

MINUTES OF: THE CABINET

Date of Meeting: Wednesday, 22nd February 2006

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

**IN ATTENDANCE: Carolyn Wilkins, Deputy Chief Executive
George Graham, Executive Director of Resources
Linda Fisher, Head of Legal and Democratic Services
Carole Todd, Head of Street Scene and Liveability
Lesley Noble, Head of Policy and Change Management
Heather Moore, Executive Office Manager**

**ALSO PRESENT: Councillors Entwistle, Lamb, Robertson and Sandiford
1 Representative for the Audit Commission
1 Representative from the Press**

1. APOLOGIES FOR ABSENCE

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

2. MINUTES

Resolved:

That the Minutes of the meeting of the Cabinet held on the 25th January 2006 be signed by the Chair as a correct record.

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 Duncan Ruddick declared a personal and prejudicial interest in Minute Number 19 (Land at the Rear of Newchurch Road, Stacksteads) by virtue of the fact that he was a Director of Lancashire County Developments Limited. Councillor Ruddick vacated the Chair and the meeting during the discussion on and consideration of the item.

Further, Councillor Christine Lamb, being present at the meeting, declared a personal and prejudicial interest in Minute Number 20 (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.

4. PUBLIC QUESTION TIME

No questions were put to the meeting under this item.

5. PERFORMANCE MANAGEMENT

The Leader of the Council presented the report of the Head of Policy and Change Management which provided an update on performance management.

The Head of Policy and Change Management reported that the analysis of performance demonstrated an upward trend in achievement of improved performance across the Council with a significantly higher number of the Council's indicators were demonstrating improved performance.

Decisions Made:

1. That the performance data and supporting information be noted.
2. That the performance of those indicators currently not achieving target be closely monitored.
3. That Heads of Service and Managers take action in relation to those BVPI's which are not on target in order to improve performance against target.

Reason for Decisions:

Performance Management is a high priority for the Council and relates directly to the Council's objective of improving services. The regular monitoring of performance and taking corrective actions where necessary to improve that performance is an essential element in achieving the Council's improvement priorities.

Alternative Options Considered and Rejected:

None.

6. LOCAL DEVELOPMENT SCHEME

The Cabinet Member for Regeneration presented the report of the Deputy Chief Executive which outlined the Council's second Local Development Scheme (LDS) prepared for submission to the Government Office for the North West (GONW).

The Deputy Chief Executive reported that the revised Local Development Scheme would provide the programme and stages of preparation and consultation for Local Development Documents and Supplementary Planning Documents.

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

Decisions Made:

1. That the Local Development Scheme be approved.
2. That the Leader of the Council and the Acting Chief Executive be given delegated authority to ensure the submission of the Local Development Scheme to Government Office North West by 28th March 2006.

Reason for Decisions:

The Local Development Scheme sets out the Local Development Framework programme for development of Local Development Documents that will provide the planning policy framework for Rossendale.

Alternative Options Considered and Rejected:

None.

7. STATEMENT OF COMMUNITY INVOLVEMENT

The Cabinet Member for Regeneration presented the report of the Deputy Chief Executive which outlined the draft Statement of Community Involvement to be issued for the second round of full public consultation.

The Deputy Chief Executive reported that the Statement of Community Involvement set out the Council's policy for involving the local community and statutory consultees in the preparation and revision of the Local Development Framework and consultation on planning applications. It was reported that the Statement of Community Involvement had been revised following public consultation during August and October 2005.

The Chair of the Policy Development Overview and Scrutiny reported that members of that Committee had considered the Statement of Community Involvement and endorsed its contents for publication.

Members of the Cabinet extended thanks to the officers in the Forward Planning Team for the development of the Local Development Scheme and Statement of Community Involvement.

Decisions Made:

That Full Council be recommended to endorse the Statement of Community Involvement in order for it to be published for consultation.

Reason for Decision:

The Statement of Community Involvement forms part of the Local Development Framework (LDF) and sets out the Council's policy for involving stakeholders in the development of the LDF.

Alternative Options Considered and Rejected:

None.

8. RENT SETTING 2006/07

The Leader of the Council being the Cabinet Member for Housing presented the report of the Director of Housing Management Services which outlined proposals to set the annual rent increase for 2006/07 in accordance with the Office of the Deputy Prime Minister's guidelines on rent restructuring together with recommendations to increase other rental/service charge income.

