

Executive Cabinet

Minutes of meeting held on Thursday, 15 December 2011

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

Also in attendance:

Lead Members: Councillors Rosie Russell and Stella Walsh

Other Members: Councillors Keith Iddon, Paul Leadbetter, June Molyneaux, Mick Muncaster and Geoffrey Russell

11.EC.62 APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillors Eric Bell (Executive Member Places) and John Walker (Executive Member People).

11.EC.63 MINUTES

RESOLVED - The minutes of the meeting of the Executive Cabinet held on 24 November 2011 were confirmed as a correct record for signature by the Executive Leader.

11.EC.64 DECLARATIONS OF ANY INTERESTS

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

11.EC.65 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.66 LOCALISM ACT 2011 AND TRANSITIONAL ARRANGEMENTS FOR PLANNING

The Executive Member for Partnerships and Planning presented a report updating Members on the Localism Act in relation to the Local Development Framework.

National planning policy was in a transitional phase and the timing of the revocation of the North West Regional Spatial Strategy (RSS) and the introduction of the final National Planning Policy Framework (NPPF) would be highly material to the progress of the Central Lancashire Core Strategy.

In addition to the risks involved in not having an up to date development plan, there were the reputational and financial risks relating to the resources already spent in preparing the plan. Another consideration would be the impact of delay on the currency of the evidence base used to inform plan making, where new evidence might be necessary leading to further expenditure.

The Secretary of State/Department for Communities and Local Government (DCLG) would be approached to consider appropriate transitional arrangements for Chorley and/or Central Lancashire to allow the Lancashire Core Strategy to proceed on an exceptional basis towards adoption.

Decision made

Authorisation be granted to the Executive Member (Partnerships & Planning) and Director to enter into discussions with partner authorities and the DCLG about transitional arrangements for plan making.

Reason for decision

To ensure that resources expended to date on plan making were not lost, and to ensure a robust platform for future decision making.

Alternative option(s) considered and rejected

Abandon the Core Strategy - in the absence of a plan, the draft NPPF provided for a presumption in favour of development. It was likely that RSS policies would retain reasonable weight in the absence of any other policy, especially as they had been subject to independent examination, were adopted, and also if they were considered to be based upon the most recent evidence.

11.EC.67 COMMUNITY INFRASTRUCTURE LEVY

The Executive Member for Partnerships and Planning presented a report outlining the background and rationale for pursuing the Community Infrastructure Levy (CIL).

CIL had the potential to unlock funding additional to that previously secured under Section 106 planning obligations and would enable authorities to better forecast funding that would arise from developer contributions. This should mean that new developments were better accommodated within existing communities and serviced by the necessary infrastructure. The commissioned viability research took into account the proportions of affordable housing sought from market residential developments as set by policy in the Core Strategy, the wide variability in the economic viability of non-residential developments and recommended draft charge rate levels to consult on.

The timetable for adoption was November 2012 and was deliberately planned to follow behind the envisaged adoption of the Core Strategy.

Members noted CIL monies could be passed, with the consent of the Charging Authority, to other agencies/infrastructure providers (such as Lancashire County Council) and be spent on infrastructure provided outside the Charging Authority's area, provided it benefited the latter.

Decision made

Approval be given to the preliminary draft Community Infrastructure Levy charging schedule for consultation.

Reason for decision

To gain approval to consult.

Alternative option(s) considered and rejected

The only option to pursuing CIL was to just rely on Section 106 planning obligations to secure developer contributions but as these provisions were being progressively curtailed by regulations so in relation to infrastructure provision this source of funding was reducing.

11.EC.68 HEALTH AND WELLBEING LOCAL PARTNERSHIP ARRANGEMENTS

The Executive Member for Partnerships and Planning presented a report advising Members of changes to the delivery of public health services in light of Government changes to health service delivery across England.

The upper tier authority (Lancashire County Council) would have the primary responsibility for delivering public health improvement and would be a significant budget holder. It was essential that there were local arrangements in place to ensure health and wellbeing issues were addressed and fed into the developing wider Lancashire health and wellbeing structures.

It was proposed that a health and well being partnership was formed with South Ribble Borough Council to primarily mirror the GP Clinical Commissioning Group (GPCCG) footprint. The GPCCG would be a key partner. Other representation at the partnership would be Member input from both Chorley and South Ribble Councils. Other key partners would include Lancashire County Council, PCT as well as representation from the Voluntary Community and Faith Sector. The first meeting would be in January 2012.

Members commented on how these arrangements were above those required statutorily, although the partnership would not replace the official wider Lancashire health and wellbeing structures.

Decision made

- 1. Approval for the establishment of a local Health and Wellbeing Partnership with South Ribble Borough Council on the basis outlined in this report.**
- 2. Approval for the Member appointment to the partnership as the Executive Member (People).**

Reason for decision

To ensure there was a local partnership established to address health and wellbeing issues across the GP Clinical Commissioning Group footprint

Alternative option(s) considered and rejected

Carry on the current arrangements on an individual Council basis and await the higher level County structures to be established.

11.EC.69 CHARGING POLICY FOR HOUSING ACT 2004 IMMIGRATION INSPECTIONS AND ENFORCEMENT NOTICES AND ORDERS

The Head of Health Environment and Neighbourhoods presented a report advising of the provisions within the Housing Act 2004 for Local Authorities to charge for enforcement notices and orders and for immigration inspections.

Provisions within the Housing Act 2004 allowed local authorities to make a financial charge for enforcement action they might be required to take. In accordance with the Councils Enforcement Policy, other than for Emergency Remedial Works or Emergency Prohibition Orders, landlords would be given an opportunity to resolve the hazards and deficiencies at their properties informally before the service of a formal Notice or Order.

