

**MINUTES OF: THE CABINET**

**Date of Meeting: Wednesday, 25<sup>th</sup> January 2006**

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

**IN ATTENDANCE: Owen Williams, Chief Executive  
Carolyn Wilkins, Deputy Chief Executive  
George Graham, Executive Director of Resources  
Liz Murphy, Head of Human Resources  
Linda Fisher, Head of Legal and Democratic Services  
Ilona Snow-Miller, Head of Community and Partnerships  
Carole Todd, Head of Street Scene and Liveability  
Helen Lockwood, Head of Customer Services and E-Government  
Phil Seddon, Head of Financial Services  
Philip Mephram, Interim Environmental Health Manager  
Heather Moore, Executive Office Manager**

**ALSO PRESENT: Councillors A. Barnes, Entwistle, Forshaw, Lamb, Pilling,  
Robertson, Sandiford and Starkey  
Brian Stevenson, Lead Official, Office of the Deputy Prime Minister  
Gary Hood, Executive Director of Rossendale Leisure Trust  
Norman Hauserman, Chair of Rossendale Leisure Trust  
3 Members of the Public  
1 Representative from the Press**

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**1. BUSINESS MATTERS**

**1.1 APOLOGIES FOR ABSENCE**

An apology for absence was submitted on behalf of Councillor Farquharson.

**1.2. MINUTES**

**Resolved:**

That the Minutes of the meeting of the Cabinet held on the 7<sup>th</sup> December 2005 be signed by the Chair as a correct record.

**1.3. DECLARATIONS OF INTEREST**

Members of the Cabinet were asked to consider whether they had an interest in any matters to be discussed at the meeting and the following interests were declared:-

Councillor Janet Graham declared a personal and prejudicial interest in Minute Number 6 (Prudential Borrowing) by virtue that a close relative was employed by

Rossendale Leisure Trust. Councillor Graham vacated the meeting during the discussion on and consideration of the item.

Councillor Christine Lamb declared a personal and prejudicial interest in Minute Number 19 (Newchurch Road, Stacksteads) by virtue of her being a Director of Stacksteads Riverside Park Group. Councillor Lamb vacated the meeting during the discussion on and consideration of the item.

Councillor Duncan Ruddick declared a personal and prejudicial interest in Minute Number 19 (Newchurch Road, Stacksteads) by virtue of the fact that the report considered transferring Council land to Lancashire County Council or Lancashire County Developments Limited, the latter of which he is a Director. Councillor Ruddick vacated the Chair and the meeting during the discussion on and consideration of the item.

## **2. PUBLIC QUESTION TIME**

No questions were put to the meeting under this item.

## **3. FINANCIAL MONITORING REPORT**

The Cabinet Member for Finance and Risk Management presented the report of the Head of Financial Services which outlined General Fund estimates for 2005/06 together with progress on capital spend and disposals and an update on the Housing Revenue Account.

The Head of Financial Services informed the meeting that changes to the way housing benefits subsidy was calculated had enabled a further £494k from current year budgets and historical balance sheet provisions to be allocated to the Change Management Reserve as agreed in the Medium Term Financial Strategy.

### **Decisions Made:**

1. That the contents of the report be endorsed.
2. That the use of the Change Management Reserve as outlined in the report be approved.

### **Reason for Decisions:**

Monitoring is required to ensure the Council's budgetary targets are achieved.

### **Alternative Options Considered and Rejected:**

None.

## **5. BUDGET 2006/2007**

The Cabinet Member for Finance and Risk Management presented the report of the Executive Director of Resources which sought approval for the development of budget proposals based upon consultation options for submission to the Council.

The Executive Director of Resources outlined the consultation process leading up to the setting of the budget by Full Council on 23<sup>rd</sup> February 2006 which allowed the Council to engage with a wide range of stakeholders on the options being considered.

The Chair of the Policy Development Overview and Scrutiny reported that members of that Committee had considered the report and discussed a number of areas including waste transfer, concessionary fares, housing stock transfer, burial charges, impact of closure of greenhouses and contact centre costs.