The report outlined how the amendments to the Government's rent setting formula would impact on rents for Council tenants in Rossendale together with a recommendation to set an increase lower than that available through maximising rental income via the Government's (ODPM) formula.

It was reported that should Stock Transfer proceed, rent setting would fall within the remit of Green Vale Homes.

Decisions Made:

That Full Council be recommended to:-

1. Increase dwelling rents by an average of 5.27%
2. Increase garage rents by 2.7%
3. Increase communal heating charges by 5%
4. Increase miscellaneous charges by 2.7%
5. Increase Supporting People charges by 2.5% in line with the increase determined by the Supporting People Commissioning Body on 9th February 2006.

Reason for Decisions:

The increase in dwelling rents achieves a balance between protecting the level of rental income due and complying with Government policy on rent restructuring.

Alternative Options Considered and Rejected:

None.

9. NATIONAL CONSULTATION ON LOCAL STRATEGIC PARTNERSHIPS

The Cabinet Member for Customer Services presented the report of the Head of Community and Partnerships which outlined details of the Office of the Deputy Prime Minister's consultation paper on the future role of Local Strategic Partnerships.

Members of the Cabinet considered the consultation paper together with Rossendale Partnership's response to the ODPM in the context of sub-regional and regional developments and the Local Area Agreement process.

Decisions Made:

1. That the report be noted.
2. That the Cabinet supports the Rossendale Partnership in its response to the ODPM.

Reason for Decisions:

The priorities for the Rossendale Partnership were formalised in the Community Strategy which outlined a 15 year vision for the Borough across 8 key themes. The Partnership brings together partners from all sectors of the community to improve the lives of those people living and working in the Borough.

Alternative Options Considered and Rejected:

None.

10. EAST LANCASHIRE E-PARTNERSHIP

The Cabinet Member for Customer Services presented the report of the Executive Director of Resources which detailed proposals for the Council's continued participation in the East Lancashire e-Partnership for a period up to 31st March 2009.

The Executive Director of Resources reported that the Partnership was originally created with a view to a fixed term life up to 31st March 2007. However, the value of the joint work between the 5 East Lancashire authorities had been demonstrated and discussions were being held with District Council's in the rest of the County over their participation in further work which could provide the Council with access to further economies of scale.

Decisions Made:

1. That the Council's continued participation in the East Lancashire e-Partnership for a period up to 31st March 2009 be approved.
2. That the benefits which the Council has received from its involvement in the Partnership and the proposals for extending the Partnership to the financial benefit of the participating Council's be noted.

Reason for Decisions:

Joint work through the partnership has resulted in significant benefits to the Council by way of both financial savings and minimising and sharing risk in projects.

Alternative Options Considered and Rejected:

None.

11. BOROUGH COUNCIL ELECTIONS – 4th MAY 2006

The Cabinet considered the report of the Head of Legal and Democratic Services which outlined proposals for the timing and venue of the election count following polling on Thursday, 4th May 2006, together with an update on the polling station review.

The Head of Legal and Democratic Services reported that the timing of an election count was at the discretion of the Returning Officer, however any decision of that nature would include full consideration of the views of all interested parties.

The Head of Legal and Democratic Services reported that legislation was going through Parliament to extend voting hours at local elections to 7.00 am until 10.00pm which would result in the start of the election count being delayed by one hour.

The Cabinet's views were therefore requested in respect of the election count being held on Friday, 5th May 2006. Views were also sought on the proposed location for the count, that being Bacup Leisure Hall, Burnley Road, Bacup.

In respect of polling stations to be used on 4th May 2006, it was proposed that Weavers Cottage polling station be closed and the electors be transferred to Kay Street Baptist Church.

The Head of Legal and Democratic Services reported that a detailed polling station review would be completed after the May 2006 elections.

Decisions Made:

1. That the Returning Officer be informed that the Cabinet supports the election count being held on Friday, 5th May 2006.
2. That wider consultation take place by way of email to all elected members.
3. That the closure of Weavers Cottage Polling Station be noted.
4. That the use of Bacup Leisure Hall, Burnley Road, Bacup for the count be noted.

Reason for Decisions:

The accuracy of an election count is vital to the successful organisation of the election and the proposal to hold the count on Friday, 5th May 2006 will support the recruitment of staff.

