

MINUTES OF: THE CABINET

Date of Meeting: Wednesday, 24th January 2007

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

**IN ATTENDANCE: Carolyn Wilkins, Chief Executive
Helen Lockwood, Deputy Chief Executive
George Graham, Executive Director of Resources
Liz Murphy, Head of Human Resources
Andrew Buckle, Head of Customer Services and
E-Government
Philip Mepham, Interim Manager, Environmental Health
Stephen Stray, Senior Planning Officer, Forward Planning
Linda Fisher, Head of Planning, Legal and Democratic
Services
Julian Joinson, Democratic Services Manager**

**ALSO PRESENT: Councillors Dickinson, P Gill, Hancock, Haworth, Lamb,
Morris, Neal**

**Mr D Jackson, Clerk to Whitworth Town Council
1 Member of the Public
2 Representatives from the Press**

1. APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillors Farquharson and Ormerod.

2. MINUTES

Resolved:

That the Minutes of the meeting of the Cabinet held on 13th December 2006 be signed by the Chair as a correct record.

3. URGENT ITEM OF BUSINESS

The Chair reported that there were no urgent items of business.

4. DECLARATIONS OF INTEREST

The Democratic Services Manager declared a personal interest in item G1 and left the meeting during consideration of this item.

5. PUBLIC QUESTION TIME

No questions were raised by the public.

KEY DECISIONS

6. REWARD AND RECOGNITION STRATEGY

Councillor Graham, the Portfolio Holder for Human Resources and Member Development, reported on the development of a Reward and Recognition Strategy for the Council.

The Reward and Recognition Strategy was linked to the Council's Pay and Workforce Strategy, Workforce Plan and overall HR Strategy to ensure that the Council had the capability to deliver its overall Corporate Improvement Plan. The Council was facing the same challenge as many other Local Authorities in relation to its ability to attract and retain qualified staff.

A range of activities had been identified which would address further some of the challenges associated with the reward and retention of employees, as follows:

- Payment of Professional Fees
- Letters of recognition in relation to attendance
- Additional leave and quarterly draws promoting good attendance
- Reward and Recognition Event
- Suitable and safe working facilities and available water for all employees
- Healthy Lifestyles
- Organisational Development
- Pay and Grading Review
- Flexible and Home Working arrangements
- Payment of the long service award

The key outcomes of the delivery of this strategy were:

- Employees to feel engaged and be committed to their work and able to perform better and make a fuller contribution
- Employees to remain working for Rossendale Borough Council (RBC)
- Potential employees to be attracted to work for RBC and RBC becomes an employer of choice
- Increased attendance at work
- A healthier workforce able to perform

Decisions Made:

To agree the contents of the Reward and Recognition Strategy.

Reasons for Decisions:

The Council has embraced the challenge of organisational transformation and recognises the valuable contribution of its employees. The strategy would ensure that those behaviours which would continue to improve the Council would be recognised and rewarded.

Alternative Options Considered and Rejected:

Not to adopt the strategy would jeopardise change and progress by undervaluing the development of new skills and behaviours which were needed to deliver organisational improvement.

7. DISABILITY EQUALITY SCHEME

The Portfolio Holder for Human Resources and Member Development, Councillor Graham, presented a report on the Disability Equality Scheme. She highlighted the Council's general duty under the Disability Discrimination Act (DDA) 2005 "to promote disability equality".

As a requirement of the general duty Rossendale Borough Council had to have due regard to carrying out the following:

- Promote equality of opportunity between disabled persons and other persons
- Eliminate discrimination that was unlawful under the Act
- Eliminate harassment of disabled persons that was related to their disabilities
- Promote positive attitudes towards disabled persons in public life
- Take steps to take account of disabled persons' disabilities even where that involved treating disabled persons more favorably than other persons.

Decisions Made:

To approve the Disability Equality Scheme and to agree that any amendments be delegated to the Chief Executive and Head of Human Resources in consultation with the Portfolio Holder for Human Resources and Member Development.

Reasons for Decisions:

The Disability Equality Scheme is one of a cluster of policy documents which support the delivery of the Equalities Strategy.

Alternative Options Considered and Rejected:

Not to approve the Scheme would be contrary to the legal requirements of the DDA 2005.

8. IMPLEMENTATION OF SMOKE FREE LEGISLATION

The Portfolio Holder for Street Scene and Liveability, Councillor Driver, presented a report concerning approval of a Strategy by which legislation would be implemented to establish Smokefree indoor environments.

She indicated that smoking was the largest single cause of preventable death in the UK. The Government's independent Scientific Committee on Tobacco and Health (SCOTH) had confirmed that second-hand smoke was a substantial public health hazard and had recommended restrictions on smoking in public places and workplaces to protect non-smokers. The Government had, therefore, introduced Smokefree legislation. It was anticipated that the Department of Health grant would be sufficient to fully cover the costs of enforcement within Rossendale. The detailed Government Regulations had yet to be finalised.

