

# **Executive Cabinet**

## **Minutes of meeting held on Thursday, 17 February 2011**

**Present:** Councillor Peter Goldsworthy (Executive Leader in the Chair), Councillor Pat Case (Deputy Leader of the Council) and Councillors Eric Bell, Kevin Joyce, Peter Malpas, Greg Morgan and John Walker

**Also in attendance:**

**Lead Member:** Councillor Rosie Russell

**Other Members:** Councillors Alan Cullens, David Dickinson, Doreen Dickinson, Dennis Edgerley, Anthony Gee, Adrian Lowe, June Molyneaux, Mick Muncaster, Geoffrey Russell and Peter Wilson

### **11.EC.242 APOLOGIES FOR ABSENCE**

Apologies for absence were submitted on behalf of Councillors Harold Heaton (Lead Member Development Control).

### **11.EC.243 DECLARATIONS OF ANY INTERESTS**

There were no declarations of interest by any of the Executive Cabinet Members in any of the meeting's agenda items.

### **11.EC.244 MINUTES**

The minutes of the last meeting of the Executive Cabinet held on 9 December 2010 were confirmed as a correct record for signature by the Executive Leader.

The Chair of the Overview and Scrutiny Committee passed to the Executive Leader observations from the Overview and Scrutiny Committee relating to the review of the Core Funding process.

### **11.EC.245 PUBLIC QUESTIONS**

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

### **11.EC.246 OVERVIEW AND SCRUTINY INQUIRY - ALLOTMENTS**

The Executive Cabinet received and considered a report on the findings and recommendations of the Overview and Scrutiny Task and Finish Group that had been set up by the Overview and Scrutiny Committee to examine allotments following requests from two members of the public.

The inquiry had, in particular, reviewed the provision and demand for allotments, tenancy agreements, monitoring and inspection procedures and allotment charges. Consideration had also been given to community growing and community management of allotments.

The Chair of the Overview and Scrutiny Committee, Councillor Adrian Lowe, thanked the Task Group's Members and Officers for their involvement and commended the findings report's recommendations for adoption by the Executive Cabinet.

Further to comments from the Chair of the Overview and Scrutiny Committee it was noted that the report could not have been presented to the Executive Cabinet in December as it had not been approved by the Overview and Scrutiny Committee.

**Decision made:**

**That the findings and recommendations of the Overview and Scrutiny Task Group be received.**

**Reason for decision:**

The Executive's response to the Task Group's recommendations can be found at the next item.

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

None.

**11.EC.247 EXECUTIVE'S RESPONSE TO RECOMMENDATIONS OF OVERVIEW AND SCRUTINY TASK GROUP'S INQUIRY INTO ALLOTMENT ISSUES**

The Executive Cabinet received a report of the Director of People and Places outlining a suggested response to the inquiry report considered at the previous item.

The report outlined each of the Overview and Scrutiny Task Group's recommendations and contained a suggested response to each recommendation. All of the recommendations were accepted, at least in part. The recommendations were cost neutral and some of the actions would, in fact, recover expenditure the Council currently incurred.

Members discussed the recommendations made in respect of planning permission required for buildings on allotments, the provision of allotments by private land owners and the benefits of varying the size of allotment plots.

**Decision made:**

**That the Executive's response to the recommendations contained in the report of the findings of the Overview and Scrutiny Task Group following its inquiry into allotment issues, as outlined in the submitted report of the Director of People and Places, be endorsed for implementation.**

**Reason for decision:**

To respond to the Overview and Scrutiny Committee's recommendations and make improvements to the allotment service.

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

None.

**11.EC.248 REVIEW OF LICENSING POLICY STATEMENT UNDER THE LICENSING ACT 2003**

The Executive Cabinet received a report enclosing the reviewed Licensing Policy and summary of consultation responses.

The Council had a statutory duty under the Licensing Act 2003 to produce a Licensing Policy Statement detailing how the Council would determine applications or licences under the Act.

The current Licensing Policy Statement had served the Council well and had been approved by the Councils Licensing and Public Safety Committee subject to amendments required as a result of the consultation period which ran from 1 November 2010 to 31 December 2010.

Only minor change had been made to the original draft in the light of consultation response which had been agreed with the Chair of Licensing and Public Safety Committee and Head of Environment in line with the delegation granted by the Licensing and Public Safety Committee at its meeting on 1 December 2010.

