

**MINUTES OF: THE CABINET**

**Date of Meeting: Tuesday, 19<sup>th</sup> September 2006**

**PRESENT: Councillor Ruddick (in the Chair)  
Councillors Challinor, Driver, Graham and Ormerod**

**IN ATTENDANCE: Carolyn Wilkins, Chief Executive  
George Graham, Executive Director of Resources  
Liz Murphy, Head of Human Resources  
Phil Seddon, Head of Financial Services  
Jon Sharples, Head of Economic Regeneration and  
Strategic Housing  
Ilona Snow Miller, Head of Community and Partnerships  
Carole Todd, Head of Street Scene and Liveability  
Rosemary Lyon, Locum Solicitor  
Heather Moore, Committee Services Manager**

**ALSO PRESENT: Councillors Dickinson, Entwistle, Essex, Morris, Neal,  
Sandiford and Smith  
2 Members of the Public  
2 Representatives from the Press**

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**1. APOLOGIES FOR ABSENCE**

Apologies for absence were submitted on behalf of Councillor Farquharson.

**2. MINUTES**

**Resolved:**

That the Minutes of the meeting of the Cabinet held on 2 August 2006 be signed by the Chair as a correct record.

**3. URGENT ITEM OF BUSINESS**

The Executive Director of Resources reported that two urgent decisions had been taken under the Special Urgency Procedure Rules in respect of the letting of contracts for gas and electric, the reason being that the prices had to be accepted within 24 hours in order that they remained valid.

The Executive Director of Resources reported that the decision had been taken by the Head of Legal and Democratic Services in consultation with the Leader of the Council and the Chair of Overview and Scrutiny and the lowest prices had been accepted.

**Decision Made:**

That the Cabinet endorse the action taken by the Head of Legal and Democratic Services.

**Reason for Decision:**

The contracts had to be accepted within 24 hours in order that the prices remained valid.

**Alternative Options Considered and Rejected:**

To accept alternative higher tenders which would be less economically advantageous.

**4. DECLARATIONS OF INTEREST**

Councillor Ruddick declared a prejudicial interest in Minute Number 24 (Robert Street Depot) by virtue that he was a Director of Lancashire County Developments Limited (LCDL). Councillor Ruddick vacated the Chair and the Meeting when the item was considered.

Councillor Smith declared a personal interest in Minute Number 13 (Community Facilities in Edenfield) by virtue that he was involved with Edenfield Community Association.

**5. PUBLIC QUESTION TIME**

There were no questions raised under this item.

**6. CHILDREN AND YOUNG PEOPLES' STRATEGY**

Councillor Essex, the Member Champion for Children and Young People presented the report of the Head of Human Resources which outlined the Council's Strategy in respect of Children and Young People.

Councillor Essex commended the Strategy to the Cabinet which had been developed in response to the Government's vision for children's services "Every Child Matters".

He informed the meeting that there were approximately 18,000 children and young people in the Borough and the Strategy would go a long way to meeting their needs. He outlined the ambitions for the Borough together with the key outcomes of the Strategy.

A number of questions were raised by Members and are summarised below:

In response to an enquiry about grant funding, it was reported that 2.3% of the Council's annual budget, approximately £260k, was allocated to the voluntary sector.

In terms of raising awareness of the grants system, the Head of Community and Partnerships reported that an advertisement was placed in the Free Press, information was available on the Council's website and approximately 500 community groups and 400 individuals received direct mailing through the Voluntary Community and Faith Sector.

In response to an enquiry about the development of a Play Strategy, it was reported that the Council had invested £50k per annum over the next five years for the Council's parks and additional lottery funding would be available, however, timescales for release of the funding were to be confirmed.

In response to a question about Local Democracy Week, it was reported that a Question Time event would be held at Haslingden High School and it was recommended that other High Schools be approached to seek expressions of interest in participating in Local Democracy Week.

**Decision Made:**

1. That the Strategy for Children and Young People be agreed pending further consultation with community groups and children and young people.
2. That further amendments to the Strategy, in light of consultation, be delegated to the Leader, the Member Champion for Children and Young People and the Chief Executive.

**Reason for Decision:**

The Strategy sets out the Council's commitment to Children and Young People.