Members discussed in more detail the issues of smoking waste and publicity about the legislative changes which were to be implemented by 1st July 2007. Councillor P Gill asked whether any classes would be available for those who wished to quit smoking. Mr Mephram indicated that the Smoking Cessation Service, who provided this function, would receive extra Government funding.

Decisions Made:

To approve the Strategy by which legislation for Smokefree indoor environments would be implemented.

Reasons for Decisions:

The Authority had a duty to implement the provisions of the Health Act 2006 and supporting Regulations by 1st July 2007. The Strategy proposed the means by which implementation would be achieved.

Alternative Options Considered and Rejected:

Not to approve the Strategy would prevent the Council meeting its obligations to implement the new legislation.

9. REVISED INTERIM HOUSING POSITION STATEMENT

The Portfolio Holder for Regeneration, Councillor Challinor, presented a report on the proposed introduction of a Revised Interim Housing Position Statement. The Revised Interim Housing Position Statement would ensure that areas were regenerated in the appropriate manner and that a variety of house types were provided.

The Cabinet was reminded that Housing policy contained in national and regional guidance and Policy 12 of the Joint Lancashire Structure Plan (adopted March 2005) had resulted in a housing allocation for Rossendale requiring a stepped rate of provision over the period 2001-2016. In 2005, the Council accepted the contention

that it would over-shoot its housing allocation, and that permissions granted should be limited to the circumstances set out in the Interim Housing Position Statement published in August 2005.

The Head of Planning, Legal and Democratic Services indicated that in light of the publishing of Planning Policy Statement 3 in November 2006, updated information relating to the housing land position, new evidence identifying affordable housing need in the Borough and experience gained in implementing the Interim Housing Position Statement, it was now considered appropriate to issue a Revised Interim Housing Position Statement. The Development Control Committee had been consulted about the proposals and had not made any adverse comments.

Councillor Neal enquired about how developers might be encouraged to submit applications for developments which used renewable energy sources. Mrs Fisher responded that this was now a material consideration in accordance with Planning Policy Statement (PPS) 23 and would form part of the Core Strategy document, which was due to be submitted in March 2007.

Decisions Made:

1. That the Revised Interim Housing Position Statement is agreed and applied to all applications received after the 25th January 2007.
2. That consultation on the Interim Housing Position Statement is carried out for a period of 5 weeks from the 25th January 2007.

Reasons for Decisions:

The Revised Interim Housing Position Statement seeks to achieve a balanced approach which takes into account concerns regarding oversupply, but also regeneration priorities and the delivery of affordable housing.

Alternative Options Considered and Rejected:

Not to approve the Position Statement would jeopardise the Council's ability to ensure that areas were regenerated in the appropriate manner and that a variety of house types were provided.

10. INTERIM AFFORDABLE HOUSING POSITION STATEMENT

The Portfolio Holder for Regeneration, Councillor Challinor, presented a report on the Interim Affordable Housing Position Statement. The Position Statement sought to deliver a realistic approach to securing affordable housing delivery whilst having regard to guidance set out in Planning Policy Statement 3 (2006), which set thresholds and criteria by which Affordable Housing could be sought, and the target set by the Housing Market Needs Assessment for the period 2005-2010. It also took into account the need to control housing oversupply in relation to the Joint Lancashire Structure Plan (2001 – 2016).

The Head of Planning, Legal and Democratic Services indicated that correspondence had been received from a developer that the Interim Position Statement approach was unlawful. The Council had fully considered this issue but was of the view that the Interim Affordable Housing Position Statement could proceed.

Members raised a number of issues including the possibility that the proposed measures would deter developers from investing in Rossendale; the reasons for the proposed Position Statement's focus on regeneration priority areas; the effects of increasing house prices on first-time buyers, large families and people on low incomes; the definition of affordable housing; and the housing potential available within derelict properties and poorly maintained properties with absent landlords.

Decisions Made:

1. That the Interim Affordable Housing Position Statement is agreed and applied to all applications received after the 25th January 2007.
2. That consultation on the Interim Affordable Housing Position Statement is carried out for a period of 5 weeks from the 25th January 2007.

Reasons for Decisions:

The Interim Affordable Housing Position Statement would provide a policy tool so that affordable housing need as identified by the Housing Market Needs Assessment was delivered, whilst also taking account of regeneration priorities with regard to housing oversupply.

Alternative Options Considered and Rejected:

Not to approve the Position Statement would undermine the Council's ability to deliver affordable housing. Need was identified is a Core Output Indicator in the Rossendale Annual Monitoring Report (AMR), which was submitted to the Government Office for the North West each December.

