

## **REPORT OF EXECUTIVE CABINET**

### **GENERAL REPORT**

1. The Executive Cabinet has met twice since the last ordinary Council meeting on 24 May 2007 and 26 June 2007 and this report summarises briefly the principal matters considered at those meetings. Separate reports appear on the Council's agenda in respect of the matters that require specific decisions.

### **MEETING HELD ON 24 MAY 2007**

#### **Equality and Diversity Sub-Group – Findings and Recommendations of the Overview and Scrutiny Sub-Group**

2. The Executive Cabinet received and considered a report of the Director of Policy and Performance (Assistant Chief Executive) on the deliberations and recommendations of the Equality and Diversity Sub-Group of the Overview and Scrutiny Committee following its review of the Council's approach to the embodiment of equality and diversity in the culture of the Authority.
3. The Sub-Group visited Staffordshire Moorlands District Council and have concluded that, while many measures and actions to promote equality and diversity are being implemented in isolation throughout the Council, there is a need to ensure that all actions are recorded and measures undertaken in a more co-ordinated and integrated fashion throughout the Authority.
4. The Sub-Group put forward a series of recommendations for measures aimed at ensuring that the Council's services are delivered against equality and diversity objectives so that all communities are afforded equality of access, outcome and opportunity. We accepted the report and agreed to implement each of the suggested measures that can be implemented within existing resources. The remainder of the measures and actions which are likely to incur additional costs will be considered further when estimated costs are available.

#### **Contact Centre Efficiencies and Partnership with Lancashire County Council – Scrutiny Inquiry report**

5. The Executive Cabinet gave further consideration to the final report of the Corporate and Customer Overview and Scrutiny Panel's inquiry into the Lancashire Shared Services Contact Centre, following its deferment at the 29 March meeting.
6. The Panel's report contained a number of recommendations aimed primarily at maximising the efficiencies within the Contact Centre, particularly through the introduction of the Customer Relationship Management system, and improving both the effectiveness of partnership arrangements and customers' access to services at the Centre.
7. We agreed the implementation of those measures that can be implemented within existing measures and deferred consideration of the remaining measures that are likely to incur additional costs to await the details of the relevant estimated costs.

#### **Fourth Quarter Performance Report, 2006/07 – Monitoring Report for 12 months period ending 31 March 2007**

8. The Director of Policy and Performance (Assistant Chief Executive) presented the Executive Cabinet with a report monitoring the Council's performance in 2006/07 against the key

projects outlined in the Council's Corporate Strategy and the Council's Best Value Performance Indicators (BVPIs).

9. The report confirms an overall commendable Council performance, with an excellent record in respect of the Authority's key projects, 95.5% of which have either been completed or are progressing on or ahead of plan. In fact only two key projects have been identified as being behind schedule and, given the Council's lack of control over one of these projects 'to develop a Service Level Agreement (SLA) with the Lancashire County Council to deliver the Local Area Agreement and Community Strategy priorities', the Executive Cabinet agreed to close down this project. If, and when, the SLA is issued by the County Council, we will respond accordingly, with the work sitting outside the Corporate Strategy key projects.
10. The report also indicates that 77% of performance indicators show a maintained or improved performance level from 2005/06 to 2006/07, with 54% of indicators showing an enhanced performance over the past year. Action plans have been compiled to address and improve the areas where either performance has declined or where targets are being missed.

### **Variation of Home Repair and Adaptation Grants Scheme in Chorley**

11. We were presented with a report of the Director of Development and Regeneration and approved for consultation purposes the draft Housing Renewal Grant Policy for 2007-2010, which sets out proposals for the next three years in respect of discretionary and mandatory grants to assist vulnerable households to maintain, adapt and improve their homes.
12. The policy contains detailed guidance for Officers on the delivery of financial assistance available under the following four grant regimes:
  - Home Repair Assistance (Energy) Grants;
  - Home Repair Assistance (Repairs) Grants;
  - Disabled Facilities Grant;
  - Handyperson Scheme.

### **Astley Park Project**

13. The Executive Cabinet received a report of the Director of Leisure and Cultural Services updating Members on the progress of the works to regenerate and enhance Astley Park.
14. The report updated Members on the current situation in respect of each of the individual contracts through which the project was being implemented.
15. The tenders received for the building works are in excess of the budget provision and, consequently, we approved the submission of a bid for additional Heritage Lottery funding towards 78% of the anticipated shortfall on the building contract and the costs of park furniture and the construction of a wall between Astley Hall and the boiler house to enhance the walled garden and improve security.