**Decision made:**

1. **Approval of the reviewed Licensing Policy Statement (Licensing Act 2003), noting the consultation comments and the respective responses to them.**
2. **To recommend the approval and adoption of the Licensing Policy Statement by full Council.**

**Reason for decision:**

Approval of the Licensing Policy Statement (Licensing Act 2003) is required to meet the Councils statutory obligations with regard to its licensing function and the requirement to undertake a three yearly review of the Policy Statement.

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

None.

## **11.EC.249 FOOD WASTE COLLECTIONS - UPDATE**

The Director of People and Places submitted a report advising that the introduction of food waste collections to non-garden properties had been delayed by a minimum of 12 months. Lancashire County Council had now indicated that separate food waste collections were not required until 2012/13.

It would still be possible to phase in the introduction of food waste collections to properties who currently received a fortnightly garden waste collection as proposed in the Executive Cabinet Report of November 2010. The roll out costs of this scheme would be met by existing budgets and no additional vehicles or containers were required.

A report would be presented to Executive Cabinet once a date requiring the Council to collect food waste separately from all properties had been provided by LCC.

**Decision made:**

**That the report on the introduction of food waste collections to non-garden properties being delayed by a minimum of 12 months be noted.**

**Reason for decision:**

One of the key elements of the contract for the WTPs is energy production from the residual waste stream. Indications are that the Farington and Thornton plant will not generate the predicted levels of energy so there is now no urgency to divert all food waste into the composting process.

Lancashire County Council had indicated that separate food waste collections were no longer a requirement for Chorley Council to receive the £800,000 per annum waste cost share agreement payment in 2011/12.

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

To continue with the project to roll out of food waste collections to all householders in 2011 as recommended in the Executive Cabinet Report of 11 November 2010. This would not assist Lancashire County Council in meeting its energy generation targets at the Farington WTP.

To not introduce any food waste collections in 2011/12 would result in a shortfall in projected tonnages to the Farington WTP for its in vessel composting plant so acceptance testing could not be carried out. An increase in the Council's recycling rate would be very unlikely.

## **11.EC.250 REVIEW OF MEMBER ALLOWANCES**

The Executive Leader presented a report advising Members that in line with the requirements of the Local Authorities (Members Allowances) (England) Regulations 2003 the Council was required to instruct the Independent Remuneration Panel to review the current Members Allowances Scheme and make recommendations on any changes to the Scheme for determination by full Council.

### **Decision made:**

**The report be noted and any specific comments of the Executive Cabinet on the current Member Allowances Scheme be passed to the Independent Remuneration Panel.**

**Council be recommended to appoint Allan Jones, Chair of Chorley Partnership Board, as the third Member of the Independent Remuneration Panel for a period of three years with the existing Panel members, Dennis Benson and Tom Waring also being reappointed for the next three years.**

### **Reason for decision:**

To ensure that the Council complies with the requirements of the Local Authorities (Members Allowances) (England) Regulations 2003.

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

None.

## **11.EC.251 SECTION 106 FUNDING FOR YOUTH AND COMMUNITY ACTIVITIES AT BUCKSHAW**

The Director of People and Places presented a report advising that as part of the Buckshaw Section 106 agreement Chorley Council were due to receive a contribution towards youth and community activities/development in Buckshaw.

The developers had recently been invoiced for £64,000. The funding would be used for youth and community activities/development for the whole of Buckshaw Village; the Chorley and South Ribble areas. Youth and community activities were initiatives, activities and/or events that encouraged participation and involvement in community life.

### **Decision made:**

**The following recommendations be approved:**

- 1. The funding be allocated over a four year period, equally. This ensures that existing residents receive the benefit immediately and new residents, as properties continue to be built, also enjoy the benefit of the funding.**
- 2. The grants be awarded from £ 500 to £ 5,000. The grant applicant would need to demonstrate that the funding would be spent within a 12 month period. If their project is to run for more than 12 months they would be asked to make this clear in their first application and to say whether they plan to apply for funding in subsequent years.**
- 3. Applicants can apply for up to 90% of the total value of their project. Their 10% contribution can be cash or in-kind volunteer time.**
- 4. There is an annual deadline for applications, for example, 31 April. Decisions would made in May/June, for projects to start from 1 July. In the event that the full year's allocation is used in the bidding round there will be no further funding allocated in that year. In the event that the annual allocation is not fully used in the annual bidding round, bids made in the year will be considered, subject to the annual allocation not being exceeded.**
- 5. The decision to allocate funding be delegated to the Executive Member for People.**

