

MINUTES OF: THE CABINET

Date of Meeting: Wednesday 21st February 2018

**Present: Councillor A Barnes (Chair)
Councillors Ashworth, Lamb, MacNae and Walmsley**

**In Attendance: Mr S Sugarman, Chief Executive
Mrs S Plum, Director of Communities
Ms C Burns, Director of Economic Development
Mrs C Birtwistle, Monitoring Officer
Mr P Seddon, Head of Finance
Mrs N Hopkins, Planning Manager
Mrs C Sharples, Committee and Member Services Manager**

**Also Present: Councillors Cheetham, Haworth, Morris and Robertson,
Mrs A Riley, Environmental Health
Mr Ben Greenwood, Media Team
1 member of the press
5 members of the public**

1. APOLOGIES FOR ABSENCE

1.1 Apologies were received from Councillor Oakes.

2. MINUTES OF PREVIOUS MEETINGS

Resolved:

That the minutes of the meeting held on 29th November 2017 were agreed as a correct record.

3. URGENT ITEMS OF BUSINESS

3.1 There were no urgent items.

4. DECLARATIONS OF INTEREST

4.1 There were no declarations of interest.

5. PUBLIC QUESTION TIME

5.1 A member of the public asked a question regarding a response to his questions on changes to the Council's policy on housing standards.

The Leader of the Council advised that many attempts had been made to engage with the member of public and to respond.

N.B. The meeting was adjourned briefly in order to deal with a disruption.

6. ADOPTION OF POLICIES IN RELATION TO HOUSING STANDARDS

- 6.1 The Portfolio Holder for Health and Housing outlined the report and the seven recommendations. There were two new policies, the Smoke and Carbon Monoxide (England) Regulations 2015 and the Housing and Planning Act 2016 “Policy on civil penalties as an alternative to prosecution for relevant housing offences”. Both were important documents and dealt with carbon monoxide detectors and landlords who were not looking after their private rented tenants. Changes had also been made to the Housing Enforcement Policy 2018 and Rossendale Illegal Eviction and Harassment Policy 2018, which introduced legislation to deal with rogue landlords.
- 6.2 Cabinet Members were invited to comment on the report:
- The policies were welcomed.
 - It was about bringing homes back into use, in a decent condition.
- 6.3 Other Elected Members were invited to comment on the report:
- People can be frightened of their landlords and too scared to complain about repairs and find help.
 - Mechanisms to address the risk of retaliation.
 - Learning from mistakes in relation to carbon monoxide.
 - Making sure flues were cleaned out on a regular basis.
 - Getting the message out to people and using the Council Tax bills.
 - It was not statutory to hardwire the detectors.

The Leader of the Council explained that it was too late to get information out with this year’s Council Tax bills, but we would be working with the Media Team to find other effective ways to get the message out. The Portfolio Holder informed that there were cards that councillors could leave around in prominent places giving information relating to illegal evictions. There would also be publicity on the website and on social media tomorrow.

Resolved:

1. To authorise the Director of Communities to carry out functions under the Smoke and Carbon Monoxide (England) Regulations 2015.
2. To approve the Smoke and Carbon Monoxide (England) Regulations 2015 “Statement of principles for determining financial penalties”.
3. To authorise the Director of Communities to carry out functions under The Housing and Planning Act 2016.
4. To approve the Housing and Planning Act 2016 “Policy on civil penalties as an alternative to prosecution for relevant housing offences”.
5. To approve the “Rossendale Illegal Eviction and Harassment Policy 2018”.
6. To approve the Housing Enforcement Policy 2018.
7. To approve all future minor amendments to the policies named above and supporting protocols to be delegated to the relevant Director in consultation with the Portfolio Holder.

Reason for Decision

To ensure the Council is compliant with new enforcement powers and to update and amend policies to reflect the new powers.

Alternative Options Considered:

None.