### **A Framework for Partnership Working**

16. We considered a joint report of the Director of Policy and Performance (Assistant Chief Executive) and Director of Finance and endorsed a 'Framework for Partnership Working' produced by the Internal Audit Section.
17. The document set out the recommended governance and management procedures to be applied to the Authority's partnership ventures. In particular, it outlined the control procedures and processes that Members and Officers will need to apply to all partnership working, together with the monitoring and assessment procedures required to gauge whether the partnerships are adding value to the Council's functions.

18. We stipulated that all proposed key partnership initiatives must be presented to the Executive Cabinet prior to any agreement being put in place and have requested an annual report on all key partnership's performance and, where appropriate, financial well-being to be submitted to the Cabinet by the Director of Finance.

### **Achieving Value for Money**

19. The Executive Cabinet received a report of the Director of Finance and approved the adoption of a 3 year Value for Money Review Programme. This follows the Audit Commission's award to the Council of the highest score of 4 for the Authority's annual Use of Resources self-assessment on Value for Money for 2006.
20. The 3 year Best Value Review Programme aims to ensure that the current high level of performance is maintained and enhanced by subjecting each of the Council's services to a Best Value Review over the 3 year period, commencing with the Streetscene, Neighbourhoods and Environment Directorate in 2007/08. The framework document sets out the various procedures and performance management tools that will be used to review and assess services in order to ensure that they are continuing to deliver value for money.

### **Community Managed Community Centres**

21. Following consideration of a report by the Director of Leisure and Cultural Services we approved the transfer of the management function for the Tatton Community Centre from the Borough Council to Tatton Community Association (a not-for-profit voluntary management committee) with effect from 1 September 2007 at the earliest, subject to consultation with staff and trade unions. This decision accords with the Executive Cabinet's previous approval of the concept of community management for the Authority's four directly managed Community Centres and is in line with the Council's objective of developing greater community cohesion and involvement.

### **MEETING HELD ON 26 JUNE 2007**

#### **Annual Audit and Inspection Letter for 2005/06**

22. The Audit Commission's Annual Audit and Inspection Letter for 2005/06 was presented to the Executive Cabinet by Mr Mike Thomas from the Commission.
23. The letter provides an overall summary of the Audit Commission's assessment of the Authority, drawing from its audit findings and conclusions and from any inspections undertaken in the past year. The letter reviews how well the Council has progressed under the Commission's Direction of Travel report, and assesses the Council's management of its finances through the Use of Resources scores.
24. The report presents a positive and complimentary message from the Council and is welcomed in the Authority's quest to seek a re-assessment of our Comprehensive Performance Assessment score.
25. In particular, Mr Thomas highlighted the following main messages extracted from the letter:
  - The Council has made significant improvements in its performance over the last three years compared to all District Councils, including those categorised as 'excellent' District Councils.
  - The Council is performing well ahead of other comparative Authorities.

- The Council in supporting the Lancashire Children and Young People partnership is well prepared to deliver the Children and Young People improvement agenda.
- The Council continues to perform well in its use of resources, having scored a maximum 4 for its annual Use of Resources self-assessment on value for money in 2006.

26. The letter also highlights a number of areas which still require to be addressed by the Council and actions agreed.

### **Revenue Budget, 2006/07 – Provisional Outturn**

27. The Executive Cabinet received and noted a report of the Director of Finance on the provisional outturn figures for the Council's 2006/07 General Fund revenue budget and the Housing Revenue Account.

28. Overall, in the 2006/07 financial year, an underspend of £158,000 was achieved as a result of service efficiencies. However, there is a need to allocate a sum to cover backdated interest costs on the Gillibrand Link Road compensation sum once the fixed settlement is made known. The Director of Finance has estimated the interest payment to be in the region of £456,000. After deducting £86,000 to be charged to earlier years and the £158,000 revenue underspend, the need to fund the interest payment has resulted in an overall loss of £232,000 on the 2006/07 General Fund budget. As an interim measure, the Council will need to commit working balances to cover this loss, but the Director of Finance intends to apply to the Department for Communities and Local Government for the capitalisation of these costs.

29. The total General Fund reserves total £1.654m, but as the majority of this sum is committed for schemes in 2007/08, the effective working balances total £0.769m. This is, in fact, within the range agreed in the Council's financial strategy and will be augmented during 2007/08 when the Housing Revenue Account is closed.

