

Executive Cabinet

Minutes of meeting held on Thursday, 24 August 2006

Present: Councillor Peter Goldsworthy (Executive Leader in the Chair), Councillor Mrs P Case (Deputy Leader of the Council) and Councillors E Bell, P Malpas, G Morgan, M Perks and J Walker

Also in attendance:

Lead Members: Councillors Peter Baker (Lead Member for Information Communication Technology), Alan Cain (Lead Member for Human Resources), Francis Culshaw (Lead Member for Housing), Mrs Marie Gray (Lead Member for Town Centre), Geoffrey Russell (Lead Member for Finance), Rosemary Russell (Lead Member for Health and Older People) and Mrs Iris Smith (Lead Member for Licensing)

Other Members: Councillors A Gee, A Lowe, M Lowe and R Snape

06.EC.108 DIRECTOR OF HUMAN RESOURCES

The Executive Leader reminded the Members that this would be the last meeting to be attended by Angela Wolstencroft in her capacity as Director of Human Resources, following her recent resignation and impending emigration to Australia.

The Executive Leader and Councillor Gee expressed the Council's gratitude to Ms Wolstencroft for her services to the Council and particularly, for her contribution to the strengthening of the performance and efficiency of the Human Resources Directorate.

06.EC.109 DECLARATIONS OF ANY INTERESTS

Councillor P Malpas declared a prejudicial interest in agenda item 11 (Housing Stock Transfer).

06.EC.110 MINUTES

The minutes of the meeting of the Executive Cabinet held on 29 June 2006 were confirmed as a correct record for signature by the Executive Leader.

06.EC.111 CAPITAL PROGRAMME 2006/07 - MONITORING REPORT

The Executive Cabinet considered a joint report of the Executive Director – Corporate and Customer and the Director of Finance on the progress of the 2006/07 Capital Programme through the monitoring and performance control mechanisms in place.

The report recommended an increase of the 2006/07 programme by £1,921,100 to £14,081,420 and contained a number of recommendations of the Capital Programme Board to revise the capital budget allocation for a number of projects and to include a new Category 'C' scheme on the programme's reserve list.

Decisions made:

That the Council be recommended:

- (1) to approve the revised, increased Capital Programme for 2006/07, totalling £14,081,420, as presented in Appendix 1 to the submitted report; and
- (2) to approve the following recommendations of the Capital Programme Board:

Exception Reports

- (a) an increase of £14,254 in the 2005/06 Access to Home Working budget to be financed from LGOL grant funding;
- (b) a reduction of the current Chorley Cemetery Extension budget by £5,380 to cover the overspend in 2005/05;
- (c) a reduction of the current Litter/Dog Waste/On-street recycling bins budget by £2,766 to take account of the overspend in 2005/06;

New Capital Schemes and Projects

- (d) the inclusion of the PIMSS Asset Management scheme on the Capital Programme reserve list (Category C) for future consideration when resources become available;
- (e) the utilisation of £150,000 of the regional housing capital grant to replace the Housing Revenue Account revenue contribution to capital.

Reasons for decisions:

The revisions to the 2006/07 Capital Programme are required in order to take into account schemes which are either overspending or require additional resources.

The extension of the programme's reserve list will enable consideration of the scheme's inclusion in the capital programme whenever resources become available.

Alternative option(s) considered and rejected:

None.

06.EC.112 REVENUE BUDGET 2006/07 - MONITORING REPORT NO. 2

The Executive Cabinet received a report of the Director of Finance monitoring the current financial position of the Council in comparison with the budgetary and efficiency savings targets for 2006/07 in respect of the General Fund and the Housing Revenue Account.

The report revealed that the situation with the General Fund continued to improve, with the forecast overspend having been reduced from £82,000 to £66,000 since the previous monitoring report. Further savings would be pursued and a number of areas (eg agency staff costs; income streams from the Development and Regeneration Directorate; increased refuse collection, concessionary travel and benefits costs) would need to be monitored closely over the remainder of the year.

Increases in both the cost of the Job Evaluation process and forecast income had resulted in an expectation for the Housing Revenue Account balances to be in the region of £683,000 at the end of the financial year.

Decision made:

That the report be noted.

06.EC.113 LEARNING AND DEVELOPMENT STRATEGY

The Head of Human Resources presented a report recommending the Executive Cabinet's approval to the revision of the contents and actions within the Learning and

Development Strategy developed in 2004 for implementation during the period 2005-2008.

The Strategy had been reviewed by the Member Development Steering Group as a result of the pre-assessment meeting with the North West Employers' assessor. This evaluation by the Steering Group had revealed that the actions identified in the Strategy relating to Member development had, in fact, been completed. The Steering Group considered, therefore, that the Strategy needed to establish other challenging targets and actions to enhance Member development arrangements further.