11. ASSET MANAGEMENT PLAN

The Executive Director of Resources presented a report in connection with the submission of the Asset Management Plan to Government Office North West. He indicated that the document dealt with the management of the Council's property and other assets and included information about processes, systems and data. The Plan also complemented the Capital Strategy which had been approved in 2006. Production of the new Plan, based upon a review of the previous Plan submitted in 2003, represented a significant milestone on the Council's improvement journey.

The Plan had identified a requirement for planned maintenance of £1.2M, which had been taken into account in the 2007/08 Budget proposals. During the next Municipal

Year further work would be undertaken to develop the a Disposal Strategy and Disposal Programme.

Decisions Made:

To approve the submission of the Asset Management Plan in its reviewed format to Government Office North West.

Reasons for Decisions:

It was essential that the Council had an up to date Asset Management Plan linked to its Capital Strategy, which would allow the Council to properly manage its assets / risks. The approach adopted to revise the previous Plan was made on the basis that a review would be a relatively straightforward exercise and would accord with the advice given by Government Office North West

Alternative Options Considered and Rejected:

An option to adapt a Model Plan from a Beacon Council was rejected for the reasons identified above. Failure to submit the Asset Management Plan to Government Office in an acceptable format would mean that the Council failed to hit a key milestone in the Corporate Improvement Plan.

NON-KEY DECISIONS

12. ENHANCED TWO TIER WORKING

The Leader of the Council presented a report on the progress of discussions with other Lancashire local authorities on proposals for enhanced two tier working and the overall vision for enhanced two tier working. A copy of a letter signed by 10 Council Leaders from Lancashire to the Secretary of State for Communities and Local Government was circulated at the meeting. A paper setting out joint suggestions for enhanced two tier working would be posted on the Intranet in the near future.

The Chief Executive indicated that a number of Councils were pursuing the option of unitary status. However, those authorities had still been involved in the overall discussions. It was believed that Burnley, Pendle, Lancaster and Preston were considering unitary options. The closing date for invitations for bids for unitary status or for pathfinder projects was 25th January 2007.

Decisions Made:

To note the report on progress as to enhanced two tier working in Lancashire.

Reasons for Decisions:

The achievement of success in improving the arrangements for two tier working should impact positively on the achievement of all the corporate priorities.

Alternative Options Considered and Rejected:

Members at Full Council had already expressed a view that the Council should not participate in a bid to become a unitary authority.

An invitation had been made to all local authorities in a county area to work together to develop pathfinder projects for how enhanced two tier working could be developed. The consensus of views expressed at Full Council was unconvinced of the merits of a pathfinder.

13. BRITANNIA VILLAGE IMPROVEMENT WHITTLE STREET

The Portfolio Holder for Street Scene and Liveability, Councillor Driver, presented a report on a proposal, as part of the ELEVATE Environmental Improvements Project, to improve the Whittle Street / Rochdale Road garden area, which was currently maintained by the Council. She indicated that ward councillors and Groundwork been involved in the development of the proposals and that need had been identified within the Bacup, Stacksteads and Britannia Area Action Plan. The proposals had been consulted upon widely.

Decisions Made:

To agree to the proposals to improve the Whittle Street / Rochdale Road garden area and to ensure that the funding secured is spent within the financial year 2006/07.

Reasons for Decisions:

This project was an ideal opportunity to carry out much needed reparation work and promote partnership working; to take advantage of funding through the ELEVATE programme; and to increase use of the site, which would promote healthy lifestyles, deter fly-tipping, vandalism and other anti-social behaviour.

Alternative Options Considered and Rejected:

To do nothing would mean that the necessary reparation work would not be carried out. Failure to go ahead with the project before March 2007 would result in the ELEVATE funding being lost.

14. CUSTOMER SERVICES STRATEGY

The Acting Head of Customer Services and E-Government, Andrew Buckle, presented a report as to progress on the delivery of the Customer Services

Strategy. Mr Buckle provided information about achievements to date including the opening of the One Stop Shop; the development of an award winning web site; and customer care training for staff.

The aim was to further develop the Customer Services Strategy into a Customer Access Strategy. The Council would also be carrying out a Mystery Shopping exercise in the first quarter of 2007. In addition, the Council was considering signing up to the Local Government Association Reputation Campaign, under which the Council would agree to progress 12 core actions over the next 12 months to improve levels of customer satisfaction.

Members highlighted the positive feedback received about the web site and the number of hits, over 3 million, in 2006. In a Customer Satisfaction Survey covering July to September 2006, 95.2 % of respondents said that they were extremely satisfied or satisfied with their experience of using the One Stop Shop.