Alternative Options Considered and Rejected:

Holding the Count on Thursday, 4th May 2006 after close of poll could result in difficulties in recruiting staff due to the unsocial hours.

12. ORGANISATIONAL STRUCTURE IN ECONOMIC REGENERATION AND SPATIAL DEVELOPMENT

The Cabinet Member for Regeneration presented the report of the Deputy Chief Executive which outlined proposals to review the organisational structure in relation to Economic Regeneration and Spatial Development.

It was proposed that the posts of Head of Economic Regeneration and Spatial Development and Spatial Development Manager be disestablished and the posts of Head of Spatial Development and Head of Economic Regeneration and Development be created.

Decisions Made:

1. That the post of Head of Spatial Development be established.
2. That the post of Head of Economic Regeneration and Development be established.
3. That the post of Head of Spatial Development and Economic Regeneration and the post of Spatial Development Manager be disestablished.
4. That recruitment to the post of Head of Spatial Development and the post of Head of Economic Regeneration and Development be agreed.

Reason for Decisions:

The recruitment market in relation to skilled planners is very limited. Opportunities for qualified officers are wide ranging and Rossendale is competing in this field. The proposals will support improvement and the delivery of a number of major projects.

Alternative Options Considered and Rejected:

None.

13. URGENT ITEM OF BUSINESS

By virtue of Section 100B(4)(b) of the Local Government Act 1972, the Chair agreed that the following item of business be dealt with at the meeting because of its urgent nature.

14. REVENUES, BENEFITS AND GENERAL CUSTOMER CONTACT PROJECT

The Deputy Chief Executive outlined the procurement timetable for the revenue, benefits and general customer contact partnership. She informed the Cabinet that the procurement process would result in tenders being evaluated at the end of March and a preferred supplier would be identified. It was envisaged that a period of negotiation would then commence and subject to member approval a contract would be awarded to the preferred supplier.

Decision Made:

That contract procedure rules be waived to allow the Head of Customer Services and E-government to enter into negotiations with a preferred supplier and if those negotiations are not successful, to enter into negotiations with the next preferred supplier.

Reasons for Decision:

Current contract procedure rules do not allow officers to enter into negotiations with a preferred supplier therefore the decision will ensure that the Council remains on track with the procurement timetable and that no delay occurs.

Alternative Options Considered and Rejected:

None.

15. CHAIR'S ANNOUNCEMENT

The Chair outlined the position in respect of items which were required to be taken with the exclusion of the public and press. He informed the meeting that the Council was open and transparent and wherever possible considered items in public. Further, the Head of Legal and Democratic Services would submit a report to the Standards Committee in respect of the matter.

16. CONFIDENTIAL URGENT ITEM OF BUSINESS

By virtue of Section 100B(4)(b) of the Local Government Act 1972, the Chair agreed that the item of business in respect of Land at the Rear of Newchurch Road, Stacksteads be dealt with at the meeting because of its urgent nature.

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 relating to terms proposed or to be proposed by or to the authority in the course of negotiations for a contract for the acquisition or disposal of property or the supply of

goods or services as defined in Paragraphs 9 of Part 1 of Schedule 12A to the Local Government Act 1972.

18. FORMER CEMETERY LODGE, BURNLEY ROAD, RAWTENSTALL

The Cabinet considered the report of the Head of Legal and Democratic Services which outlined proposals to dispose of the former Cemetery Lodge, Burnley Road, Rawtenstall.

Decisions Made:

That the Cabinet approves the disposal of the former Cemetery Lodge and the highest tender be accepted.

Reason for Decisions:

The Government requires local authorities to dispose of any properties surplus to their requirements and this requirement forms a major part of the Council's Asset Management Plan.

Alternative Options Considered and Rejected:

None.

19. REFUSE VEHICLE PROCUREMENT AND MAINTENANCE

The Cabinet considered the joint report of the Head of Street Scene and Liveability and the Head of Legal and Democratic Services which outlined proposals for the procurement of refuse vehicles and maintenance.

It was noted that the Chair of Overview and Scrutiny had agreed that the matter could be treated under the Special Urgency provisions detailed in the Constitution.

