

Executive Cabinet

Minutes of meeting held on Thursday, 20 June 2013

Present: Councillor Alistair Bradley (Executive Leader in the Chair), Councillor Peter Wilson (Deputy Leader of the Council) and Councillors Beverley Murray, Terry Brown, Dennis Edgerley and Adrian Lowe

Also in attendance

Lead Members: Councillor June Molyneaux and Danny Gee

Other Members: Councillors John Dalton, Alison Hansford, Harold Heaton, Steve Holgate, Paul Leadbetter and Greg Morgan

Officers: Gary Hall (Chief Executive), Lesley-Ann Fenton (Director of Partnerships, Planning and Policy), Jamie Carson (Director of People and Places), Cath Burns (Head of Economic Development), Asim Khan (Head of Customer, ICT and Transactional Services), Jennifer Moore (Head of Planning), Chris Sinnott (Head of Policy and Communications), Jamie Dixon (Head of Streetscene and Leisure Contracts), Alex Jackson (Senior Lawyer) and Ruth Rimmington (Democratic and Member Services Officer)

Members of the public: One.

13.EC.47 APOLOGIES FOR ABSENCE

No apologies for absence were submitted.

13.EC.48 MINUTES

RESOLVED - The minutes of the meeting of the Executive Cabinet held on 21 March 2013 be confirmed as a correct record and signed by the Executive Leader.

13.EC.49 DECLARATIONS OF ANY INTERESTS

No Members declared an interest in respect of items on the agenda.

13.EC.50 PUBLIC QUESTIONS

The Executive Leader reported that there had been a request from one member of the public to speak the agenda item relating to item 7: Chorley Council Performance Monitoring Quarter Four 2012/13.

The question was read out by Alan Whittaker: How satisfied are you with the performance of Chorley Council, the Planning Department and DC Committee in particular.

Mr Whittaker explained that he spoke on behalf of Heskin Parish Council and as a resident of the Borough. There were three aspects to the question.

Firstly in relation to Orcheton House which was a long standing issue relating to planning enforcement.

He was secondly unhappy that the Council had not notified Heskin Parish Council of a potential planning application on the former Camelot site. The Parish Council had become aware of the issue via an article in the local press which had been instigated by the developer.

The third aspect of the question related to a planning application for a slurry lagoon. He felt that the Council had placed no importance on the feelings of the Parish Council and the lack of amenity for the local residents.

Councillor Dennis Edgerley, Executive Member for LDF and Planning responded that he was satisfied with the performance, although he felt part of his role was to identify shortcomings and resolve them. Part of the agenda for the meeting included a report which included the performance of the Planning Department which had enable Mr Whittaker to ask his question. The issues which had been experienced by the department were now being resolved as set out in the report.

Councillor Edgerley explained that the Council were proactive in consultation processes. Steps were being taken to improve qualitative measures, including through several corporate projects.

Councillor Edgerley noted that the Council received around 350 enforcement complaints annually. The majority of these could be dealt with quickly; however, a few of these were long standing and could be extremely complex. The case of Orcheton House was one of the latter.

It was not possible for enforcement reports, which were presented to Development Control Committee, to be made publicly available as this would inform the subject of the enforcement of the Council's enforcement plans.

On the second point, in relation to the former Camelot site, Councillor Edgerley explained that the Council had been in discussions with the developer and had told them to consult with the Parish Council. At the current time a planning application had not been submitted for the Council to consult on.

The site had not been allocated as part of the Local Plan process, which had been widely consulted upon at various stages, including with all Parish Councils. The site was considered a previously developed site within the greenbelt. The developer had also attending the Local Plan hearing to make representations on the site. At the current time the inspector had given an interim view on the Local Plan.

These facts meant that Councillor Edgerley could not accept that the Council had failed to consult, as there was no application to consult upon.

On the third point, in relation to the slurry lagoon application, Councillor Edgerley advised that slurry was already dealt with on the site. It was incorrect to say that the views of local people had not been taken into account. Councillor Edgerley had himself requested that the application be deferred from the last Committee to enable Members to attend a site visit and to have a technical briefing on the matter. Members had taken time to take all of the information on board. Councillor Edgerley noted that a condition would be proposed that restricted the slurry to that generated on the farm.