**Alternative Options Considered and Rejected:**

None.

**7. HALO PANOPTICON**

The Cabinet Member for Street Scene and Liveability presented the report of the Head of Street Scene and Liveability which provided an update on the Halo Panopticon project.

The Cabinet Member for Street Scene and Liveability reported that funding had been secured and planning consent obtained.

The Cabinet considered future maintenance arrangements and the financial information detailed in the report.

**Decision Made:**

1. That approval be granted for the project to enable the funding to be used to remediate the landfill site and regenerate the area including improving many of

the links to site, landscaping the Top O' Slate site, improving access and visibility at Duckworth Clough and installing the Halo sculpture as the gateway Panopticon to East Lancashire.

2. That a maintenance budget be established as indicated in the report to ensure all future requirements for the project are met.
3. That consideration be given to the transfer of the 'Halo' to Rossendale Leisure Trust for future management and promotion, subject to the budget provision and agreement of Rossendale Leisure Trust.

**Reason for Decision:**

The Council is committed to improving the areas of open space within the Borough and as such this project contributes to that priority.

**Alternative Options Considered and Rejected:**

Not to continue with the project.

**8. ORGANISATIONAL DEVELOPMENT PLAN**

The Portfolio Holder for Human Resources and Member Development presented the report of the Head of Human Resources which set out the strategic plan in respect of the delivery and resourcing of formal organisational development opportunities undertaken within the Council by employees during 2006/07.

The Portfolio Holder for Human Resources and Member Development reported that the objective of the Organisational Development Plan was to enable the transformation of the Council and to achieve real and lasting change. The focus was to develop the organisation, build leadership capacity and develop the skills and capacity of the workforce.

**Decision Made:**

That the contents of the Organisational Development Plan be agreed.

**Reason for Decision:**

Organisational development is a key feature to ensuring that the workforce is equipped with the skills and expertise to deliver quality services.

**Alternative Options Considered and Rejected:**

None.

**9. ASBESTOS AND LEGIONELLA POLICY**

The Portfolio Holder for Finance and Risk Management presented the report of the Head of Legal and Democratic Services which outlined proposals to adopt an Asbestos Policy and Legionella Policy.

**Decision Made:**

That the Asbestos and Legionella Policies be approved.

**Reason for Decision:**

The Asbestos Policy and Legionella Policy are required by the Council to reduce risks and provide clarity of responsibilities around dealing with Asbestos and Legionella.

**Alternative Options Considered and Rejected:**

To not adopt the Policy which would expose the Council to unacceptable levels of risk in terms of compliance with legislation.

**10. SINGLE NON EMERGENCY NUMBER**

The Cabinet considered the report of the Deputy Chief Executive which outlined details of the draft 101 partnership proposal on the Single Non Emergency Number.

The report outlined that the Single Non Emergency Number (101 Programme) was a joint Home Office and Department for Communities and Local Government initiative. The 101 would offer the public direct access to advise and action for community safety issue including non-emergency crime, policing and anti-social behaviour and would ensure a better co-ordinated informed response by local agencies.

The Executive Director of Resources outlined the risks which had been identified in relation to the procurement process, the timescales for the implementation of the project and the funding to support the project.

**Decision Made:**

1. That the information on the Lancashire 101 Partnership be noted.
2. That the 101 Partnership's proposal be endorsed by the Cabinet.
3. That the signing of all supporting legal documentation be delegated to the Head of Legal and Democratic Services and the Deputy Chief Executive in consultation with the Portfolio Holder for Customer Services and E-Government.

**Reason for Decision:**

The 101 Programme will make local communities safer places to live and work. The service will provide action, advice and information to the public on community safety issues.

**Alternative Options Considered and Rejected:**

None.

**11. POLICY BUDGET REVIEW PANEL OUTCOMES**

The Portfolio Holder for Finance and Risk Management presented the report of the Executive Director of Resources which detailed the outcome of the Policy and Budget Review Panel Meetings held over the summer.

The Executive Director of Resources summarised the specific pieces of work required following the Panel meetings and he referred to the Minutes of the Panel meetings which were appended to the report.

In response to a question about absentee landlords, it was reported that the Council would review the options for charging full Council Tax on second homes and empty properties.