7. PROPOSED EDENFIELD NEIGHBOURHOOD FORUM AND NEIGHBOURHOOD PLANNING AREA

7.1 The Portfolio Holder for Regulatory Services outlined the report which informed of a proposal from residents to establish a Neighbourhood Forum for the Eden Ward and highlighted the implications of this for the Local Plan. There were various stages highlighted in the legislation and on the submission of a proposal the Council would need to undertake a 6 week consultation. If the Forum was agreed, work would start on a plan and the Forward Planning Team would offer assistance, but it would be down to the Forum to prepare the plan. If the plan met the legal requirements the Examiner would decide whether to proceed to public referendum. If over 50% voted to support the plan there would be 8 weeks to adopt it. It was good that residents wanted to get involved and take ownership of the plan.

7.2 Cabinet Members were invited to comment on the report:

- The process was very bureaucratic.
- How much work would there be and would residents have the capacity and expertise?
- What were the implications, especially with the plan coming into place after the Local Plan.
- It was out of step with the Local Plan.
- It would enable people to attempt to influence things in their area.
- Delighted residents were doing this with support of the planning officers.
- Whatever was ready would go to the Inspector, who would put forward their views.

7.3 Other Elected Members were invited to comment on the report:

- Conforms with the Localism Act.
- Importance of infrastructure.
- Building on information passed down to families regarding the area and the land.
- Enormous allocation on Greenbelt and seeing how far neighbouring areas were coming onto the borders.
- Water comes down the valley and causes disruption.
- Brownfield sites need looking at in the right way so there's no loss of identity for the village.
- The Planning Team had been extremely helpful.
- Other parts of the borough could adopt a similar scheme.

The Portfolio Holder for Regulatory Services advised that it had to be in conformity with the Local Plan, and that any given housing allocations would stand, but the plan would be good for getting input into the nature and character of development. There were 450 houses suggested for Edenfield, so it would be good to get that input. The Planning Manager confirmed that the application had been received that day and the 6 week consultation would start in the next couple of days.

The Leader of the Council confirmed it was up to the different communities as to whether they wanted to do something similar, if they had the capacity to undertake the work. She noted that the Council was still required to deliver a certain number of houses and it would be difficult to deliver that number. She wished the residents well and would be interested in keeping track of where they were up to.

Resolved:

1. That Cabinet note that the Planning Manager will be liaising with representatives of the proposed Forum for Eden Ward and that there will be implications for this on the production of the Local Plan.
2. That Member sign-off of the Forum application and subsequent sign-offs should be delegated to the Portfolio Holder in consultation with the Planning Manager. It is recommended that, provided it can be fitted in within the Committee cycle and legal time limits, that the pre-referendum Plan should be taken to Full Council for information. All minor amendments to the submission to be delegated to the Planning Manager in consultation with the Portfolio Holder.

Reason for Decision

The declaration of a Neighbourhood Forum and a Neighbourhood Planning Area would be the first stage in the preparation of a Neighbourhood Plan for Edenfield. While there is still informal discussion ongoing to ensure the application is likely to be acceptable, it is expected that outstanding matters will be resolved. Preparation of a Neighbourhood Plan could have significant implications for the Local Plan and staff and resource implications for the Authority.

Alternative Options Considered:

None.

8. COUNCIL TAX, NON-DOMESTIC RATE & HOUSING BENEFIT OVERPAYMENT WRITE OFFS

- 8.1 The Leader of the Council noted that this was a technical process and did not mean that the Council did not still pursue debts. The Portfolio Holder for Resources and Customer Services outlined the contents of the report which requested member authority to write off bad debts of Non-Domestic Rates which were above the delegated limit of £5000. Write offs included debts deemed irrecoverable from dissolved companies, debt relating to a deceased person and housing benefit overpayments.
- 8.2 There were no comments made by Cabinet members.
- 8.3 There were no comments made by other councillors.

Resolved:

1. Members approved the write off of £40,415.88 in respect of irrecoverable Non-Domestic Rate debt.
2. Members approved the write off of £5,725.85 in respect of irrecoverable Council Tax debt.

3. Members approved the write off of £17,139,63 in respect of irrecoverable Housing Benefit Overpayment.

Reason for Decision

Write-offs are within the provisions available and write off is made within the grounds of prudence before the financial year end.