### **Decisions Made:**

1. That the responses to the consultation document received so far be noted and the process be endorsed.
2. That authority be delegated to the Leader of the Council and the Portfolio Holder for Finance and Risk Management in consultation with the Head of Financial Services to submit final budget proposals on behalf of the Cabinet to the Full Council Meeting on 23<sup>rd</sup> February taking into account consultation responses.

### **Reason for Decisions:**

The Council is required to set a balanced budget and the Cabinet needs to put forward spending plans for consultation.

### **Alternative Options Considered and Rejected:**

None.

## **6. PRUDENTIAL BORROWING**

The Chair welcomed Gary Hood, Executive Director of Rossendale Leisure Trust and Norman Hauserman, Chair of Rossendale Leisure Trust.

The Cabinet considered the joint report of the Head of Financial Services and the Head of Community and Partnerships which outlined proposals to facilitate a partnership approach to the delivery of a purpose built Lifestyle Centre extension on the site of Haslingden Sports Centre.

The Chair of the Policy Development Overview and Scrutiny Committee reported that members of the Committee had considered the report and supported proposals to borrow under the Prudential Code to develop the Lifestyle Centre.

## **Decisions Made:**

1. That the Cabinet support proposals to develop facilities at Haslingden Sports Centre as set out within the Trust transfer documentation as contained within the Partnership Delivery Plan agreed in May 2004 and through the adoption of the Trusts three year business plan as agreed by the Council in November 2004.
2. That the Cabinet recommends to Full Council in principle agreement to borrow under the Prudential Code or by way of guarantee, to a maximum of £1.2 million, in support of the redevelopment scheme, subject to a full review of leisure provision in the Borough. The detailed contractual issues around this being delegated to the Head of Financial Services and Head of Legal and Democratic Services in consultation with the Leader of the Council and Portfolio Holder for Finance and Risk Management.
3. That financial servicing of the Prudential Code borrowing be met through a corresponding reduction in the Trusts support grant over the full term of the load period.
4. That the Council secure technical advisers to oversee any building project in order to protect the Council's interest in terms of cost and quality of the final building.
5. That the project be categorised as a B2 risk within the Council's strategic risk register.

## **Reason for Decisions:**

The Council and the Leisure Trust prepared a Partnership Delivery Plan which highlighted the steps the Trust would need to take in order to create long term financial stability for the organisation and a core element of the Plan includes an investment at Haslingden Sports Centre to create a modern health and fitness facility capable of generating sufficient surplus revenue to assist the Trust in gaining financial stability in the long term. The review of leisure provision throughout the Borough will improve customer satisfaction levels and develop a long term plan for improvements to services.

## **Alternative Options Considered and Rejected:**

The Council has access to low interest borrowing opportunities through Prudential Code borrowing over a 23 year term. If the Council were to access funding on behalf of the Trust the subsequent savings on repayments in the short to medium term would generate higher surpluses for the Trust. The Trust is required to reinvest these within the infrastructure of leisure in the community. However this provides a risk to the Council, in the event of the trust becoming insolvent the Council would be liable for the continuing repayments on any loan.

Rossendale Leisure Trust also has the option of raising the investment through a mini PFI which would provide off balance sheet funding requiring monthly rental payments for the development over a 15 year term. Whilst this method provides initial higher payments, the reduction in payment period reduces the total amount repaid by approximately £400,000, over the term. However any finance house would require the Council to act as guarantor for the agreement. In this case should Rossendale Leisure Trust become insolvent a one-year payment holiday could be invoked to give the Council a period of time to identify a new operating partner for its leisure provision.

## **7. ANTI FRAUD STRATEGY**

The Cabinet considered the report of the Head of Customer Services and E-Government which outlined proposals to adopt an Anti-Fraud Strategy.

The Head of Customer Services and E-Government reported that the implementation of robust policies would enable compliance with the Government's Performance Standards and would have a direct impact on future Corporate Performance Assessment.