Decisions Made:

1. That the Cabinet agrees to waive the Contract Procedure Rules as necessary for this procurement exercise to be carried out under Standing Order 19 (iv).
2. That the Cabinet agree to use of the negotiated accelerated procedure under the European Procurement regime. It being agreed that the usual time limits within the negotiated procedure are "rendered impracticable for reasons of urgency".
3. That the matter be treated under the Special Urgency provisions under Standing Order 16 of the Constitution.

Reason for Decisions:

The use of the accelerated negotiated procedure will ensure that the normal 37 day period to invite expressions of interest will be reduced to 15 days.

Alternative Options Considered and Rejected:

None.

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

20. LAND AT THE REAR OF NEWCHURCH ROAD, STACKSTEADS

Further to the last meeting of the Cabinet, the Head of Legal and Democratic Services updated the meeting in respect of the disposal of Land at the Rear of Newchurch Road, Stacksteads.

Decision Made:

1. That the Council agrees to sell the land to the Stacksteads Riverside Park Group subject to satisfactory covenants being imposed to ensure the land is used for the purpose outlined in the previous report Cabinet.
2. That the Head of Legal and Democratic Services negotiates the covenants in particular in relation to the land being transferred back to the Council if Stacksteads Riverside Park Group are no longer involved in the scheme approved by the SRB Board.

Reason for Decision:

Disposal of the land 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 7.55pm)

MINUTES OF: THE CABINET

Date of Meeting: Thursday, 23rd February 2006

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

**IN ATTENDANCE: Owen Williams, Chief Executive
George Graham, Executive Director of Resources
Linda Fisher, Head of Legal and Democratic Services
Heather Moore, Executive Office Manager**

ALSO PRESENT: Councillor Entwistle



1. APOLOGY FOR ABSENCE

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

2. DECLARATIONS OF INTEREST

No declarations of interest were made at the meeting.

3. PUBLIC QUESTION TIME

No questions were put to the meeting under this item.

4. TRANSFER OF THE COUNCIL'S HOUSING STOCK

The Leader of the Council being the Cabinet Member for Housing presented the report of the Chief Executive and Executive Director of Resources which outlined the terms for transfer of the Council's housing stock to Green Vale Homes Ltd.

The Executive Director of Resources reported that the transfer would be one of the biggest financial transactions which the Council would ever undertake. He indicated that the transfer process would generate significant investment for the housing stock that being £260m over the 30 year business plan with £40m in the first five years.

He informed the Cabinet that the Government would provide "gap funding" to Green Vale Homes reflecting the current negative value of the stock, conditional upon delivery of the Council's promises to tenants.

Decisions Made:

The Council is recommended to:

1. Confirm that it is content with the terms of the transfer and financial package on offer and to pass the following formal resolutions:

that the execution (whether by application of the Council's seal (to deeds) or otherwise), delivery and performance of the Agreement (including all ancillary agreements detailed in the Schedules thereto) to be made between Green Vale Homes Limited and the Council, and any other agreement, document, transfer and deed to be entered into thereunder or in connection therewith be approved;

 - (a) that the execution, delivery and performance of the transfer be approved, subject to receipt of the consent of the Deputy Prime Minister (in his capacity as First Secretary of State at the office of the Deputy Prime Minister) pursuant to Sections 32-34 and 43 of the Housing Act 1985 for the disposal of the Council's housing stock to the Company, together with any other appropriate consents which may be necessary for the disposal of any non-housing related assets;
 - (b) that the execution, delivery and performance of the Deeds of Warranty which form part of the Agreement to be given to the funders or to any security trustee for the funders and the Company be approved;
 - (c) that the Acting Chief Executive, in consultation with the Council Leader be authorised to agree any final financial issues which must be settled before completion of the transfer;
 - (d) that the Acting Chief Executive, in consultation with the Leader, be authorised to resolve any outstanding matter which might need to be dealt with before completion of the transfer, including agreement of the final terms of all documentation;
 - (e) that the Head of Legal and Democratic Services be authorised to attend to the sealing and signing of all appropriate documentation in relation to the transfer by the Council to the Company.
2. To note that the Head of Legal and Democratic Services is required to give an opinion to funders in the form set out in Appendix 1.

Reason for Decisions:

The stock transfer will generate significant levels of investment which will result in improvements to the quality of life for people across the Valley.

Alternative Options Considered and Rejected:

None.

(The meeting commenced at 5.30pm and closed at 5.40pm)