Mr Whittaker thanked Councillor Edgerley for his response. He commented it would have been appreciated if the Council had kept the Parish Council informed of the progress. He reiterated his view that the Council ought to have told the Parish Council about the potential planning application on the former Camelot site and that communication ought to be two way.

Councillor Alistair Bradley, Executive Leader, advised that the Council had a new strategy, to be discussed later on the agenda in relation to communications. In addition to this, the Council held regular meetings with the Parish Councils and held Neighbourhood Meetings which had Parish Council representation. He accepted that improvements could always be made.

13.EC.51 APPROVAL FOR THE PROCUREMENT APPROACH INCLUDING THE AWARD PROCEDURE, EVALUATION METHODOLOGY AND CRITERIA TO PURCHASE ONE LARGE (15T) AND TWO COMPACT MECHANICAL SWEEPERS BY WORKING IN PARTNERSHIP WITH SOUTH RIBBLE BOROUGH COUNCIL

With the agreement of the Chair this item was brought forward on the agenda.

The Executive Member for Places explained that although the decision fell within the Resources, Policy and Performance portfolio it related to a purchase for within his own portfolio of Places.

The report sought approval for a proposed joint procurement approach with South Ribble Borough Council. This included the award procedure, evaluation methodology and criteria to purchase one large (15 tonne) and two compact mechanical sweepers for Chorley Council.

South Ribble Borough Council also needed to procure the same number and type of vehicles and by working together the Council's were likely to achieve savings compared to procuring the vehicles separately.

Members noted the percentage within the evaluation criteria allocated to environmental / sustainability. It was noted that 10% was quite high when compared with other Local Authorities and that the percentage set out for servicing / maintenance and fuel (only 5% each) reflected the efficiency of the vehicles.

A query was raised in relation to the maintenance of the vehicles. The supplier would be expected to train the drivers and fitters as part of the delivery of the vehicles. The basic maintenance would be undertaken in-house, with specialist repairs brought in, if required. This arrangement would be monitored over the life of the vehicles. The vehicles had been depreciated over 5 years.

Decision made

- 1. Approval granted to working in partnership with South Ribble Borough Council (SRBC) for the purchase of two large and four compact mechanical sweepers.**
- 2. Approval granted to the procurement approach of a joint procurement with SRBC via a further competition conducted on behalf of Chorley Council by ESPO (Eastern Shires Purchasing Organisation) through an EU compliant public sector framework agreement.**
- 3. Approval granted to ESPO as the lead body (in accordance with 36.4 of Chorley Council's procurement procedures) who would issue, receive and open tenders on behalf of CBC/SRBC. Additionally for ESPO to carry out key areas of the evaluation in accordance with the published evaluation criteria.**
- 4. Approval granted to the evaluation criteria of Cost 60% (including 40% purchase price, 5% residual value, 5% basket of parts, 5% servicing & maintenance, 5% fuel costs) and quality 40% (including 20% warranty and technical support, 10% delivery and 10% environmental / sustainability) with training an unscored specified requirement.**

Reason(s) for decision

Under the Council's contract procedure rules approval by the Executive Cabinet of contract award procedure and evaluation criteria for tenders greater than £75,000 in value is required.

Alternative option(s) considered and rejected

To not agree contract award procedure and evaluation criteria and fail to comply with the Council procurement rules.

13.EC.52 RESPONSE TO OVERVIEW AND SCRUTINY COMMITTEE RECOMMENDATIONS ON PRIVATE RENTED SECTOR HOUSING STANDARDS

With the agreement of the Chair this item was brought forward on the agenda.

The Executive Member for Places presented the report and explained that in April 2012 an Overview and Scrutiny Task Group had produced a report relating to 'Private Sector Housing Inspection'.

Within the report recommendations had been made to the Executive Cabinet that additional resource be directed to establishing a programmed private sector housing standards inspection service. This would supplement the existing reactive housing standards work undertaken within the People and Places Directorate.