Decision made:

That approval be given to the amendment of the Learning and Development Strategy for 2005-2008 by the inclusion of the additional targets and actions relating to Member development arrangements outlined in the submitted report.

Reason for decision:

The proposed amendments reflect the significant improvements to Member development over the last 18 months and contain additional actions required to maintain the achievements made to date and continually develop them further. This will contribute to the on-going development of the capacity of Members in relation to the Council's strategic objectives.

Alternative option(s) considered and rejected:

None.

06.EC.114 PUBLIC QUESTIONS/SPEAKING AT COUNCIL/COMMITTEE MEETINGS

The Chief Executive presented a report putting forward proposals to allow the public to speak and/or ask questions at meetings of the Council, Executive Cabinet, Development Control Committee and the Overview and Scrutiny bodies within defined criteria.

The proposals had evolved from the research work undertaken by the former Community Overview and Scrutiny Panel as part of its scrutiny inquiry into public participation in the Council's decision making process. The plans to allow public speaking at Development Control Committees had, in fact, been supported by the Committee, subject to the preparation and implementation of appropriate procedure rules.

The Executive Leader assured Members that, if adopted, the implementation of the proposals would be monitored, particularly in terms of the suitability of meeting venues and the possible need for public address/loop systems.

Decisions made:

(1) That the Council be recommended to approve the principle of allowing a regulated scheme for public speaking at meetings of the Council, Executive Cabinet, Development Control Committee and the Overview and Scrutiny bodies in accordance with the criteria set out below, and, accordingly, to authorise the addition of the following text to the Council Procedure Rules, as set out in Part A of Appendix 3 of the Council's Constitution:

"PUBLIC QUESTIONS/SPEAKING

(1) Council and Executive Cabinet Meetings

- A maximum period of 3 minutes will be allowed for a question from a member of the public on an item on the agenda. A maximum period of 30 minutes to be allocated for public questions if necessary at each ordinary Council meeting (ie excluding the Annual Meeting).
- Questions should be submitted to the Democratic Services Section by midday, two working days prior to each Council meeting to allow time to prepare appropriate responses and investigate the issue if necessary.
- The question to be answered by the Executive Member with responsibility for the service area or whoever is most appropriate.
- On receiving a reply the member of the public will be allowed to ask one supplementary question.
- Members of the public will be able to stay for the rest of the meeting should they so wish but will not be able to speak on any other agenda item upon using their allocated 3 minutes.

(2) Development Control Committee

- One person to be allowed to address the Committee in favour of the officers recommendations on respective planning applications and one person to be allowed to speak against the officer's recommendations.
- Persons must give notice of their wish to address the Committee, to the Democratic Services Section by no later than midday, two working days before the day of the meeting.
- In the event of several people wishing to speak either in favour or against the recommendation, the respective group/s be requested to select one spokesperson to address the Committee.
- If a person wishes to speak either in favour or against an application without anyone wishing to present an opposing argument that person be allowed to address the Committee.
- Each person/group addressing the Committee be allowed a maximum of three minutes to speak.
- The Committee debate and consideration of the planning applications awaiting decision will only commence after all of the public addresses.

(3) Overview and Scrutiny Committee/Panels

- A maximum period of 3 minutes will be allowed for a question from a member of the public on an item on the agenda. A maximum period of 30 minutes to be allowed for public questions if necessary at each meeting of the Overview and Scrutiny Committee and its appropriate panels. This will provide an opportunity for members of the public to raise and ask questions on any issue falling within the remit of the Committee or Panel.
- Questions must be submitted to the Democratic Services Section by no later than midday, two working days before the day of the meeting to allow time to prepare appropriate responses and investigate issues if necessary."

- (2) That in accordance with Paragraph 27.2 of the Council's Procedure Rules the above recommendation be adjourned at the next Council meeting on 19 September 2006 without further discussion to the next Ordinary Council meeting on 31 October 2006.

Reason for decision:

The introduction of public speaking/questions at various Council meetings will improve the level of public participation in the Council's decision making process.

Alternative option(s) considered and rejected:

None.

06.EC.115 CLEAN NEIGHBOURHOODS AND ENVIRONMENT ACT, 2005 - ADOPTION OF POWERS

The Executive Cabinet considered a report of the Director of Streetscene, Neighbourhoods and Environment on the implications of the Clean Neighbourhoods and Environment Act 2005.

The Act, which had received Royal Assent on 7 April 2005, had emerged from the Government's review of the legislative framework for providing and maintaining a clean and safe environment.

A number of sections of the Act providing new or extended powers to local authorities had already become effective, including a discretionary power to agree the amount of certain fixed penalties.