Alternative Options Considered:

None.

9. LOCAL PLAN HIGHWAYS CAPACITY STUDY

- 9.1 The Portfolio Holder for Regulatory Services outlined the report which asked members to note the results of the first phase of the study. Mott MacDonald had been commissioned to undertake the study and phase 1 involve 15 junctions. Some minor issues could be addressed through traffic signal timings. Beyond 2024 there would be significant issues at a number of locations and phase 2 would look at the seven identified in the report.
- 9.2 Cabinet Members were invited to comment on the report:
 - Links with properties and the number of houses being developed.
 - Traffic problems already exist.
 - There would be issues from 2019 and it would be very challenging.
 - Rawtenstall gyratory had been taken up with LCC, and the response had been that there was too much traffic.
 - Where was the gyratory in relation to the Local Plan?
 - There were temporary lights in the borough on an ongoing basis.
 - Good piece of work looking at areas of concern regarding future development.
- 9.3 Other Elected Members were invited to comment on the report:
 - Cost in total for the study?
 - Previous loss of an old building with character near the roundabout at Edenfield to widen the road.
 - Weight of wagons on the roads.
 - Curious as to how the problems at Edenfield can be resolved without knocking more buildings down.
 - Waterfoot was better with the roundabout than the lights.
 - It would be interesting to see what solutions they come up with.
 - Did the costs referred to previously include phase 2?
 - Why were flyovers and expressways referred to?

The Portfolio Holder for Regulatory Services advised that the cost of the entire study was around £30k. The Leader of the Council and the Planning Manager noted that the next phase would outline some possible solutions. The Planning Manager informed that the reference to flyovers and expressways referred to Highways England. The Leader of the Council noted that it would form part of the Local Plan evidence base and thanked the Planning Team on the Local Plan and the extra activities involved.

Resolved:

1. That Cabinet note the results of the first phase of the Highway Capacity Study.
2. That Member sign-off of the detailed proposals for each of the junctions identified as having issues should be delegated to the Portfolio Holder in consultation with the Planning Manager.

Reason for Decision

The completion of Phase 2 of the study and concentrating on assessing and identifying solutions for the seven junctions at which issues have been identified.

Alternative Options Considered:

None.

10. FINANCIAL MONITORING REPORT 2017/18 AS AT END DEC 2017

- 10.1 The Portfolio Holder for Resources and Customer Services outlined the report and noted a few amendments at paragraph 2.1 and 5.1 which related to the last 9 months. The Portfolio Holder brought members attention to the variances and noted that there was good news for residents in relation to Disabled Facilities Grants where there had been accelerated spending. The sale of Rosso would be included in next quarter's report. The Council would need to continue its efficiency agenda.
- 10.2 There were no comments made by Cabinet members.
- 10.3 Other Elected Members were invited to comment on the report:
- The utilities at the Whitaker were overspent, how long would the tax payer continue to subsidise them?
 - Who funded the Whitaker previously?
 - Disagree that the Whitaker now costs less.
 - Costs in relation to a homelessness grant regarding a Rawtenstall property.
 - Was the property for the young people of Rossendale?
 - Were churches and charities charged for garden waste?
 - Churches had not been notified of the changes.

The Leader of the Council noted that increased visitors at the Whitaker had been the cause of the overspent utilities now that it had better management. The Portfolio Holder for Regeneration, Leisure and Tourism noted that the overspend needed to be seen in a wider context. It had previously cost the Council £105k a year for Lancashire County Council to run the facility and the current subsidy was less than what the Council had been previously paying. It was a revenue generating site and there was a need to look at the direction of travel. The Council was getting more out of it for less money. The Leader of the Council agreed to circulate more information regarding this.

The Portfolio Holder for Health and Housing confirmed that it had not cost £82k in relation to a homelessness grant for a Rawtenstall property. The Leader of the Council confirmed that it related to two properties, one of which had been renovated. Since the Homelessness Reduction Act had come in, there would be a need for a

budget heading for this. The Leader of the Council agreed to get more detail to Councillor Cheetham regarding whether the property referred to was for the young people of Rossendale.