Since the Task Group findings and recommendations received and accepted for consideration in June 2012 work had commenced within the Environment and Neighbourhoods Team to establish a programmed inspection regime for the private rented housing sector in Chorley. This utilised the existing resources of officers trained to inspect housing to the required standard.

A new database system had been introduced and, since October 2012, officers had undertaken over 50 programmed inspections. Work had commenced to build up a database of private rented sector accommodation using local intelligence, housing benefits information and council tax details.

As part of the Service Improvement Plan for 2013/14 and in line with the Corporate Strategy there was a specific project in place within the Health Environment and Neighbourhoods Team to 'Develop and deliver a scheme to increase housing standards'. This project would be delivered during 2013/14 and would redirect existing resources to fully establish a programmed inspection regime for the private rented housing sector. It would also develop a private rented housing standards policy subject to Council approval against which housing standards compliance could be measured.

A query was raised in relation to a Landlord Accreditation Scheme not being introduced. Councillor Bev Murray, who had been the Chair of the Task Group, explained that this was considered during the inquiry, but that Members felt there would be a low take up of this kind of scheme. This could be revisited in the future.

The Executive Leader commented that the work being undertaken would help to locate where the private rented houses were. The recommendation relating to the development of a private rented housing standards policy would improve standards, as would the inspection regime. Members could report issues, as could tenants.

Decision made

- 1. Approval granted to accept the basic recommendation of providing a proactive inspection programme for private rented sector housing standards.**
- 2. Approval granted that the resourcing of the inspection programme was made through the utilisation of existing resources by shifting workloads and using capacity created from the reduction in workload arising from the transfer of private sewers to United Utilities as public sewers.**
- 3. Confirmation that a Landlord Accreditation Scheme was not introduced in Chorley at this time.**
- 4. Approval granted that a private rented sector housing standards policy be developed.**

Reason(s) for decision

To respond to the Overview and Scrutiny Committees recommendations in regard to the introduction of a proactive housing inspection programme in the private rented housing sector.

Alternative option(s) considered and rejected

None.

Councillor Adrian Lowe left the meeting at 6.50pm.

13.EC.53 OVERVIEW AND SCRUTINY TASK GROUP - ADOPTION OF ESTATES FINAL REPORT

The Chair of the Overview and Scrutiny Committee, Councillor Steve Holgate, presented the final report of the Overview and Scrutiny Task Group into the Adoption of Estates.

The Task Group had been chaired by Councillor Matthew Crow. The topic had been selected following numerous requests by residents across the borough to address the growing number of estate and open space adoption issues.

In response to a query Councillor Holgate advised that the Task Group had identified a mix of small and large housing estates across the Borough that had or were still having adoption issues. These were used as case studies from which to identify the concerns and issues that existed. The Group then interviewed the developers of these estates, along with borough and county officers and residents.

The Task Group had, at the conclusion of the review, agreed 14 recommendations, which had been endorsed by the Overview and Scrutiny Committee.

Councillor Bradley thanked Councillor Holgate, Councillor Crow and the Members and officers for their input into the inquiry.

Decision made

To accept the report of the Overview and Scrutiny Task Group – Adoption of Estates be received and accepted for consideration, with a view to the Executive Cabinet’s recommended response to the recommendations being reported to a future meeting.

13.EC.54 CHORLEY INWARD INVESTMENT PLAN

The Executive Leader presented the report. He explained that Chorley needed to compete for the creation of jobs in a busy region as jobs enabled residents to pay their way and contribute to society.

The proposed strategy replaced a previous strategy which was not delivering. An independent company had been commissioned to make recommendations for the Plan. These were split into “must do”, “could do” and “should do”.

The Executive Leader outlined some of the recommendations, including the development of a dedicated business website, a soft landing scheme and downloadable marketing materials.

The Leader of the Opposition requested a copy of the full plan, which would be made available to all Members. This included timescales for actions to be completed by. It was hoped that over one hundred jobs would be created through the implementation of the plan, with hopes that it could create hundreds.

With the action taken since the new administration in May about one hundred jobs had been created already. This included action undertaken by the newly appointed Business Advisor, a "Starting In Business Grant", a business network and various seminars.