Decisions made:

- (1) That the following executive functions conferred by the Clean Neighbourhoods and Environment Act 2005 be allocated to the Director of Streetscene, Neighbourhoods and Environment under the Executive Arrangements made pursuant to Section 15 of the Local Government Act 2000 to be discharged by the Director under that Section:

“The functions of:

- a) authorising the service of notices and the taking of consequential action, including carrying out work in default and the recovery of costs;
- b) issuing formal cautions;
- c) recommending to the Director of Legal Services the institution of legal proceedings; and
- d) authorising officers to exercise statutory powers of entry (including obtaining warrants).”

- (2) That, pursuant to Sections 77 to 79 of the Clean Neighbourhoods and Environment Act 2005 (Silencing of intruder alarms), Section 7 of the Act (Power to require name and address – nuisance vehicle fixed penalty) and Section 10 of the Act (Power to require name and address – abandoned vehicle fixed penalty), the following fixed penalty notice, default and early payment charges be adopted:

| Section and legislation | Description of Offence | Recommended Amount |
|---|------------------------------|--------------------------------|
| S6(1) Clean Neighbourhoods and Environment Act 2005 | Selling vehicles on a road | Fixed £100, early payment £60 |
| S6(1) Clean Neighbourhoods and Environment Act 2005 | Repairing vehicles on a road | Fixed £100, early payment £60` |
| S2A Refuse Disposal (Amenity) Act 1978 | Abandoning a vehicle | Fixed £200, early payment £120 |

| Section and legislation | Description of Offence | Recommended Amount |
|--|---|---------------------------------|
| S88(1) Environmental Protection Act 1990 | Litter | Default £75, early payment £50 |
| S94A(2) Environmental Protection Act 1990 | Street litter control notices and litter clearing notices | Default £100, early payment £60 |
| S43 Anti-Social Behaviour Act 2003 | Graffiti and flyposting | Default £75, early payment £50 |
| S34A(2) Environmental Protection Act 1990 | Failure to furnish documentation (waste carriers licence) | Fixed £300, early payment £180 |
| S47ZA(2) Environmental Protection Act 1990 | Offences in relation to waste receptacles | Default £100, early payment £60 |
| S5B(2) Control of Pollution (Amendment) Act 1989 | Failure to produce authority (waste transfer notes) | Fixed £300, early payment £180 |
| S34A2 Environmental Protection Act 1990 | Failure to furnish documentation (waste transfer notes) | Fixed £300, early payment £180 |

- (3) That the administrative changes to the legislative provisions for which the Director of Streetscene, Neighbourhoods and Environment is already responsible be noted.

Reason for decisions:

To ensure the implementation by the Director of Streetscene, Neighbourhoods and Environment of the additional discretionary powers conferred by the Clean Neighbourhoods and Environment Act 2005 and to agree the levels for fixed penalty notices under local discretionary powers.

Alternative option(s) considered and rejected:

None.

06.EC.116 EXCLUSION OF THE PUBLIC AND PRESS

Decision made:

That 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 1 of Part 1 of Schedule 12A to the Local Government Act 1972.

(Councillor P Malpas declared a prejudicial interest in the following item of business and left the meeting during the consideration of and voting on the item).

06.EC.117 HOUSING STOCK TRANSFER UPDATE

The Executive Cabinet considered an update report of the Chief Executive on the results of the ballot of secure and introductory tenants on the transfer of the Council's housing stock to Chorley Community Housing Limited (CCH) and seeking approval to a number of measures to progress and effect the transfer.

The report confirmed that 63.1% of the tenants having voted in the month long ballot were in favour of the stock transfer. Consequently, the report sought approval to the

implementation of a number of executive and managerial arrangements and post-ballot processes, including the appointment of an Executive Cabinet Committee to oversee the transfer, and the staffing secondments and adjustments required to project manage the transfer process and ensure the smooth disengagement of the Housing Directorate.

A revised projected timetable of regular meetings of the new Member and Officer bodies up to early March 2007 was circulated at the meeting.

The Executive Director – Community and Environment, on behalf of the Members and Officers, thanked the staff of the Housing Services Directorate and, particularly, the Housing Stock Transfer Team for their commitment and efforts during the stock appraisal and transfer process so far. The Members also congratulated Mr S Lomas (Director of Housing Services) on this recent appointment as the Managing Director of Chorley Community Housing.