The Chair of the Policy Development Overview and Scrutiny reported that members of that Committee had considered the Strategy and recommended its approval to the Cabinet.

### **Decision Made:**

That the implementation of the Anti-Fraud Strategy be approved.

### **Reason for Decision:**

It is a requirement of the Benefit Fraud Inspection Report that the Council develops and implements clear strategies and policies for managing and dealing with all aspects of counter fraud.

### **Alternative Options Considered and Rejected:**

To not adopt the Anti-Fraud Strategy the Council would be unable to administer sanctions or take prosecution action in proven cases of benefit fraud.

## **8. HOUSING BENEFITS OVERPAYMENT POLICY**

The Cabinet considered the report of the Head of Customer Services and E-Government which outlined amendments to the Housing Benefits Overpayments Policy in order to improve service quality.

The Chair of the Policy Development Overview and Scrutiny Committee reported that members of that Committee had considered the Policy and were supportive of the proposed amendments.

**Decision Made:**

That the amendments to the Housing Benefits Overpayments Policy as detailed in the report be approved.

**Reasons for the Decision:**

The revised Policy improves the recovery process and explains in detail to the customer the regulation on the recoverability of an overpayment.

**Alternative Options Considered and Rejected:**

To not amend the Housing Benefits Overpayment Policy could impact on the Benefit Service Improvement Plan.

N.B. The Deputy Chief Executive vacated the meeting during consideration of the following item of business.

**9. CHIEF EXECUTIVE RECRUITMENT**

The Cabinet Member for Human Resources presented the report of the Head of Human Resources which outlined recommendations to Full Council in respect of the appointment of a new Chief Executive.

**Decision Made:**

That the Cabinet recommends that Full Council:-

1. Forms an Appointment Committee consisting of the Leader of Council, Deputy Leader of Council, Cabinet Member for Human Resources, Chair of Overview & Scrutiny, Leader of the Labour Group, Deputy Leader of the Labour Group, Chair of the Local Strategic Partnership and Head of Human Resources.
2. Establishes a budget of £45,000 for the cost of consultancy and advertising as set out in the report and delegates authority to the Appointment Committee to procure a package of consultancy support to assist them in the appointments process.
3. Delegates authority to the Appointment Committee to offer a salary package not exceeding £90,000 (plus nationally agreed cost of living increases) to a suitable candidate.
4. Approves the interim appointment of the Deputy Chief Executive, on an honorarium basis, as the Acting Chief Executive until a permanent appointment is made and the successful applicant takes up the position.

5. Requires the Acting Chief Executive to assume the role of returning officer and any other such responsibilities that come with the position of Chief Executive.
6. Keeps the position of Deputy Chief Executive vacant until a permanent Chief Executive is appointed and the successful applicant takes up the position.

**Reason for Decision:**

The appointment of an effective Chief Executive is an essential requirement if the Council is to achieve the outcomes set out in the Corporate Improvement Plan.

**Alternative Options Considered and Rejected:**

None.

**10. IEG5 SUBMISSION**

The Cabinet considered the report of the Head of Customer Services and E-Government which provided information on the Implementing E-Government (IEG) 5 submission to the Office of the Deputy Prime Minister.

The Head of Customer Services reported that the Council had achieved a 96% level of services to customers which could be provided electronically and the remaining 4% would be achieved by March 2006.

The Chair of the Audit and Performance Management Committee reported that members of that Committee had considered the report and noted the significant progress that had been achieved.

Members of the Cabinet acknowledged the excellent results in performance and requested that the Head of Customer Services and E-Government convey the congratulations of the Cabinet to staff.

**Decision Made:**

That the submission be approved and the significant progress achieved during the last year be noted.

**Reasons for Decision:**

The work in relation to e-government detailed in the IEG 5 Statement directly related to and works towards being fully responsive and proactive to meet the needs of all our customers as detailed in the Corporate Improvement Plan.