Decision made

To note the contents of the report and to approve the delivery of the recommended inward investment plan activities.

Reason(s) for decision

To realise our Corporate Strategy outcome to create 'A strong local economy' and to deliver a key priority within the 2012 Economic Development Strategy which aims 'to promote and increase inward investment in Chorley to support economic growth in the borough and provide a mix of well paid, high and low skilled jobs'.

Alternative option(s) considered and rejected

None.

13.EC.55 CHORLEY COUNCIL PERFORMANCE MONITORING QUARTER FOUR 2012/13

The Executive Member for Resources, Policy and Performance presented a report which set out the performance against the delivery of the Corporate Strategy and key performance indicators during the fourth quarter of 2012/13, 1 January to 31 March 2013.

Overall performance of key projects was good, with a majority of the projects on track or scheduled to start later in the year. One project, the trial reopening of Market Street had been rated amber due to recommendations to amend the scheme, however completion was due to happen by the end of the second quarter 2013/14.

Action plans had been developed to outline what action would be taken to improve performance on the Corporate Strategy and key service delivery measures that were performing below target.

Decision made

To note the report.

Reason(s) for decision

To facilitate the on-going analysis and management of the Council's performance in delivering the Corporate Strategy.

Alternative option(s) considered and rejected

None.

13.EC.56 CHORLEY PARTNERSHIP PERFORMANCE MONITORING QUARTER FOUR 2012/13

The Executive Member for Resources, Policy and Performance presented a report on the performance of the Chorley Partnership during the fourth quarter of 2012/2013, from 1 January to 31 March 2013.

Members noted that the performance of the Chorley Partnership in achieving the key performance targets remained good. The latest figures available for alcohol related hospital admissions showed a year to date reduction of 5.3% at quarter two 2012/13. Primary fires in Chorley were lower than anticipated and crime overall had shown a decrease of 11.6% in quarter four compared to the same period last year. Following the trend over the past twelve months this had resulted in an overall increase of 1%.

In response to a query Members noted that the Responsible Authorities Group were encouraging people to report domestic violence which meant that the reported figures had increased.

Decision made

To note the report.

Reason(s) for decision

To facilitate the on-going analysis and management of the Chorley Partnership's performance and delivery of funded projects.

Alternative option(s) considered and rejected

None.

13.EC.57 CAMPAIGNS AND ENGAGEMENT STRATEGY

The Executive Cabinet considered a report which sought approval for a new Campaigns and Engagement Strategy.

The strategy outlined how the Council would develop to where we want to be, in order to achieve the objectives set out in the corporate strategy, rather than having an external focus of improving and protecting the council's image and reputation.

Although there was a change of emphasis the strategy would play a central role in improving residents' satisfaction. If customers understood and were aware of the services that were available to them, knew how to access them and were able to communicate openly with the council, they were more likely to appreciate that they receive value for money services in exchange for the council tax they pay.

Decision made

Approval granted to the Campaigns and Engagement Strategy.

Reason(s) for decision

To provide an up-to-date strategy that enables the council to best communicate with local residents.

Alternative option(s) considered and rejected

To continue with the current Communications and Marketing strategy.

13.EC.58 PROVISIONAL REVENUE OUTTURN 2012/13

The Executive Member for Resources, Policy and Performance presented a report which set out the provisional revenue outturn figures for the Council as compared against the budgets and efficiency savings targets it set itself for the financial year 2012/13.

The Council expected to make overall target savings of £200,000 in 2012/13 from management of the establishment. As reported in September, the full savings target for 2012/13 were achieved.

After taking slippage of budgeted underspends on committed items into account, the Council's initial net expenditure at the end of the year showed an underspend against the budget of around £91,000.

The Council's Medium Term Financial Strategy proposed that working balances were to be no lower than £2.0m due to the financial risks facing the Council. Should the recommendations in this report be accepted, the level of balances proposed at 31 March 2013 would exceed the minimum of £2.0m by £0.060m. This placed the Council in a strong position for the start of the next financial period.

Decision made

1. To support the recommendation that Council approve slippage requests outlined in Appendix 2 of the report to finance expenditure on specific items or projects in 2013/14.
2. To support the recommendation that Council approve the transfer a sum of £100,000 from general balances to a specific reserve to fund buildings maintenance and improvement works.