30. The final outturn in respect of the 2006/07 Housing Revenue Account showed a year end balance of £966,000.

### **Overview and Scrutiny Annual Report for 2006/07**

31. The Chair of the Overview and Scrutiny Committee (Councillor D Edgerley) presented the Executive Cabinet with the Overview and Scrutiny Annual Report for 2006/07 which highlights the work and achievements of the Overview and Scrutiny Committee and its associated Panels during the municipal year ending 31 March 2007.

32. The report highlights the continuing progress and effectiveness of the overview and scrutiny activities and points to the areas where it has had the greatest impact over the past year, including the budget setting process. More Member training sessions have been organised for 2007/08 in order to equip Members with the competencies needed to rise to the challenges within the Local Government White Paper.

### **Overview and Scrutiny Improvement Plan – Update**

33. We were presented with an updated version of the Overview and Scrutiny Improvement Plan which identifies the opportunities and actions required to enhance the overview and scrutiny function.

34. The revisions to the Plan have been made in the light of Member and Officer training sessions and the Chair of the Overview and Scrutiny Committee drew our attention in

particular to the need to schedule more regular meetings between the Executive Leader and the Chairs of the three Overview and Scrutiny bodies.

### **Communications and Marketing Strategy**

35. The Executive Cabinet received a report of the Director of Policy and Performance (Assistant Chief Executive) and approved an improved Marketing and Communication Plan.
36. The new Plan refreshes and improves the Communications Strategy agreed in 2004 by providing a stronger focus on marketing the 'Chorley' brand and ensuring that all opportunities are taken to raise the profile of the Borough and its high performing services.

### **Householder Design Guidance – Supplementary Planning Document**

37. We considered a report of the Director of Development and Regeneration and endorsed the modification of the Householder Design Guidance Supplementary Planning Guidance adopted by the Council in February 2007.
38. Government guidance aims to restrict the size of replacement dwellings in the Green Belt so that new buildings are not materially larger than those being replaced. However, recent case law has established that, once built, a replacement dwelling is construed as the original dwelling. Consequently, if the replacement dwelling is larger than the replaced building, it could prove difficult to resist plans for any inappropriate extension. Therefore, in order to retain a robust policy on replacement dwellings in the Green Belt, a modification to the supplementary planning guidance was considered appropriate. The revised document emphasises the need to restrict the size of replacement dwellings and removes any mention of a percentage figure in relation to the scale of extensions to rural dwellings, allowing each proposal to be treated on its own merits.
39. The modified planning guidance has been approved for interim adoption for development control purposes during the public consultation period.

### **Draft Interim Pavement Café Design Guide**

40. We received and considered a joint report of the Director of Development and Regeneration and the Director of Streetscene, Neighbourhoods and Environment and approved for public consultation purposes an Interim Pavement Café Design and Licence Guide.
41. The guidance document aims to encourage well designed and managed pavement cafes both in the town centre and surrounding villages that will assist the vitality and viability of the town centre and support rural businesses. In particular, the purpose of the guidance is to:
  - ensure that any pavement café makes a positive contribution to the street scene;
  - ensure that any pavement establishment operates and is managed to specified requirements and standards;
  - guide potential operators through the required licensing and planning processes.
42. Notice of a public question had been received, which was read at the meeting in the absence of the questioner. In response, the Director of Development and Regeneration confirmed that Pubwatch will be allowed to comment on the guidance as part of the consultation exercise. In this context, various issues were raised by Members at the meeting that will require further evaluation during the consultation stage.