Council officers also carried out immigration inspections as all properties intended for the receipt of certain non-EU visitors must be inspected to ensure that space and decency standards are met. Prior to the visitor entering the country the immigration service required an official confirmation from the Council that the intended residence for the duration of the stay would not become overcrowded and had adequate facilities to accommodate the visitors. There was provision within legislation to make a charge for this and the recovery of charges would follow the Councils normal financial procedures.

In response to a query from Members officers confirmed that neighbouring local authorities already made charges for this service.

Decision made

1. **Approval to the making of reasonable charges as appropriate for the purposes of recovering the administrative and other costs when the Council took enforcement action under the Housing Act 2004 and the inspection of properties for immigration applications.**
2. **Approval to the charging structure contained within the report.**

Reason for decision

1. The relevant housing legislation allowed for the recovery of reasonable costs incurred by the Local Authority for taking enforcement action against landlords who allowed their tenants to live in hazardous conditions.
2. Neighbouring local authorities made charges for enforcement actions taken under the Housing Act 2004. Chorley Council would set charges comparable to those in other Lancashire Authorities in order to ensure equity across the County.
3. There was provision to make a charge for the administrative function associated with an immigration inspection.
4. Neighbouring local authorities already made charges for this service. Chorley Council would set charges comparable to those in other Lancashire Authorities in order to ensure equity across the County.

Alternative option(s) considered and rejected

1. Continue to carry out chargeable enforcement actions under the Housing Act and absorb the cost within existing resources.
2. Continue to offer a free immigration inspection service and absorb the costs within existing resources.

11.EC.70 SUNBED (REGULATIONS) ACT 2010

The Head of Health Environment and Neighbourhoods presented a report relating to the Sunbeds (Regulation) Act 2010.

The Act 2010 came into force earlier this year and provided for the prohibition of sale or hire of sunbeds to people under the age of 18. In addition the Act gave the Secretary of State powers to make regulations for further control of the sale, hire and use of sunbeds, although to date no Regulations had been made under the Act in England. The enforcing authority for the Act was the District Council.

Officers clarified that there was no inspection regime required as such. However, there was a tendency for other activities, which were inspected, to be carried out on the same premises, for example, ear piercing. Officers would act on any complaints made.

Decision made

1. **Approval for the delegation to the Director of People and Places of the power to appoint authorised officers under the Sunbeds (Regulation) Act 2010, and any associated regulations, with the powers as set out within this report and any such other powers as may be considered by the Director of People and Places to be appropriate under any subsequent regulation made under the Act.**
2. **Approval to inform Council of this change to the scheme of delegation within the Constitution.**

Reason for decision

The Authority had a statutory duty to enforce the provisions of the Act and Regulations and the delegation of powers to officers was necessary for the efficient discharge of the Authority's responsibilities. Enforcement of the provisions was consistent with the Authority's corporate aims.

Alternative option(s) considered and rejected

None.

11.EC.71 BUDGET PRINCIPLES

The Chief Executive presented a report advising Members of the aspirations of the Executive Cabinet in relation to the 2012/13 budget and the budget principles upon which the budget would be built.

For 2012/13 the Executive Cabinet were again seeking Members' views as to the relevance of the budget principles prior to more detailed proposals coming before the Council in March 2012. The key principles to be adopted were similar to the last financial year in that they represented the essence of what the Council wanted to achieve, but they had been adapted to reflect the current issues facing the Borough and represented the key areas for investment.

The principles included; to freeze Council Tax for 2012/13, continue to be a high performing Council and provide value for money. Also, to develop schemes to assist the Not in Education, Employment or Training (NEETS) in our Borough into work or education and safeguarding front line services, particularly to continue to support the voluntary sector and PCSO's and focusing on the removal of bureaucracy and managerial posts.

The Executive Cabinet would consider the feedback and debate during the consultation period.

Decision made

Approval be granted to the budget principles and information for consultation/discussion.

Reason for decision

To support the development of the Council's budget for 2012 / 13.

Alternative option(s) considered and rejected

None.

11.EC.72 THE LOCALISM ACT: KEY PROVISIONS

The Monitoring Officer presented a report informing Members of the implications of the Localism Act 2011.

The Localism Act received royal assent on 15 November 2011. The intention of the Act was to provide Councils with a licence to innovate and to decentralise power back to communities and locally elected councillors. The provisions of the Act were wide ranging and covered a number of different topics. Further legislation as to detail how the provision would operate in practice were yet to be enacted.

In response to queries from Members it was noted that a Member Learning session would be held on the Localism Act and that information would also be cascaded to Town and Parish Councils.

Decision made

The report be noted.

Reason for decision

There are no actions to be taken at present following the Localism Act becoming law.

Alternative option(s) considered and rejected

None.

11.EC.73 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 1 of Part 1 of Schedule 12A to the Local Government Act 1972.

11.EC.74 REVENUE AND BENEFITS RESTRUCTURE REPORT

The Chief Executive and Head of Customer, ICT and Transactional Services presented a report providing Members with a brief update in respect of the shared revenues and benefits service with South Ribble council and proposals for changes to the staffing structure.

Decision made

- 1. To note the report and changes to staffing be approved for consultation to help support the councils savings target.**
- 2. To grant delegated authority to approve the structure to the Chief Executive, in consultation with the Executive Member for Resources, following feedback from staff.**

Reason for decision

The revenues and benefits service was an important function of the Council and for its customers but was not immune from the significant challenges of government changes or proposals to provide modern and efficient public services. The recommendation to delete vacant posts was essential to provide savings towards the 2012 budget and was the first part of further changes whilst simultaneously protecting service standards to citizens.

Alternative option(s) considered and rejected

None.

Executive Leader