6. South Ribble Borough Council be formally consulted, and this be reported to the Executive Member, before any decisions are made.
7. Voluntary, community and faith sector organisations, and public bodies, are eligible to apply. All applicants should have effective governance arrangements in place, for example, be a constituted group and have a bank account.
8. For the avoidance of doubt, the majority of the projects beneficiaries should reside in Buckshaw Village. A majority being 51%. Projects that physically take place outwith Buckshaw Village, for example, due to the nature of the facility or activity, are permissible, so long as the majority of beneficiaries are Buckshaw residents. Applicants will need to provide evidence of how they will monitor this, to the Council's satisfaction.
9. Applications are assessed using the following criteria:
  - Does the project enhance the provision of youth and community activities/development in Buckshaw Village?
  - Is there evidence that there is a need for the project?
  - Is the project accessible to all, in terms of equality, notwithstanding the residency issue.
  - Is there at least 10% match funding, either cash or in kind?
  - How well does the applicant, and their project, encourage partnership working and cohesion in Buckshaw Village?
  - How sustainable is the project? What will happen to the project when the funding ends?
  - How well does the project encourage volunteering?

**Reason for decision:**

To ensure Section 106 funding is allocated in a way that is transparent, effective and efficient.

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

None.

**11.EC.252 CHORLEY COUNCIL PERFORMANCE MONITORING REPORT - THIRD QUARTER OF 2010/11**

The Executive Cabinet considered a report of the Director of Partnerships, Planning and Policy which set out and reviewed the Authority's performance in respect of the key projects and performance measures included in the Corporate Strategy, together with a number of other national indicators measured locally, during the third quarter of 2010/11,

Performance of key projects continued to be good, with the majority of the projects either on track, closed or completed. The two projects rated amber (develop a community engagement strategy) or red (carry out energy audit of all remaining council buildings) were expected to be brought back on track over the next quarter.

Overall performance for key measures in the Corporate Strategy and key performance indicators was strong, with all of the Corporate Strategy measures performing above target or within the 5% tolerance. Indicators performing better than target included street and environmental cleanliness – litter, detritus, graffiti and fly posting and new businesses established.

Three of the key performance indicators relating to processing of planning applications were below target. In these cases, action plans had been developed to outline what action would be taken to improve performance.

**Decision made:**

**The report be noted.**

**Reason for decision:**

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

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

None.

**11.EC.253 CHORLEY PARTNERSHIP PERFORMANCE MONITORING REPORT - THIRD QUARTER OF 2010/11**

The Executive Cabinet received a report of the Director of Partnerships, Planning and Policy on the activities of the Chorley Local Strategic Partnership (Chorley Partnership) in achieving the targets set in the Sustainable Community Strategy for 2010/2011. Key measures and targets for the new Sustainable Community Strategy were currently being developed and would be reported from April onwards.

Overall crime had reduced by 3.8% compared to this period last year and reductions had been seen in most crime categories. The number of new businesses established was performing well with 51 new businesses being established last quarter against a target of 39. Unemployment had remained constant at 2.3% at the end of September to the end of December.

Performance was excellent on progress made in the delivery of the key projects commissioned by Chorley Partnership in 2010/2011, with all of the projects currently rated 'green'.

**Decision made:**

**The report be noted.**

**Reason for decision:**

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

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

None.

**11.EC.254 REVENUE BUDGET, 2010/11 - MONITORING REPORT**

The Executive Cabinet considered a report of the Director of Transformation which set out the current financial position of the Council as compared against the budgets and efficiency savings targets it set itself for 2010/11 for the General Fund.

The Council had achieved the overall target savings of £360,000 in 2010/11 made up of £300,000 from management of the establishment, £50,000 from the review of administrative and transactional services, and £10,000 from the review of the car leasing scheme. Any further savings made during the remainder of the year as a result of additional vacancies would contribute towards increasing general balances.