The Leader of the Council informed that she understood there was a charge for garden waste in relation to churches and charities, but would look into this.

Resolved:

That Members note the contents of the report.

Reason for Decision

Robust monitoring of the General Fund and MTFS was essential to control risk.

Alternative Options Considered:

None.

11. 2018/19 CORPORATE PRIORITIES, BUDGET, COUNCIL TAX AND THE MEDIUM TERM FINANCIAL STRATEGY

11.1 The Leader of the Council informed that this was an annual exercise and that we were in the same position as other districts. The Council had £3 million taken out of the budget over 6-7 years, but were still delivering record investment such as in Rawtenstall town centre, and were also working with others to protect services. The Portfolio Holder for Resources and Customer Services outlined the report which asked Cabinet to recommend a budget, including considering fees and charges, PCSO support and members allowances. Page 4 of the report set out assumptions based on a maximum of a 3% rise, subject to member approval. The assumptions were based on the use of £800k reserves. The £550k costs share element for waste was no longer there in 2018/19 and the rejection of the Scout Moor expansion had cost the Council £600k in business rates. This £1.15 million would have bridged the gap and more. In 2017/18 the threshold for raising Council Tax was 1.99% but the government was expecting tax payers to contribute more and had raised the threshold to 2.99%. The Portfolio Holder informed of the need to increase to the maximum of 2.99% in order to bridge the funding gap.

11.2 Cabinet Members were invited to comment on the report:

- The loss of £3 million and the use of the reserves over the years was painful but necessary.
- To fill the gap going forward the Council must generate income from its assets.
- Over the past 6 years any rise had been well below inflation.
- It was prudent to do what was right and support the proposals.
- The Council gets 16p in every £1.
- Recommend 2.99% increase in Council Tax, no rise in members allowances and withdrawal of financial support to PCSOs.
- PCSOs were an enhanced service at the time, but this was no longer the case.
- Other Councils had already withdrawn PCSO funding owing to financial pressures.

- MP had been talking about the Council not taking up certain income streams, but this was because they either weren't applicable or the Council would be worse off.

11.3 There were no comments from other Elected Members.

The Leader of the Council confirmed that the two funding streams the MP had referred to were infrastructure support and the NNDR pilot scheme. The Council was not big enough or extensively developed enough to qualify for infrastructure support, but were looking into whether a joint bid with other authorities would be a possibility. The NNDR pilot would have required the Council to have set aside its own policy which guaranteed £400k a year income and introduce a pilot with the possibility of gaining £400k a year but there was a risk, therefore the would not have been any benefit from the pilot scheme owing to the risk element.

Resolved:

1. That the Cabinet recommend to Council a 2018/19 Council Tax rate of 2.99% for Band D.
2. That Cabinet recommends to Council the use of £803,000 (subject to final Member decisions) from the Transitional Reserve, £80,000 from the Council Tax collection fund and £800,000 from the Business Rates Retention reserve to support the 2018/19 annual budget.
3. That the Cabinet recommends to Council a net revenue budget for 2018/17 of £10,037,000 (subject to final approval of costs & savings).
4. That the Fees and Charges as noted in Appendix 1 are recommended to Council.
5. That Cabinet recommends the withdrawal of financial support to the Police and Crime Commissioner regarding PCSOs.
6. That Cabinet recommends no change to Members Allowances.
7. That the Head of Finance and Property Services be instructed to prepare the technical resolutions necessary to give effect to these proposals.

Reason for Decision

The Council must remain focused on identifying and delivering further efficiencies and income in order to ensure annual balanced budgets over the immediate and medium term. It must also ensure that all its budget resource allocations are directed to the core functions of the Council and that the use of its resources has clear links to the Council's Corporate Priorities.

Alternative Options Considered:

None.