Reason(s) for decision

To ensure the Council's budgetary targets are achieved.

Alternative option(s) considered and rejected

None.

13.EC.59 CAPITAL PROGRAMME PROVISIONAL OUTTURN 2012/13 AND MONITORING 2013/14 - 2015/16 PROGRAMME

The Executive Member for Resources, Policy and Performance presented the provisional outturn figures for the 2012/13 Capital Programme, which at this stage was subject to scrutiny by the Council's external auditor.

The report also updated the Capital Programme for financial years 2013/14 to 2015/16 to take account of the rephasing of expenditure from 2012/13 and other proposed budget changes.

It was proposed that £163,000 of the £450,000 revenue budget savings identified for debt reduction in 2012/13 should be used to finance capital expenditure instead of incurring new borrowing. This helped to achieve the savings in the capital financing revenue budget from 2013/14 onwards.

Decision made

1. To support the recommendation that Council approve the financing of the 2012/13 Capital Programme, as presented in Appendix 1.
2. To support the recommendation that Council approve the rephasing of capital budgets between 2012/13 and 2013/14, as presented in column (2) of Appendix 2.
3. To support the recommendation that Council approve the other amendments to the Capital Programme for 2013/14 to 2015/16, as presented in columns (3), (6) and (9) of Appendix 2.
4. To support the recommendation that Council approve the virement of £40,000 from the Head of Governance's Bengal Street depot revenue budget to the budget for revenue financing of capital expenditure.

Reason(s) for decision

1. It is necessary for Council to approve the financing of the 2012/13 Capital Programme, and to approve the rephasing of budget provision between 2012/13 and 2013/14.
2. It is also necessary for Council to approve the revised 2013/14 Capital Programme, taking account of the rephasing of budgets, transfer of budgets between projects, changes to resources, and the proposed use of uncommitted budgets and resources.
3. The revenue consequence of adding £40,000 to the Capital Programme for further modification of Bengal Street Depot, to be funded from savings, should be reflected in the General Fund revenue budget.

Alternative option(s) considered and rejected

None.

13.EC.60 LOCAL ENFORCEMENT PLAN

The Executive Member for LDF and Planning advised that the proposed Local Enforcement Plan provided a framework to manage enforcement complaints in the Planning Service. The report sought approval of the Plan and related performance targets and service standards.

In March 2012, the National Planning Policy Framework introduced a new local approach to enforcement. At Full Council on 17 July 2012, the Council adopted the previous national planning policy guidance (PPG18: Enforcement), as an interim approach to planning enforcement, and resolved to prepare a Local Enforcement Plan to meet the requirements of the Framework.

The Local Enforcement Plan provided an opportunity for the Council to set out how it would manage planning enforcement casework and to define local performance targets and service standards.

Members noted that the initial assessment of the level of priority would be dependent upon the information provided at the time the complaint was made. Once investigations commenced, the priority level might change following the initial site visit, after an initial assessment was made, or on receipt of additional information.

The Council aimed to visit in accordance with the following timescales:

- **Category A:** Same day or next working day
- **Category B:** Within 10 working days
- **Category C:** Within 20 working days

Members requested that the briefing paper on the revised permitted development rights be recirculated via intheknow.

At the request of a Member Councillor Edgerley agreed to revisit the last two bullet points within Category B as to the timescales before the report was taken to Council for approval

Decision made

1. **Endorsement of the Local Enforcement Plan, performance targets and service standards.**
2. **To support the recommendation that Council approve and adopt Local Enforcement Plan.**

Reason(s) for decision

The delivery of the Local Enforcement Plan is a corporate project and must be approved by the full Council in order to deliver decisions that are supported by an authorised and transparent policy.

Alternative option(s) considered and rejected

Continue with current position and use of PPG18 and Circular 10/97. However, the Framework cancels a number of documents including PPG 18 and Chorley Council must have a basis for making decisions on enforcement action.

