

# Executive Cabinet

## Minutes of meeting held on Thursday, 13 December 2012

**Present:** Councillor Alistair Bradley (Executive Leader in the Chair) and Councillors Terry Brown, Dennis Edgerley and Adrian Lowe

### **Also in attendance**

**Lead Members:** Councillors Julia Berry and Danny Gee

**Other Members:** Councillors Eric Bell, John Dalton, David Dickinson, Harold Heaton, June Molyneaux, Mick Muncaster and John Walker

**Officers:** Gary Hall (Chief Executive), Lesley-Ann Fenton (Director of Partnerships, Planning and Policy), Jamie Carson (Director of People and Places), Chris Moister (Head of Governance), Simon Clark (Head of Health, Environment & Neighbourhoods), Chris Sinnott (Head of Policy and Communications), Andrew Daniels (Communications Manager), Lorraine McIntyre (Team Leader (Supported) Housing Options) and Ruth Rimmington (Democratic and Member Services Officer)

**Members of the public:** None.

### **12.EC.176 APOLOGIES FOR ABSENCE**

Apologies for absence were submitted on behalf of Councillors Bev Murray and Peter Wilson.

### **12.EC.177 MINUTES**

**RESOLVED - The minutes of the meeting of the Executive Cabinet held on 22 November 2012 be confirmed as a correct record and signed by the Executive Leader.**

### **12.EC.178 DECLARATIONS OF ANY INTERESTS**

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

### **12.EC.179 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.

### **12.EC.180 BUSINESS RATES RETENTION**

The Executive Leader presented a report which updated Members on the new Business Rates Retention funding regime which would form a significant part of the Council's core funding total with effect from 1 April 2013. The changes were the main reason why the Local Government Finance Settlement would only be received just before Christmas.

This was another fundamental change to the way Local Authorities received one of their main funding streams. It would have a significant impact on the Council's budget and Medium Term Financial Strategy (MTFS) going forward. The two key issues for Members to be aware of were the potential to significantly alter the monetary value of this major source of income, and that this transformed the Council's role in the collection process in terms of managing the local business tax base.

Currently all Business Rates in Chorley were collected by the Council and passed to Central Government who distributed it back out across the public sector via the Local Government Finance Settlement and a complex funding formulae, but would also have to pay a tariff to the Government if it thought the Council was retaining more than

it needed. The new regime meant that the Council retained 50% of the income locally and distributed it to Lancashire County (18%) and Lancashire Fire Authority (2%). The remaining 50% would be paid to Central Government. In effect it transferred the risk of collection from Central Government to the local area.

The rationale for changing the current system was to incentivise councils to grow their business community, although the impact of decline was greater than the financial 'rewards' for growth. A tax base which remained the same was likely to also result in a reduction in funding and the level of tax base growth required to increase actual income would be substantial.

There would be a mechanism to provide additional income to local authorities who were adversely affected by the new regime by means of a safety net payment to top up the funding total. This only applied if there was a reduction of more than 7.5% which would be a significant amount.

It was positive for the Council that there was not one main employer, but a variety of employers within the Borough as this reduced the risk.

#### **Decision made**

**The report be noted.**

#### **Reason(s) for decision**

This change is fundamental to the way Local Authorities are funded and will have a significant impact on the council's core funding, budget and Medium Term Financial Strategy.

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

No alternative options have been considered.

### **12.EC.181 HEALTHY CITIES (TOWNS) NETWORK APPLICATION**

The Executive Leader introduced a report which sought approval to proceed with an application to join the Healthy Cities Network with Chorley Council area being recognised as a Healthy Town.

The aims of the network were to enhance learning and build capacity through sharing ideas, experience, best practice and widen participation of the Healthy Cities movement, also to support member towns to develop and test innovative approaches to emerging public health issues. In addition, the network aimed to become a strong collective voice for health, wellbeing, equity and sustainable development and to inform and influence local, regional, national and European policy on health matters.

Joining the Healthy Cities network would provide the Council with several benefits, including the opportunity to learn from others who might be ahead in implementing key policies that promote health and wellbeing and address inequalities and access to assistance at a World Health Organisation (WHO)/European level for policy development. The Council would also have access to toolkits and briefings on health issues which would help develop skills and capacity to address health inequalities and potential collaborative working opportunities with other towns and cities.

