

Executive Cabinet

Minutes of meeting held on Thursday, 18 August 2011

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

Also in attendance:

Lead Members: Councillors Harold Heaton, Rosie Russell and Stella Walsh

Other Members: Councillors June Molyneaux, Geoffrey Russell, Anthony Gee, Adrian Lowe, Mick Muncaster, Julia Berry, Alan Platt, Paul Leadbetter and Matthew Crow

Members of the public: Robert Smith (Politics Student)

11.EC.18 APOLOGIES FOR ABSENCE

An apology for absence was submitted on behalf of Councillor Alison Hansford.

11.EC.19 MINUTES

The minutes of the meeting of the Executive Cabinet held on 23 June 2011 were confirmed as a correct record for signature by the Executive Leader.

11.EC.20 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 personal interest in respect of item 7: First Quarter Performance Report.

11.EC.21 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.22 EXECUTIVE'S RESPONSE TO RECOMMENDATIONS OF OVERVIEW AND SCRUTINY TASK GROUP'S INQUIRY INTO HIGHWAYS ISSUES

The Executive Cabinet received and considered a report outlining their response and actions following the Overview and Scrutiny Committee's inquiry into highways issues.

The Executive Member (Places) advised there were many positive proposals within the report, including taking responsibility for grass verges and gritting in the town centre from Lancashire County Council, although delivering the actions would take some time due to negotiations required.

In response to a query, it was noted that Lancashire County Council did not currently have the functionality to enable feed back to customers on the progress of service requests.

It was hoped that the initial letters for the enforcement of overhanging vegetation on private land would be undertaken, on behalf of Lancashire County Council.

The Chair of the Overview and Scrutiny Committee thanked the Executive Cabinet for their response and the Members of the Task Group for their recommendations.

Members raised several service requests which officers undertook to respond to.

Decision made

1. The Executive Cabinet's response and actions in section 8 of the report be agreed.
2. The response for Lancashire County Council and United Utilities be noted.
3. The street cleaning schedules to be made available to Members via intheknow.
4. A damaged crass barrier on Friday Street car park be inspected and required action taken.
5. Requests for overhanging vegetation, on signs and street lamps, to be reported to the Head of Streetscene & Leisure Contracts who would direct the request to the appropriate person.
6. An update report be presented to a future meeting; including the approach to be taken with advertising boards.

Reason for decision

To respond to the Overview and Scrutiny Committee's recommendations and make improvements to the highways service within the Borough.

Alternative option(s) considered and rejected

None.

11.EC.23 FIRST QUARTER CHORLEY PARTNERSHIP PERFORMANCE REPORT 2011/12

The Executive Cabinet considered a report of the Director of Partnerships, Planning and Policy which set out the performance of the Chorley Partnership from 1 April to 30 June 2011.

Key points were highlighted, including that overall crime had reduced by 9.6% compared to this period last year, reductions had been seen in most categories of crime during the first quarter and that the percentage of unauthorised absence in primary and secondary schools in the Chorley area was below the national average.

The report included an update on progress made in the delivery of the key projects of the Chorley Partnership in 2011/2012, with four of the five projects currently rated 'green'.

The Early Invention project was currently rated amber. Some work had been completed, but due to external delays, the timetable for completion had been revised and all projects were expected to be commissioned during the second quarter.

The deliberate primary fires figures was high due to recent moorland fires.

Decision made

To note the report.

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.24 FIRST QUARTER PERFORMANCE REPORT 2011/12

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

The Executive Cabinet considered a report of the Director of Partnerships, Planning and Policy which set out performance against the Corporate Strategy and key performance indicators from 1 April to 30 June 2010.

Overall performance of key projects remained good, with the vast majority of the projects either completed, on track or not scheduled to start until later in the year. Overall performance on the key measures in the Corporate Strategy and key performance indicators was strong, with 92% of the Corporate Strategy measures performing above target or within the 5% tolerance.

Five projects had been rated amber and one of the key service delivery measures was below target. This indicator related to the time taken to process Housing Benefit and Council Tax Benefit change events. An action plan had been developed to outline what action would be taken to improve performance.

Members highlighted that the allotments project was now subject to a decision by DCLG. It was confirmed that the Director of Planning, Partnerships and Policy would be taking over responsibility for the development of an Asset Management Strategy project. Members congratulated officers on the better than target performance in relation to the processing of planning applications for 'major', 'minor' and 'other' application types.

It was confirmed that the issues with the Shared Revenues and Benefits with South Ribblesdale Council related to significant changes in the welfare system nationally and there would be no delay to customers in receiving their benefits.

Decision made

To note the report.

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.25 CAPITAL PROGRAMME MONITORING 2011/12 - 2013/14

The Executive Cabinet considered a report of the Chief Executive updating the Capital Programme for financial years 2011/12 to 2013/14 to take account of rephasing of expenditure and other budget changes.

In July 2011 Council approved revisions to the 2011/12 to 2013/14 Capital Programme, to increase the current estimate to £10,153,770. The principal changes to the programme were the rephasing of £1.995 million expenditure from 2010/11, and additional projects and increased budgets to reflect the available Government grants and developers' contributions.