Decisions made:

(1) That the Council be recommended:

- (a) to accept the tenants' ballot result and to resolve to proceed with the transfer of its housing stock to Chorley Community Housing Limited, subject to the Council agreeing a satisfactory Transfer Contract and obtaining the Secretary of State's consent under the Housing Act 1985;**
- (b) to approve the nomination of Councillors A Cain and Mrs M Gray to replace Councillors F Culshaw and P Malpas as the Council's representatives on the Board of Chorley Community Housing Limited; and**
- (c) to approve the revised post-ballot budget, as set out in Appendix 7 to the submitted report.**

(2) That an Executive Cabinet Committee, comprising Councillors F Culshaw, P Goldsworthy, P Malpas and G Morgan, be appointed on the basis of the accountabilities and terms of reference as set out in Appendix 1 of the submitted report, with delegated authority to agree all elements of the draft tender contract, ancillary documentation and other related matters and empowered to recommend approval of the final Transfer Contract to the Council.

(3) That approval be given to the Council side negotiating body arrangements as set out in Appendix 3 to the submitted report.

(4) That the temporary officer secondment and backfilling arrangements as set out in paragraphs 13-16 and Appendix 4 of the submitted report be approved.

(5) That the appointment of Enterprise BWNL and Trowers & Hamlins as the Council-side's new lead and legal consultant advisors respectively for the post-ballot stage of the transfer process be noted.

Reason for decisions:

The proposals will enable the housing transfer process to be completed in accordance with the wishes of the majority of tenants participating in the ballot and within the timescale previously indicated and agreed.

Alternative option(s) considered and rejected:

No alternative options were considered appropriate in view of the ballot result.

06.EC.118 STREETSCENE, NEIGHBOURHOODS AND ENVIRONMENT DIRECTORATE - PHASE 1 RESTRUCTURE

The Director of Streetscene, Neighbourhoods and Environment submitted a report on the outcome of the consultation exercise on proposals to revise the senior management structure of his Directorate, following the recent amalgamation of the former Public Services Unit, Environmental Services Unit and part of the Corporate and Policy Unit.

The report considered the representations received and explained the rationale behind the recommended alterations to the original restructure proposals and the additional revisions to the staffing structure that had been agreed through delegated powers.

Decisions made:

(1) That the recommendations for the adoption of the revised senior management structure of the Streetscene, Neighbourhoods and Environment Directorate, as outlined in the submitted report, be approved.

(2) That the applications for Early Retirement Voluntary Severance from the Service Group Manager and the Community Safety Co-ordinator be approved.

Reason for decisions:

The new staffing structure is aimed at providing an efficient 'fit for purpose' Directorate, capable of delivering the Council's priority objectives.

Alternative option(s) considered and rejected:

A range of other structures has been assessed, but has been rejected on the ground that the structures either did not fulfil the policy objectives or would incur additional cost implications.

(With the exception of the Chief Executive and the Director of Human Resources, the Council Officers present left the meeting at this stage)

06.EC.119 STEPS TO BECOMING AN EXCELLENT COUNCIL - RESTRUCTURE OF POLICY AND PERFORMANCE DIRECTORATE

The Executive Cabinet considered a report of the Chief Executive on the outcome of the consultation exercise on proposals to restructure the Policy and Performance Directorate.

The report summarised and commented on the representations received and reminded the Members of the critical role the Directorate would be expected to perform in the delivery of the Corporate and Community Strategies and the Authority's achievements of a higher Comprehensive Performance Assessment rating.

Decision made:

That the recommendations for the adoption of the revised staffing structure for the new Policy and Performance Directorate, as outlined on the submitted report, be approved.

Reason for decision:

The proposals are aimed at producing a 'fit for purpose' structure for the Policy and Performance Directorate, capable of meeting new internal and external challenges and demands.

Alternative option(s) considered and rejected:

None.

06.EC.120 RESTRUCTURE OF OFFICE SUPPORT

The Executive Cabinet considered a report of the Chief Executive on proposals to restructure Office Support Services, following the transfer of responsibility for the functions to the Chief Executive's Assistant upon the recent revision of the senior management structure.

The report recommended the restructure of the service under the following three broad functional groupings:

Executive Secretariat; Directorate Support Team; Corporate Support Team.

The proposals aimed to provide a more flexible corporate support facility, whilst ensuring enhanced support arrangements for Service Directors. In addition, a number of posts would be transferred to identified Directorates, and it was envisaged that the restructure would generate further annual financial savings in the region of £25,000.

Decisions made:

(1) That the draft proposals to revise the staffing structure of Office Support Services, as outlined in the submitted report, be approved for consultation with staff and trade unions.

(2) That the Executive Leader and the Chief Executive be authorised to agree the final structure, following consideration of the consultation responses.

Reason for decision:

The proposals are aimed at delivering a 'fit for purpose' office support service to meet the demands of the Council's new organisational structure and corporate priorities.

Alternative option(s) considered and rejected:

None.

Executive Leader