In response to a question about the Street Scene and Liveability Policy and Budget Review Panel Meeting, specifically the highways element, the Chair of Overview and Scrutiny reported that the Highways Task and Finish Group could look at clarifying the roles and responsibilities of the County Council.

**Decision Made:**

1. That the outcomes of the Policy and Budget Review Panels be noted.
2. That the work programme flowing from the Panels be endorsed.

**Reason for Decision:**

The Policy and Budget Reviews have enabled the Cabinet to gain greater understanding of the key elements of the budget and to identify areas where the direction of spending priorities should be changed.

**Alternative Options Considered and Rejected:**

None.

**12. IMPLEMENTING THE TOURISM MARKETING ACTION PLAN**

The Cabinet Member for Regeneration presented the report of the Head of Economic Regeneration and Strategic Housing which outlined proposals to use external consultants to support the implementation of the Borough's Tourism and Marketing Action Plan.

The Cabinet Member for Regeneration informed the meeting that a considerable amount of work had been undertaken in respect of the marketing promotional plan and the Tourism Partnership website had received 23,000 hits since April 2006. It was also reported that the website had been submitted for a national award.

**Decision Made:**

1. That the 2006-07 budget originally allocated to a Tourism and Marketing Officer post be used to support the short-term consultancy work alongside other actions linked to promoting the Borough and improving visitor information.
2. That delegated approval be given to the Head of Legal and Democratic Services and the Head of Economic Regeneration and Strategic Housing, in consultation with the Portfolio Holder for Regeneration, to appoint an appropriate consultant to undertake the work identified in the report.
3. That delegated approval be given to the Head of Economic Regeneration and Strategic Housing to agree a package of promotional actions and activities to complement the consultancy work, utilising the full 2006/07 Tourism and Marketing budget.

**Reason for Decision:**

Promoting Rossendale is a key priority of the Council. Tourism and the visitor economy have an important role to play in delivering economic development and regeneration and the decision will build the foundations of an ongoing marketing and promotional programme.

**Alternative Options Considered and Rejected:**

The creation of a dedicated fixed-term post within Economic Regeneration and Strategic Housing Section.

**13. COMMUNITY FACILITIES IN EDENFIELD**

The Portfolio Holder for Finance and Risk Management presented the report of the Executive Director of Resources which outlined proposals for the use of the Council's land to facilitate the development and enhancement of community facilities in Edenfield.

The Portfolio Holder for Finance and Risk Management informed the Cabinet that the Council had been approached by Edenfield and District Community Association (EDCA) about options for the provision of a new community centre and improvements to the recreation ground, which was in the Council's ownership. To secure external funding for the project the ECDA would need to demonstrate security of tenure over the site therefore the Cabinet's views were requested. He highlighted that the proposal would be an excellent opportunity to work with the community in Edenfield.

**Decision Made:**

1. That the Cabinet agree in principle to make the Council's land available in the way indicated at Paragraph 4.5 of the Report.
2. That the Head of Legal and Democratic Services be requested to submit a report to the Cabinet before the end of the calendar year on the terms for any transaction.

**Reason for Decision:**

The proposal is an opportunity to provide support for an improvement in community facilities in Edenfield.

**Alternative Options Considered and Rejected:**

To not agree to make the Council's land available which would result in the loss of community facilities in Edenfield.

**14. QUARTER 1 PERFORMANCE**

The Leader of the Council presented the report of the Head of Policy and Change Management which outlined the progress against the actions in the Corporate Improvement Plan together with information on the progress in achieving BVPI targets.

The Chair of Overview and Scrutiny reported that the Performance Task Group would focus on the BVPI targets and had invited two Heads of Service and Portfolio Holders to attend their first meeting on Thursday, 21<sup>st</sup> September 2006 to explain how particular areas of performance would be improved.

**Decision Made:**

That those actions not yet completed be monitored by the Cabinet.

**Reason for Decision:**

It is essential that the Corporate Improvement Plan is monitored to ensure delivery of the Council's priorities.

**Alternative Options Considered and Rejected:**

None.