The report proposed that the three-year Capital Programme should be increased by a net total of £66,780, which increased the total to £10,220,550.

The proposals included increasing the budget for Disabled Facilities Grants by £100,000 by transferring budget provision from the uncommitted Housing Renewal budget, that Cotswold House homeless unit be remodel and improved (subject to a funding bid submitted to the Homes and Communities Agency (HCA) being successful and the addition of two new Play and Recreation Fund projects at Hurst Brook and Longfield Avenue. It was confirmed that Section 106 monies could be ring fenced for a short period if there was a short term delay in confirming match funding.

Decision made

- 1. To note the report.**
- 2. To recommend Council to approve the changes to the Capital Programme for 2011/12 to 2013/14 as presented in Appendix 1 of the report.**
- 3. An update report on the Disabled Facilities Grants be presented to a future meeting.**

Reason for decision

It is necessary to update the capital programme figures for 2011/12 to 2013/14 to reallocate part of the uncommitted Housing Renewal budget; to take account of the rephrasing of expenditure; and to reflect changes to the resources estimated to be available to finance the programme.

Alternative option(s) considered and rejected

None.

11.EC.26 REVENUE BUDGET MONITORING 2011/12 REPORT 1 (END OF JUNE 2011)

The Executive Cabinet considered a report of the Chief Executive setting out the current financial position of the Council as compared against the budgets and efficiency savings targets it set itself for the financial year 2011/12.

The revenue budget savings proposals of £1.197m approved for 2011/12 had, in the main, been implemented and savings achieved. The remaining savings options for increases in planning and car parking fees would be introduced over the coming months.

The Council expected to make overall target savings of £358,000 in 2011/12 from management of the establishment, a reduced pension rate from the draft budget, and review of the car leasing scheme. £229,000 had already been achieved, leaving £129,000 remaining for the target to be achieved for the year. £70,000 had been saved due to the deletion of the post of Director of Transformation following the appointment of Gary Hall as Chief Executive.

A number of areas would be monitored closely as the year progressed, including contributions to Corporate Savings and Efficiency Targets, major income streams, in particular car parking fees, planning/building control fees, markets rents and Housing and Council Tax Benefits.

In response to a query it was clarified that there had been interest shown in the, currently vacant, White Hart public house.

Decision made

- 1. To note the report.**
- 2. That Council be recommended to approve the virement of £20,000 from Partnerships, Planning and Policy directorate and £72,000 from the Transformation directorate in order to finance capital investment in two new ICT systems.**

Reason for decision

1. To ensure the Council's budgetary targets are achieved.
2. To ensure that two new ICT projects can be added to the Capital Programme without increasing borrowing in 2011/12.

Alternative option(s) considered and rejected

None.

11.EC.27 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 5 of Part 1 of Schedule 12A to the Local Government Act 1972.

11.EC.28 PLANNING BREACH AT HEATH PADDOCK, HEATH CHARNOCK

To receive and consider a confidential report outlining the current position regarding compliance with the enforcement notices on land known as Heath Paddock which was currently being used as an unauthorised gypsy/traveller site by the owner/occupiers.

The Executive Member (Partnerships and Planning) thanked the Chair of the Overview and Scrutiny Committee for his agreement that the decision be treated as a matter of urgency enabling the decision making function to be retained by the Executive Cabinet, as required by Appendix 5 of the Constitution.

Decision made

1. **To note the decision of the Development Control Committee made on 9 August to seek an injunction to control the planning breach;**
2. **To set aside a certain amount from balances from the general revenue fund to cover the cost of this enforcement action; [This recommendation was based on all police and fire service costs being the full responsibility of Lancashire Police Authority and Lancashire Fire & Rescue respectively and the Council not bearing any such costs associated with this action].**
3. **To grant delegated authority to the Chief Executive in consultation with the Leader of the Council to spend up to a further amount in response to any operational necessity that arises including remediation of the site should the owners not comply with the second enforcement notice to remediate the site by 21 September 2011.**
4. **To exercise their powers under Appendix 5 Part B paragraph 4 of the Constitution to make the decision as a matter of urgency.**

Reason for decisions:

To fund the necessary legal and site clearance action at Heath Paddock to address the breach of the enforcement notices. The decision should be treated as urgent as it is not practical to call a meeting of Full Council on short notice during the holiday period. Further, there would be an unacceptable delay in progressing this matter were it to be placed on the agenda for the Council Meeting on the 27 September 2011.

Alternative option(s) considered and rejected:

1. The Executive Cabinet could refuse to fund the action. This was rejected on the basis that it would have damaging reputational issues for the Council, could potentially open up the Council to third party claims and could encourage further breaches of planning control.
2. The Council was currently prosecuting the land owners for the breach under S179 of the Town & Country Planning Act 1990. Whilst this enforcement action was punitive in nature it might be effective in controlling the planning breach. However, if the prosecution does not result in the occupiers vacating the site, then injunctive relief was the next most appropriate course of action. This would require significant resources as detailed.

Executive Leader