-eligible work as recommended by an Occupational Therapist.

Decision:

- 1. Approval of the draft revised Private Sector Housing Assistance Policy for stakeholder consultation over the period 1 February to 6 March 2017, including consultation with the Equality Forum at their meeting on 13 February 2017.**
- 2. Delegated authority approved for the Executive Member (Early Intervention) to approve any minor changes to the draft policy following the consultation.**
- 3. Agreed that any significant changes would be brought back to Executive Cabinet on 16 March 2017.**

Reasons for recommendation(s)

Due to the significant changes within the policy landscape it is now necessary to update the Council's Private Sector Housing assistance policy. It is also necessary to consult stakeholders on the proposed changes before the Council can adopt the revised policy.

The revised draft policy reflects the current scope of services available and makes recommendations to enable the Council to address Better Car Fund priorities more effectively.

Alternative options considered and rejected

Due to the scale of the changes in national and local policy which impact on the operation of the Council's Private Sector Housing assistance policy, it is not appropriate to defer the revision of the Council's policy.

17.EC.56 Draft Central Lancashire Employment Skills Supplementary Planning Document (December 2016)

The Executive Member (Public Protection) presented the report of the Director of Business Development and Growth that sought approval of the draft Central Lancashire Employment Skills Supplementary Planning Document (SPD) for public consultation.

The SPD introduced Employment Skills Plans and provided clarity as to how this requirement relates to the relevant policies set out in the Central Lancashire Core Strategy and Local Plan as well as the guidance set out in the National Planning Policy Framework. An Employment and Skills Statement would need to be submitted for planning applications that exceed the thresholds of commercial floorspace (1000sqm) and housing developments (30 units).

The criteria set out in the statement could be individually tailored to ensure the right skills and employment opportunities are provided at the right time to benefit both the developer and local population. The implementation of the Plan would be via a planning condition or subject to an obligation under Section 106 of the Town and Country Planning Act 1990, the signing of which would coincide with the granting of planning permission. The draft SPD would be subject to 6 weeks consultation until Monday 13 March 2017.

Decision:

Approval of the draft Central Lancashire Employment Skills supplementary Planning Document (SPD), for a six week public consultation period from Monday 30 January to Monday 13 March 2017.

Reason for recommendation(s)

To accord with planning legislation on preparation of an SPD

Alternative options considered and rejected

None

17.EC.57 Streetscene Strategy 2017

The Executive Member (Streetscene) presented the report of the Director of Customer and Digital that presented the new Streetscene Modernisation Strategy for 2017-20.

The Strategy which was appended to the report identified six key areas for review and highlighted those areas which were recommended for change and key actions. The Strategy also contained a high level action plan and detailed information in respect of council related assets.

The key areas for focus in 2017/18 were a review of policies, grass cutting, digital systems, performance reporting and data quality, standards and quality checking, workforce related issues, resourcing and productivity and asset maintenance. All procurement rules and financial regulations would be followed and any financial implications expected during the life of the strategy would be

presented to the Executive Member for approval at the relevant time. It was anticipated that the substantial programme of works would take a minimum of three years to complete.

Decision:

Approval of the new Streetscene Modernisation Strategy for 2017-20

Reasons for recommendation(s)

To ensure that the streetscene service is fit for purpose, utilising resources appropriately and managing and meeting customer expectations.

Alternative options considered and rejected

To extend the timeline of the existing strategy and continue its delivery Following organisational changes in 2016 the service has changed management structure and further review and development is essential for the successful modernisation and development of the service.

Chair

Date

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