**Alternative Options Considered and Rejected:**

None.

## **11. FORMER TENANCY WRITE OFF REPORT**

The Cabinet Member for Housing presented the report of the Director of Housing Management Services which outlined proposals to write off debt owed by former tenants of the Council.

The Cabinet Member for Housing reported that a record of all debts was maintained in the event that there was an opportunity for future collections and all new re-housing applications were checked against that record.

### **Decisions Made:**

That the sum of £30,756.70 on the Housing Revenue Account owed by former tenants and £602.45 bankruptcy debts owed by current tenants of the Council be written off as bad debts.

### **Reasons for Decisions:**

Compliance with good accounting practice.

### **Alternative Options Considered and Rejected:**

None.

## **12. EVENTS SAFETY ADVISORY GROUP**

The Cabinet Member for Street Scene and Liveability presented the report of the Head of Street Scene and Liveability which outlined proposals to establish a Working Group with authority to ensure compliance with organisation, legislation and regulations in respect of events in the Borough.

### **Decisions Made:**

That the Event Safety Working Group be established in order to formalise responses and internal communications including representation from appropriate service areas and elected members.

That Terms of Reference be agreed and a formal process be instigated prior to permission being granted for the use of Council land and assets.

That a formal Committee determination process be undertaken for each event.

### **Reasons for Decision:**

The Council will fulfil its obligations in respect of monitoring and controlling events to ensure that they comply with the Council's Policies and Procedures.



**Alternative Options Considered and Rejected:**

None.

**13. GORDON STREET, THORN BANK, BATH STREET PLAYGROUNDS, BACUP**

The Cabinet Member for Street Scene and Liveability presented the report of the Head of Street Scene and Liveability which outlined proposals for the decommissioning of playground facilities at Gordon Street and Thorn Bank/Bath Street, Bacup to fulfil demand with a single facility with a larger catchment area.

**Decision Made:**

That both sites be decommissioned and a new improved facility be provided at Gordon Street.

That as part of the project, the site at Thorn Bank/Bath Street be landscaped in accordance with the Council's Ground Maintenance specification.

**Reason for Decision:**

The proposal will improve playground facilities in the Blackthorn area.

**Alternative Options Considered and Rejected:**

None.

**14. BRITANNIA VILLAGE IMPROVEMENTS**

The Cabinet Member for Street Scene and Liveability presented the report of the Head of Street Scene and Liveability which outlined proposals for improvements to Council owned areas of land in the Britannia area.

The Head of Street Scene and Liveability reported that an application had been made to the Council for improvements to several sites in the Britannia area from Groundwork Rossendale acting on behalf of Britannia Residents United. The projects involved small scale re-landscaping of existing Council owned land and the installation of welcome signs at specific locations.

The Head of Street Scene and Liveability reported that funding for the improvements had been secured through Elevate and she outlined the additional maintenance costs incurred through the implementation of the proposals, for the consideration of the Cabinet.

**Decisions Made:**

That the Cabinet agrees to the site improvements at Britannia Lodge, Bacup; Rochdale Road, Bacup; New Line, Bacup; and that Groundwork Rossendale manage the delivery of the improvements in line with the Council's Standing Orders.

That the Cabinet agrees in principle to the developments at Kenyon Street, subject to Britannia Residents United applying for and successfully obtaining a concessionary lease for the site, which incorporates future maintenance.

That any potential future youth provision elements be agreed in principle, subject to planning regulations and further consultation with members and residents.

**Reason for Decisions:**

The proposals will improve the overall street scene within the Bacup and Whitworth areas.

**Alternative Options Considered and Rejected:**

None.

**15. VISITOR INFORMATION SERVICE**

The Cabinet considered the report of the Head of Community and Partnerships which outlined a number of options in respect of the Council's provision of visitor information facilities in Rossendale.

The Chair of the Policy Development Overview and Scrutiny Committee reported that members of that Committee had considered the report and its recommendations were to utilise local libraries to deliver the visitor information facilities together with the creation of a post of marketing and business development manager to develop the tourism offer for the Borough.