Decisions Made:

1. To note the contents of the report and progress to date.
2. To approve the Borough Council signing up to the Reputation Campaign.
3. To approve the further development of the existing Customer Services Strategy into a Customer Access Strategy.

Reasons for Decisions:

Good progress had been made in putting customers first and developing a 'right first time' culture. It was recognized that there was much more to do and the further development of the existing Customer Services Strategy into a Customer Access Strategy was essential in order to take customer service to the next level.

Alternative Options Considered and Rejected:

None.

15. THE MODERN FULL COUNCIL

The Leader of the Council, Councillor Ruddick, presented a verbal report on options to modernise full Council. He indicated that since the introduction of executive arrangements the Cabinet and Overview and Scrutiny had developed strongly. However, as a consequence the role of Council had changed. Little work had been carried out to redefine the new role of full Council.

Officers would be requested to produce a report to Overview and Scrutiny and Cabinet setting out a range of options to enhance the role of full Council. Some suggestions highlighted by Members at the meeting included a relaxation of the rules in relation to questions to Cabinet Members to allow questions to be put without notice; to involve the public more; to permit supplementary questions by

Members of the public; to introduce update reports from Cabinet Members; and to hold more single issue meetings similar to the health consultation.

Decisions Made:

To note the report of the Leader of the Council on the modern full Council.

Reasons for Decisions:

There is a need to keep the role of full Council under review following the introduction of executive arrangements.

Alternative Options Considered and Rejected:

None.

16. EXCLUSION OF THE PRESS AND PUBLIC

Decision Made and Reason for Decision:

That the public and press be excluded from the meeting during consideration of the following items 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 Paragraph 1, 2 and 3, as appropriate, of Part 1 of Schedule 12A to the Local Government Act 1972.

CONFIDENTIAL KEY DECISIONS

Leader of the Council, Councillor Ruddick, expressed disappointment that information contained within confidential papers circulated recently had appeared in the press. He agreed that confidential Cabinet papers would continue to be circulated to all Members. He also reminded Members of the importance of treating this information as confidential and that releasing confidential information might constitute a breach of the Council's Code of Conduct. The Head of Planning, Legal and Democratic Services indicated that councillors were under a duty to report any alleged breach of the Code of Conduct.

17. FORMER ROBERT STREET DEPOT BURNLEY ROAD RAWTENSTALL

The Executive Director of Resources presented a report seeking approval to the selection of the successful tenderer in respect of the Former Robert Street Depot, Burnley Road, Rawtenstall.

Decisions Made:

That the tender from B & E Boys Ltd for the former Robert Street Depot site be accepted, subject to the conclusion of suitable covenants in the sale documentation to ensure the redevelopment of this site within an appropriate timescale for mixed

use of B1 Offices and Retail, to include the Robert Street Car Park, subject to an equivalent number of car spaces being available for public use within the site.

Reasons for Decisions:

The bid selected would deliver regeneration benefits to the Borough in terms of a quality prestige development which would enhance the appearance of a prominent employment site at the entrance to the town and provide excellent premises for local business use.

Alternative Options Considered and Rejected:

Other bids involved a degree of capital expenditure to the site, but were of a much more limited nature and would deliver lesser regenerative benefits.

18. LAND AT EASTGATE WHITWORTH

The Head of Planning, Legal and Democratic Services presented a report in connection with the purchase lease rental application numbered 1143, which related to Land adjoining 126 and 128 Westgate, at Eastgate, Whitworth.

Decisions Made:

That approval be given to the Property Services Manager to continue to negotiate with the applicant regarding disposal of the land and that the decision to dispose of the land be delegated to the Head of Planning, Legal and Democratic Services, in consultation with the Portfolio Holder.

Reasons for Decisions:

It would be beneficial to make a decision on disposal of the land once the negotiations with the applicant have progressed

Alternative Options Considered and Rejected:

None.

CONFIDENTIAL NON-KEY DECISIONS

19. REVIEW OF LEGAL AND DEMOCRATIC SERVICES

The Head of Planning, Legal and Democratic Services presented a report on the review of the structure of Legal and Democratic Services.

NOTE: The Democratic Services Manager declared an interest in this item and left the meeting while it was considered.

Decisions Made:

To approve the reorganisation of Democratic Services, as set out in the report, however the part time Members' Assistant post not be acted upon at this time and the Head of Planning, Legal and Democratic Services in consultation with the Portfolio Holder for Finance and Risk Management be authorised to consider further the part time Members' Assistant post.

Reasons for Decisions:

The revised structure would ensure the function was fit for purpose.

Alternative Options Considered and Rejected:

None.

(The meeting commenced at 6.30pm and closed at 7.50pm)