Membership of the network could be reviewed after a period of time. It was predominantly larger authorities that were joining the network, but there was a wish to embed health and well-being into all aspects of Council services.

#### **Decision made**

- 1. Endorsement of the Zagreb Declaration for Healthy Cities.**
- 2. Approval for an application to the Healthy City Network to be made for the reasons outlined in the report.**

**Reason(s) for decision**

1. To seek recognition of the work being undertaken by the Council and its partners to deliver services with health and wellbeing as an integral part and to seek to address the health inequalities that exist amongst Chorley citizens.
2. To access a wider network of Healthy Towns and Cities to gain knowledge and share best practice.

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

None.

**12.EC.182 OPEN SPACE AND PLAYING PITCH SUPPLEMENTARY PLANNING DOCUMENT**

The Executive Member (LDF and Planning) presented the draft Open Space and Playing Pitch Supplementary Planning Document (SPD) for endorsement.

Five Supplementary Planning Documents had already been adopted in October for affordable housing, design, the re-use of employment premises, rural development and access to healthy food.

The guidance in the document expanded on Policies which set out the minimum provision standards for different typologies of open space and playing pitches. The figures were based on the current standard and the aim was to maintain this standard. There was a wide variation between the three authorities covered by the document (Chorley, South Ribble and Preston).

The financial contributions for new provision/ improvements were noted as being in addition to the CIL charges and would be secured through section 106 agreements.

**Decision made**

1. **Endorsement of the draft Open Space and Playing Pitch Supplementary Planning Document, as detailed in Appendix 1, and approval of the document for consultation.**
2. **Delegated authority be granted to the Executive Member for LDF and Planning to approve minor changes and amendments prior to the consultation.**

**Reason(s) for decision**

To ensure that further guidance is produced to supplement and provide advice on how the open space and playing pitch policies as set out in the Core Strategy and Chorley Local Plan are to be implemented.

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

None.

**12.EC.183 ADOPTION OF CHORLEY COUNCIL'S TENANCY STRATEGY**

The Executive Member (Homes and Business) presented the results of the consultation exercise on the draft Tenancy Strategy which had been considered by Executive Cabinet on 21 June and sought adoption of the revised Tenancy Strategy.

The Localism Act 2011 required each Local Authority to publish a Tenancy Strategy. Registered Providers of social housing must have regard to the strategy when developing their tenancy policies, but were not bound by it.

The report set out the principles of the Strategy and the Council's expectations which sought to minimise any negative impact on affordability and homelessness in the

borough by making clear the Council's position with regard to the tenure of Affordable rent.

The consultation period ran for six weeks and all Registered Providers with stock in Chorley were invited to comment, with comments received from Adactus/CCH, Places for People and New Progress. The agreed strategy would be issued to each Registered Provider and those who commented would be advised as to if and how the strategy had been amended.

It was anticipated that around 900 hundred properties, under the control of Registered Providers, were unoccupied. A meeting has been held earlier in the day to work with Registered Providers to reduce this number.

It was suggested that a briefing note on the Tenancy Strategy be circulated to all Members via intheknow.

**Decision made**

**Approval of the attached Tenancy Strategy.**

**Reason(s) for decision**

It is important that the Tenancy Strategy is adopted in a timely manner in order to comply with legislation and to influence and inform the tenancy policies being developed by Registered Providers.

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

The Localism Act 2011 requires local authorities to publish a Tenancy Strategy consequently no other options were considered.

**12.EC.184 EXCLUSION OF THE PUBLIC AND PRESS**

**RESOLVED - To exclude the press and public for the following items of business on the ground that it involved the likely disclosure of exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972.**

**12.EC.185 APPROVAL FOR CONTRACT AWARD FOR DUXBURY PARK ACCESS ROAD**

The Executive Leader introduced a report which sought approval to award the contract for the resurfacing of the Duxbury Park access road.

Work on the access road would start in February 2013. The contractor would liaise with the golf course operators and tenants of Duxbury farmhouse to minimise disruption.

**Decision made**

**Approval of the award of the contract for resurfacing the road to Lancashire County Council.**

**Reason(s) for decision**

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

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

To not follow the agreed contract award procedure would be in breach of the Council's Procurement rules.

## **12.EC.186 UPDATE ON THE INDOOR LEISURE CONTRACT**

The Executive Leader presented a report which provided an update on the performance of the indoor leisure contract and the savings negotiated for the duration of the contract. The report also informed Members of the changes to the existing contract which would be captured in the contract variation.