12. CAPITAL STRATEGY AND CAPITAL PROGRAMME 2018/19 TO 2020/21

12.1 The Portfolio Holder for Resources and Customer Services outlined the report which asked members to consider the Capital Strategy for the coming three years, propose a capital expenditure programme, and advise members on the various sources of capital funding and their impacts. The affordable Capital Programme over the next three years was highlighted at 5.5 including the affordability of the fleet replacement

and allowances for Disabled Facilities Grants (DFGs). Project work was noted such as Spinning Point, Townscape Heritage Initiative (THI), Heritage Lottery Fund, Rossendale Leisure Trust, Stubbylee Park, Healey Dell and in Waterfoot. Resources were available to meet capital needs up to 2021 then there would be a need to take out further external borrowing.

12.2 Cabinet Members were invited to comment on the report:

- In relation to DFGs the Council was trying to do their best to spend the money and the Council had highlighted the need for more Occupational Therapists to assist with this via the 50+ Assembly, with the commissioners of Adult Social Care and the Health and Well-being Partnership.
- Projects such as Spinning Point were offset by grant income and this was one of a number of schemes intended to generate income.

12.3 There were no comments made by other members.

The Portfolio Holder noted that some of the examples given earlier, such as THI, were in relation to external funding. The Leader of the Council agreed to make a formal request to Lancashire County Council regarding the need for more Occupational Therapists.

Resolved:

1. Members considered the Capital Strategy for 2018/19 and the medium term.
2. Members considered the affordable capital programme for 2018/19, as set out in Appendix 1, and recommend the new capital expenditure projects totalling £1,443k to Full Council for approval.
3. Members agreed to delegate any minor amendments to the capital programme throughout the 2018/19 financial year as a result of new grant-funded community projects, to the Head of Finance in consultation with the Portfolio Holder for Resources. Amendments will then be reported to Cabinet through the regular Financial Monitoring Reports.

Reason for Decision

Resources are available to meet the currently proposed affordable capital programme for 2018/19 and up to 2020/21. The deficit between capital resources and requirements over the future years looks set to continue. With severe pressures on the Council's revenue resources throughout the Medium Term Financial Strategy it is more likely than ever that the Council will need to take out further external borrowing, leading to interest costs which will need to be included within the business case for each investment. Members delegate the consideration, prioritisation and approval of any future capital projects, should additional resources become available during 2017/18, to the Head of Finance in consultation with the Portfolio Holder for Resources.

Alternative Options Considered:

None.

13. TREASURY MANAGEMENT STRATEGY & TREASURY MANAGEMENT PRACTICES (UPDATES FOR 2018/19)

- 13.1 The Portfolio Holder for Resources and Customer Services outlined the updated Treasury Management Strategy Statement (TMS) and Treasury Management Policy and Practices (TMP), which ensured management of cash flow and maintained risk management. The Portfolio Holder also highlighted the cash flow pressure in 2021 which would be within £3,000k and over 3%. This was an annual update based upon the Chartered Institute of Public Finance and Accountancy's (CIPFA) Treasury Management and Prudential Codes 2017.
- 13.2 Cabinet Members were invited to comment on the report:
- Despite cuts the core external borrowing had come down over the years.
 - The need to fund activity and projects out of incomes generated.
- 13.3 Other Elected Members were invited to comment on the report:
- Would it help if interest rates went up?

In response to a member's question, the Head of Finance confirmed that there would be other impacts if interest rates went up and that it was tough work retaining investment. The Leader of the Council thanked the Finance Team for their work preparing the budget reports for the year and their work around the Rosso decision.

Resolved:

1. Members considered the revised Treasury Management Strategy Statement and the Treasury Management Policy and Practices and recommended their approval at Full Council.
2. Members delegate any further minor changes to the Head of Finance in consultation with the Portfolio Holder for Resources and Customer Services.
3. Members authorised the Head of Finance to take advantage of any prepayment options offered, as noted in paragraph 5.9, in consultation with the Portfolio Holder for Resources and Customer Services.

Reason for Decision

The updated Treasury Management Strategy Statement and Treasury Management Policy and Practices will ensure continued compliance with the Code and continue to contain the Councils exposure to financial risk.

Alternative Options Considered:

None.

The meeting commenced at 6.30pm and closed at 7.55pm

_____ CHAIR _____ DATE