**15. CPA RE-CATEGORISATION**



The Leader of the Council presented the report of the Chief Executive which set out the process by which Council's could apply for re-categorisation under the Comprehensive Performance Assessment (CPA).

The Chair of Overview and Scrutiny reported that the Policy Development Overview and Scrutiny Committee had considered the report and were recommending that the Cabinet endorse the application for re-categorisation under the CPA process and that the submission date be delegated to the Chief Executive.

**Decision Made:**

That the Council applies for re-categorisation under the CPA process by 2<sup>nd</sup> October 2006 and that the request for the inspection be an early date in 2007.

**Reason for Decision:**

The Council has made strong progress in delivering improvements over recent years and the re-categorisation exercise provides the opportunity of having these formally recognised.

**Alternative Options Considered and Rejected:**

To not apply which would result in the Council not being recategorised, or to apply for recategorisation at a later date.

**16. PROCUREMENT STRATEGY UPDATE**

The Cabinet Member for Finance and Risk Management presented the report of the Head of Financial Services which outlined an amendment to the Procurement Strategy by way of the inclusion of the Small Business (SME) Concordat within the Strategy.

The Cabinet Member for Finance and Risk Management reported that the Concordat would set out what small and local businesses could expect when tendering for the Council's contracts. It was not intended that small suppliers be given a competitive advantage when tendering for contracts due to the Concordat.

**Decision Made:**

1. That Members commit to the Small Business (SME) Concordat.
2. That the amendments to the Procurement Strategy and associated appendices be approved.

**Reason for Decision:**

The Concordat enhances the Council's existing Procurement Policy and its commitment to both best value and value for money in procurement matters.

**Alternative Options Considered and Rejected:**

None.

**17. FINANCIAL MONITORING**

The Cabinet Member for Finance and Risk Management presented the report of the Head of Financial Services which provided an update on the General Fund estimates for 2006/2007, the Capital Programme and Treasury matters.

The Cabinet Member for Finance and Risk Management reported on the key risk areas and highlighted that overall a full year favourable variance of £75k was currently forecast.

**Decision Made:**

1. That the report be noted.
2. That the changes to the Capital Programme as set out in the report be noted.
3. That the temporary virement from Corporate Resources of £30k for CPA Project Support be approved.

**Reason for Decision:**

It is important to receive regular reports to ensure that financial management is embedded throughout the organisation.

**Alternative Options Considered and Rejected:**

None.

**18. FUTURE OF STUBBYLEE GREENHOUSES**

The Cabinet Member for Finance and Risk Management presented the report of the Executive Director of Resources which outlined proposals to lease at a peppercorn rent the greenhouses at Stubblelee Park for the "Close to the Hedge" project.

The Cabinet Member for Finance and Risk Management informed the meeting that the "Close to the Hedge" project was a partnership comprising Accrington and Rossendale College, Bacup Consortium and Groundwork Rossendale which would continue the current activities carried out at the greenhouses as a social enterprise providing training and learning opportunities and a community environmental resource.

**Decision Made:**

1. That a full repairing lease for the greenhouses at Stubblelee Park be granted to the "Close to the Hedge" Partnership at a peppercorn rent on detailed

terms to be agreed by the Head of Legal and Democratic Services in consultation with the Portfolio Holder for Finance and Risk Management.

2. That Contract Procedure Rules be waived to allow the Head of Street Scene and Liveability to negotiate a contract for the supply of plants with the “Close to the Hedge” Partnership for three years with an option to extend for a further two years.

**Reason for Decision:**

The proposal from the “Close to the Hedge” Partnership presents the Council with an opportunity to both achieve its financial objectives, support the development of a social enterprise and mitigate risks around liabilities in respect of physical assets.

**Alternative Options Considered and Rejected:**

To not agree to the “Close to the Hedge” project proposal in which case the Council’s liabilities in relation to the greenhouse structures would crystallise immediately.

**19. HOUSING BENEFITS**

The Leader of the Council presented the report of the Head of Financial Services which outlined proposals to disregard the War Widows Pensions (WWP) and War Disablement Pensions (WDP) when considering personal income for the calculation of eligible housing benefits.