Active Nation were in year seven of a 15 year contract with the Council to manage the Council's indoor leisure facilities. The contract performance to date had been good and by working in partnership, the Council and Active Nation had identified a number of potential areas for savings whilst maintaining high service standards. The Council had an "open book accounting" arrangement with Active Nation.

### **Decision made**

- 1. The good performance of the indoor leisure contract to date be noted.**
- 2. Approval of the savings negotiated so far with Active Nation and the agreed changes to be incorporated into the contract variation.**

### **Reason(s) for decision**

To ensure the current indoor leisure contract continues to provide high service standards to users of the facilities, continues to encourage participation in sport and leisure and offers good value for money.

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

Other options such as reducing the opening hours of the leisure centres were considered but these will impact on current service standards.

## **12.EC.187 UPDATE ON THE WASTE MANAGEMENT CONTRACT**

The Executive Member (Places) introduced a report which provided an update on the performance of the waste contract and the savings negotiated for the duration of the contract. The report also advised that some of the savings identified were subject to extending the existing waste management collection contract by another two years.

Veolia Environmental Services were in year four of a ten year contract with the Council to provide a waste collection service to households. The contract performance to date had been good and by working in partnership the Council and Veolia had identified a number of savings.

There have been no deductions for poor performance over the past 12 months as 99.9% of collections had taken place on the right day based on reports of missed bins.

### **Decision made**

- 1. The good performance of the waste contract be noted and approval of the savings negotiated so far with Veolia.**
- 2. Authorisation for officers to start negotiations on extending the existing waste management collection contract by another two years in order to realise some of these savings.**

### **Reason(s) for decision**

To ensure the current waste contract continues to provide high service standards and offers value for money.

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

A number of alternative options for savings have been explored and these are detailed in the report but were not considered viable.

## **12.EC.188 PLANNING BREACH: LAND AT HEATH PADDOCK, HUT LANE, HEATH CHARNOCK**

The Executive Leader introduced a report which outlined the progress and expenditure made to date with instigating legal proceedings relating to the land at Hut Lane, Heath Charnock (known as Heath Paddock) since approval by the Development Control Committee on 9 August 2011 to seek injunctive relief and by the Executive Cabinet on 18 August 2011 to allocate financial resources.

Following the re-affirmation to continue enforcement action by the Development Control Committee on 30 October 2012, the report requested endorsement and re-affirmation the Council's budget provision and commitment to continuing with enforcement action.

Members agreed that legal proceedings must continue due to the harm arising to the green belt.

### **Decision made**

- 1. To note the progress and expenditure to date in instigating prosecution of the land owners for breach of the enforcement notices and for seeking injunctive relief.**
- 2. Re-affirmation and refer to the 8 January 2013 Council that the £115k (net of expenditure to date) and the provision of £30k for any operational necessity (approved by Cabinet on 18 August 2011) be set aside from balances from the general revenue fund to cover the cost of this enforcement action.**
- 3. To recommend increasing the budgetary provision by a further £40k from balances to fund a re-run of the Public Enquiry given the successful High Court Challenge and for continuing enforcement action as detailed in this report.**

### **Reason(s) for decision**

To continue enforcement action.

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

The Council 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 encourage further breaches of planning control.

## **12.EC.189 PROCUREMENT OF THE NIGHT CARETAKING AND CONCIERGE SERVICE AT COTSWOLD SUPPORTED HOUSING**

The Executive Member (Homes and Business) presented a report which outlined the procurement process undertaken for the concierge service at Cotswold Supported Housing and sought approval to award the contract to the successful contractor.

A tender for the new contract had been advertised on the Council's e-procurement portal, The Chest, in October. A number of bids had been received and a subsequent evaluation process undertaken. A ranked list of bidders had been drawn up and a preferred contractor identified.

### **Decision made**

**Approval of the decision to award the contract for the Night Caretaking and Concierge Service at Cotswold Supported Housing, to the contractor who achieved the highest scoring tender, namely Profile Security Services for the period of 1 February 2013 to 31 January 2015.**

**Reason(s) for decision**

To continue to provide a high quality service and ensure the health and safety of the customers, staff and the building is safeguarded.

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

None (there are no feasible alternatives).

Executive Leader