The projected outturn showed a forecast underspend of around £92,000 against the budget for 2010/11. A number of areas would be monitored closely as the year progressed, including major income streams, in particular car parking fees, planning/building control fees and concessionary travel and benefit costs.

An area likely to generate a saving was the Consultants Fees budget in Policy and Performance. The budget for 2010/11 was set to cover the cost of various corporate reviews, assessments and surveys. A recent partnership working agreement had been set up with ValueAdding.com Ltd. who conduct VFM reviews and this should help to reduce future costs. The Place Survey due to take place in 2010/11 was cancelled by the Government and it was unlikely that any significant further costs

would be incurred before the year-end. This should result in a budget under spend of around £15,000 for 2010/11.

Another area where the Council had achieved a saving against budget was in relation to the 2010 elections. As a result of the local elections being combined with the General Election the Council managed to reduce costs and this achieved a saving of around £12,000 this financial year.

An area the Council was likely to under achieve against its income budgets was in relation to tolls for the general and flat iron markets. Whilst the covered market continued to attract permanent stall holders, income levels for the flat iron market had suffered as casual stall holders had reduced. This might be partly as a result of the current pressures in the economic climate but was more likely as a direct result of the recent bad weather over the Christmas period. The position would be monitored closely over the remainder of the year.

**Decision made:**

**The report be noted.**

**Reason for decision:**

To ensure the Council's budgetary targets are achieved.

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

None.

## **11.EC.255 CAPITAL PROGRAMME, 2010/11 TO 2012/13 - MONITORING REPORT**

The Executive Cabinet considered a report of the Director of Transformation which updated the capital programme to take account of expenditure rephased between financial years. The report added new projects that were to be financed by external contributions or virement from other existing capital budgets and proposed changes to other capital budgets.

The capital programme for would be reduced from £13,760,420 to £11,583,100 as a result of the changes totalling £2,177,320 identified in Appendix 1 of the report. Of this, resources to finance housing capital schemes were expected to be £900,000 less than previously estimated due to reductions in grant funding and non-acceptance of a bid for additional resources.

There was a small increase in financing by borrowing to add the previously approved purchase of food waste recycling receptacles to the 2011/12 programme at a cost of £30,000. However, to avoid any unplanned increase in borrowing, it was important that all budgeted resources were received, in particular VAT Shelter income from Chorley Community Housing and capital receipts from the disposal of surplus assets.

In response to a query it was clarified that the budget for Town Centre Investment would be reduced by £1,025,000 as the Market Street improvements would be implemented by ASDA. This had no effect on net resources, because the Section 106 contribution that would have financed the expenditure would also be deleted. Also, a contractual arrangement between Lancashire County Council and Network Rail had been established in respect of Buckshaw Village Railway Station, so there was no need for this Council to act as an intermediary as envisaged in October.

**Decision made:**

**The Council be recommended to approve the revised capital programme for 2010/11 as presented in Appendix 1.**

**The Council be recommended to note the amendments to the provisional capital programme figures for 2011/12 and 2012/13 as presented in Appendix 1.**

**Reason for decision:**

1. To update the 2010/11 capital programme to take account of the rephasing of expenditure between financial years; and to add and vire budgets to take account of the estimated availability of capital resources.
2. To update the provisional capital programme figures for 2011/12 and 2012/13 to take account of the rephasing of expenditure and changes to the resources estimated to be available to finance the programme.

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

None.

**11.EC.256 EXCLUSION OF THE PUBLIC AND PRESS**

**Decision made:**

**The press and public be excluded from the meeting for the following items of business on the ground that they involve 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.257 OVERVIEW AND SCRUTINY INQUIRY - ASSET MANAGEMENT**

The Executive Cabinet received and considered a report on the findings and recommendations of the Overview and Scrutiny Task and Finish Group that had been set up by the Overview and Scrutiny Committee to examine asset management.

The Chair of the Task Group, Councillor Alan Cullens, thanked the Task Group's Members and Officers for their involvement and commended the findings report's recommendations for adoption by the Executive Cabinet.

**Decision made:**

**That the findings and recommendations of the Overview and Scrutiny Task Group be received and that the Executive's response to the recommendations be determined at a future meeting.**

**Reason for decision:**

The decision will allow the Executive the opportunity to assess the inquiry's findings and recommendations before firm decisions on implementation are reached.

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

None.

Executive Leader