13.EC.61 EXCLUSION OF THE PUBLIC AND PRESS

RESOLVED – To exclude the press and public for the following items of business on the ground that it involves the likely disclosure of exempt information as defined in Paragraph 3 of Schedule 12A to the Local Government Act 1972.

13.EC.62 INFORMATION TECHNOLOGY BUSINESS CONTINUITY

The Executive Leader presented a confidential report which proposed a comprehensive Disaster Recovery (DR) solution that would also support more effective Business Continuity (BC) for the Council.

Councillor Morgan requested a copy of the ICT program and plan. This would be forwarded to him before the next meeting of the Executive Cabinet.

Decision made

Approval granted to the proposed changes to build on the existing Disaster Recovery infrastructure for Council Information Systems currently housed at County Hall Preston and agreement to the required funding.

Reason(s) for decision

1. The Council has effective DR arrangements in place for protecting its data. The need to enhance this would support more effective business continuity and significantly speed up the process of recovering information systems in the event of a disaster. If this work is not carried out, the Council would experience a delay in the event of a disaster resulting in the provision of day to day business being affected.
2. The changes that are being proposed are also part of the Internal Audit recommendations made in September 2012.
3. The proposed enhancements would protect the investment already made to improve the information systems and support remote working.

Alternative option(s) considered and rejected

1. Accept the risk that whilst data is backed up off site there would be a significant delay in operational access to it. This has been rejected on the basis that the delay would be unacceptable to the Council's business continuity plans.
2. To bring all DR infrastructure back to Chorley Council from County Hall. This would remove the geographical distance between the live and DR solutions. A Chorley wide incident could result in complete data loss which is the principle reason for the rejection of this solution.
3. The procurement of Infrastructure and Disaster Recovery as an outsourced service provided by a third party company; some testing of market costs for this type of service has been undertaken. The significant cost of this type of solution was the reason for its rejection.

13.EC.63 HOUSING BENEFIT, COUNCIL TAX BENEFIT AND COUNCIL TAX SUPPORT – SANCTION AND PROSECUTION POLICY

The Executive Member for Resources, Policy and Performance presented a confidential report which highlighted legislative changes which affected the amount of an Administrative Penalty

The report explained the changes and implications for customers who accepted an offer of an Administrative Penalty as an alternative to criminal proceedings and made Members' aware of aspects of the Welfare Reform Act 2012 and Council Tax Reduction Schemes (Detection of Fraud & Enforcement) (England) Regulations 2013 which impacted on those who committed Housing Benefit, Council Tax Benefit and Council Tax Support fraud.

Decision made

1. **Approval granted to the revised and updated Sanction and Prosecution Policy (Appendix A)**
2. **To note the effects of the Welfare Reform Act 2012 and the Council Tax Reduction Schemes (Detection of Fraud & Enforcement) (England) Regulations 2013 on benefit customers who commit benefit fraud.**

Reason(s) for decision

1. The changes to the Sanction & Prosecution Policy give the option of a financial penalty being available for cases where fraud is attempted and there is no overpayment.
2. The decision to prosecute or to offer a formal caution or an Administrative Penalty or in fact to take no action at all is still at the Council's discretion.
3. Where the offer of a sanction is appropriate the decision to offer a formal caution or an Administrative Penalty is heavily influenced by whether customer admits the offence at the interview under caution.
4. Attached to this report is a flow chart (Appendix B) which illustrates how the policy is put into action. Although the policy may suggest criminal proceedings or the offer of a formal caution or Administrative Penalty, each case is considered individually with the most appropriate action being recommended for each case.

Alternative option(s) considered and rejected

The following options were considered but rejected.

- Set a minimum overpayment for Administrative Penalties.
- Set a minimum overpayment for both formal cautions and Administrative Penalties
- Take no action where an alternative to prosecution is appropriate but the offer of a formal caution is not.
- Adopting any of the above would restrict the Council's discretion to take the most appropriate action in each case. The Council's Sanction & Prosecution Policy would also be out of step with the Sanction and Prosecution Policy of the Department for Work and Pensions (DWP) if these options were adopted. This could lead to inconsistency when deciding what action to take in cases where there has been a joint investigation involving Chorley Council and DWP investigators.

Executive Leader