## **Land allocated for Employment development at Botany/Great Knowley, Chorley**

43. The Executive Cabinet had received and considered at its meeting on 24 May a report of the Director of Development and Regeneration seeking approval to a Guiding Principles Document for the development of Botany/Great Knowley site at Chorley. The land is currently allocated in the adopted Chorley Borough Local Plan Review for Class B1 (Offices/Light Industry) and Class B2 (General Industry) uses.
44. Following questions raised at the meeting from three members of the public and representations from a number of Members querying both the necessity for the site's allocation in the light of other potential employment sites and the impact of any potential development of the site on local traffic and the ecology of the area, the Executive Cabinet deferred consideration of the item. The Members requested a further report on (i) the feasibility or otherwise of procedures to secure the release of the site's allocation as employment land, and (ii) the likely implications of any re-allocation.
45. A further report was accordingly presented to our meeting on 26 June which addressed each of the relevant issues raised at the earlier meeting.
46. At the outset of the 26 June meeting, a further three residents posed separate questions relating to the costs and timescales of the re-allocation process, the necessity for the development given the over-supply of employment land and the impact of additional traffic on the area's road networks. The Executive Member for Economic Development and Regeneration (Councillor P Malpas) responded to both the original questions and the supplementary queries raised by two of the questioners. In addition, Councillor D Edgerley presented a petition signed by approximately 1,040 Chorley residents objecting to the site's allocation.
47. The Director's report outlines the background to the identification of the site for employment purposes in the initial Chorley Borough Local Plan, after taking account of the need to provide a variety and mix of employment opportunities throughout the Borough. The report also clarifies that any revision of the Local Plan Review policies will entail long and complex processes within the Local Development Framework regime, and highlights the fact that any move to pursue other routes could give rise to claims for substantial compensation payments. The Guiding Principles document, which has taken account of relevant highways and ecological considerations, has been compiled as guidance and advice to potential developers in order to ensure the highest quality design and layout for any potential development of the Botany/Great Knowley site.
48. Following a frank and comprehensive debate on the issue, the Executive Cabinet accepted that the allocation of the Botany/Great Knowley site for employment purposes within the Chorley Borough Local Plan Review is, for all practical purposes, unchangeable in the short term. We did, however, agree to use all reasonable endeavours to seek a re-allocation of the site through the formal Local Development Framework process. In the interim, the Members also endorsed the Guiding Principles document for further public consultation, including a workshop seminar with the local residents' group.

## **Fairview Farm, Adlington – Provision of Affordable Housing**

49. The Executive Cabinet considered a report of the Director of Development and Regeneration and authorised (i) the appropriation of the affordable housing plot at Fairview Farm, Adlington from the Housing Revenue Account to the General Fund; and (ii) agreement with Places for People Housing Association to transfer the land for the purpose of providing social rented and low cost housing.

50. This will allow the Housing Association to seek planning permission and Housing Corporation funding of a scheme to provide 5 two-bedroomed houses and 9 three-bedroomed houses for social renting, together with 15 two-bedroomed houses and 13 three-bedroomed houses for low cost sale.

### **East Lancashire Woodland Strategy (ELWOOD) Joint Venture Agreement**

51. The Executive Cabinet considered a report of the Director of Development and Regeneration and authorised the Council's participation in the Lancashire Woodland Strategy (ELWOOD) Joint Venture Agreement, along with the local authority areas of Blackburn with Darwen, Burnley, Hyndburn, Pendle, Ribble Valley and Rossendale. The ELWOOD programme aims to make a major contribution to the economic, social and environmental well-being of the area through the creation of a network of new and improved woodland.
52. The Joint Venture Agreement will formalise each Authority's participation in the delivery of the ELWOOD programme, which has been operating since 2000 with resources from a consortium of funders.

### **Land Drainage Act, 1991 – Delegation of Enforcement Authority**

53. The Director of Streetscene, Neighbourhoods and Environment presented a report seeking delegated authority for the discretionary enforcement of provisions of the Land Drainage Act, 1991 and to adopt a priority based approach.
54. The Land Drainage Act 1991 makes provision for local authorities to take action with respect to land drainage in instances where a flooding risk exists. Previous activity with respect to land drainage has been on an unprogrammed and ad-hoc basis, but the report recommended the adoption of a list of priorities.
55. The Executive Cabinet authorised the Director of Streetscene, Neighbourhoods and Environment's staff to exercise the functions of the Land Drainage Act and approved the prioritisation list as shown in the Officer's report. In this context, we have authorised the Director to allocate a budget for essential works falling within priorities Nos 1 and 2 (ie internal flooding in domestic premises and the imminent threat of repeat internal flooding in domestic premises), in consultation with the Director of Finance, where riparian responsibility cannot be identified or equitably apportioned.

### **Skin Piercing Model Byelaws**

56. The Executive Cabinet considered a report of the Director of Streetscene, Neighbourhoods and Environment and recommended for adoption model byelaws in the form attached to the submitted report for securing the cleanliness of premises registered under sections 14(2) or 15(2) or both of the Local Government (Miscellaneous Provisions) Act 1982 and the fittings in such premises and of persons registered under sections 14(1) and 15(1) or both of the Act in connection with the practice of acupuncture or the business of tattooing, semi-permanent skin-colouring or cosmetic piercing. Accordingly the Council is asked to approve the submission of the draft model byelaws to the Secretary of State for Health for confirmation.

**Recommendation**

57. The Council is recommended to note this report and approve the submission of the Skin Piercing Byelaws to the Secretary of State for confirmation.

COUNCILLOR P GOLDSWORTHY  
Executive Leader

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There are no background papers to this report.