**Decision Made:**

1. That War Widows Pensions, War Disablement Pensions and Armed Forces Compensation Scheme be disregarded when considering personal income for the calculation of eligible housing benefits and that the decision be implemented at the earliest opportunity.
2. That the Head of Financial Services identify appropriate source of virement to fund the decision in the current and future years.

**Reason for Decision:**

The decision will have a positive impact for those people that claim the above pensions.

**Alternative Options Considered and Rejected:**

None.

**20. CIVIC HALL, MARKET STREET, WHITWORTH**

The Cabinet Member for Finance and Risk Management presented the report of the Head of Legal and Democratic Services which outlined proposals for the lease of rooms in the Civic Hall to the Whitworth Town Council and the lease of the Civic Hall to the Community Leisure Association of Whitworth.

**Decision Made:**

That the Head of Legal and Democratic Services be authorised to prepare and sign the Lease Agreements specified in clauses 4.4, 4.5 and the Section 278 Highways Act 1980 Agreement referred to in clause 4.6. of the report to the Cabinet.

**Reason for Decision:**

Formal documentation is required so that the Civic Hall may be used for community and municipal functions.

**Alternative Options Considered and Rejected:**

None.

**21. EAST LANCASHIRE RAILWAY**

The Cabinet Member for Finance and Risk Management presented the joint report of the Head of Legal and Democratic Services and the Head of the Community and Partnerships which provided an update on matters raised at a previous meeting of the Cabinet held on 5 July 2006.

The Cabinet Member for Finance and Risk Management reported that the Head of Legal and Democratic Services had received a copy of the full Lease and the Clause stated that the storage and placing of inflammable, dangerous or explosive substances on part of the Heywood Branch Line may be permitted in writing from time to time by Network Rail and in accordance with such conditions and stipulations that may be made by Network Rail.

The Cabinet Member for Finance and Risk Management provided clarification on the Deed of Indemnity which would be to indemnify the Railway Company against a breach of the covenant i.e. not obtaining written permission from Network Rail to store and place those items on that part of the Heywood Branch Line.

**Decision Made:**

That the Cabinet agree to enter into the Deed of Indemnity.

**Reason for Decision:**

The Deed of Indemnity will be necessary for the already planned new Lease and Underlease relating to the Railway Line and for the development and safety of the Railway operations.

**Alternative Options Considered and Rejected:**

None.

**22. EXCLUSION OF THE PUBLIC AND PRESS**

**Decision Made and Reason for Decision:**

That the public and press be excluded from the meeting during consideration of the following item of business on the grounds that it involves disclosure of exempt information relating to the financial or business affairs of any particular person as defined in Paragraphs 2 and 3 of Part 1 of Schedule 12A to the Local Government Act 1972.

**23. DISPOSAL OF SURPLUS PROPERTIES**

The Cabinet Member for Finance and Risk Management presented the report of the Head of Legal and Democratic Services which gave details of offers received following the sealed tender bids in respect of the properties listed below:-

59/61 Deardengate, Haslingden  
Bridge End House, Former Waterfoot Neighbourhood Office

**Decision Made:**

1. That the offer for Waterfoot Neighbourhood Office be refused and the site be re-marketed in three months time.
2. That the Council accepts the highest offer received for 59/61 Deardengate, Haslingden and disposes of the property.

**Reason for Decision:**

The properties were declared surplus as part of the Council's Office Accommodation Programme.

**Alternative Options Considered and Rejected:**

None.

- N.B.** Councillor Ruddick left the meeting prior to consideration of the following item of business.

**COUNCILLOR CHALLINOR IN THE CHAIR**

**24. FORMER ROBERT STREET DEPOT, BURNLEY ROAD, RAWTENSTALL**

The Cabinet Member for Finance and Risk Management presented the report of the Head of Legal and Democratic Services which gave details of offers received

following the sealed tender bids and subsequent late written offers in respect of the Former Robert Street Depot, Burnley Road, Rawtenstall.

**Decision Made:**

That the decision on which tender to accept be delegated to the Head of Legal and Democratic Services in consultation with the Portfolio Holder for Finance and Risk Management.

**Reason for Decision:**

To enable further information to be obtained.

**Alternative Options Considered and Rejected:**

None.

**(The meeting commenced at 6.30pm and closed at 8.15pm)**