**Decisions Made:**

1. That the Policy Development Overview and Scrutiny Committee's recommendation be accepted that being that the Head of Community and Partnerships liaises with the County Library Service to deliver visitor information services through the libraries within Rossendale with additional information being distributed through partners.
2. That the option to create a post of marketing and business development manager to develop the tourism offer for the Borough be supported.
3. That consideration be given to the provision of visitor information services through the proposed development of the bus station.

**Reason for Decisions:**

To enhance provision of visitor information services.

## **Alternative Options Considered and Rejected:**

Maintain the existing visitor information service.  
Provision of visitor information within Rossendale Museum in Whitaker Park  
Private provision of visitor information service  
Development of tourism champion

## **16. CHAIR'S ANNOUNCEMENT**

The Chair referred to the recent fire in the Bacup area which had invoked the Council's emergency planning arrangements. He commended Dale Connearn for opening Bacup Leisure Hall together with David Rigby (Emergency Planning and Business Continuity Manager), Lesley Cropper (Emergency Planning Co-Ordinator) and Owen Williams (Chief Executive) for co-ordinating the Council's response.

## **17. EXCLUSION OF THE PUBLIC AND PRESS**

### **Decision Made and Reason for Decision:**

That the Press and Public be excluded from the meeting for the following items of business on the grounds that they involve disclosure of exempt information as defined in Paragraphs 1 and 9 of Part 1 of Schedule 12A to the Local Government Act 1972.

## **18. ENVIRONMENTAL HEALTH SERVICE**

The Cabinet Member for Street Scene and Liveability presented the report of the Head of Street Scene and Liveability which outlined establishment changes within the Environmental Health Service.

The purpose of the proposed changes was to better direct the resources available within the service to the Council's priorities in terms of customer focus and health improvement and protection.

The Chair of the Audit and Performance Management Overview and Scrutiny Committee reported that members of that Committee had considered the report and endorsed the change in strategic direction of the service.

### **Decisions Made:**

1. That the progress being made towards the redirection of the work of the Environmental Health Service in Rossendale be approved and the proposed structure for the service, pending consultation with staff and trade unions be agreed.
2. That authority to implement any changes to the new structure be delegated to the Head of Street Scene and Liveability in consultation with the Cabinet Member for Street Scene and Liveability.

**Reason for Decisions:**

The Council has a key responsibility in maintaining and improving the health of its residents and the proposals will ensure that resources are directed to health improvement and protection and increased customer focus.

**Alternative Options Considered and Rejected:**

Retaining the current structure.

N.B. COUNCILLOR CHALLINOR TOOK THE CHAIR FOR THE FOLLOWING ITEM OF BUSINESS

**19. LAND AT THE REAR OF NEWCHURCH ROAD, STACKSTEADS**

The Cabinet Member for Finance and Risk Management presented the joint report of the Deputy Chief Executive and the Head of Legal and Democratic Services which outlined proposals for the disposal of Land at the Rear of Newchurch Road, Stacksteads.

**Decisions made:**

1. That the Cabinet agree to the use of the well being powers to dispose of the land shown at Appendix 1 in the report to the County Council or Lancashire County Developments Limited (LCDL) subject to the Council's Head of Legal and Democratic Services receiving the appropriate indemnities/covenants from either the County Council or LCDL as outlined in the report.
2. That the exact timing of the disposal and the actual wording of the indemnity and covenants are delegated to the Head of Legal and Democratic Services in consultation with the Lead Member.
3. In the event that the land is required only as an access way to open up the community area the decision to allow a licence (with appropriate indemnities) for the work is delegated to the Head of Legal and Democratic Services in consultation with the Lead Member.

**Reasons for the Decisions:**

This will contribute to the Environment aims of the Community Strategy by bringing back into use neglected land.

**Alternative options considered and rejected:**

None.

**(The meeting commenced at 6.30pm and closed at 8.45pm)**