

Cabinet



Date:	Wednesday, 21 September 2011
Venue:	Town Hall, St Annes
Committee members:	Councillor David Eaves (Leader) Councillor Susan Fazackerley (Deputy Leader) Councillors Dr. Trevor Fiddler, Karen Buckley, Cheryl Little, Albert Pounder, Thomas Threlfall
Other Councillors:	Councillors Christine Akeroyd, Fabian Craig Wilson, David Chedd, Viv Wilder, Leonard Davies, Linda Nulty
Officers:	Phillip Woodward, Joanna Scott, Clare Platt, Allan Oldfield, Tracy Scholes, David Gillett, Mark Evans, Paul Rogers, Marcus Judge
Members of the public:	2 Members of the public were present

1. Declarations of interest

Members were reminded that any personal/prejudicial interests should be declared as required by the Council's Code of Conduct adopted in accordance with the Local Government Act 2000.

Councillor Albert Pounder declared a personal interest in item 14 relating to the disposal of the freehold interest in two areas of open space to Staining parish council and remained in the meeting, and a personal and prejudicial interest in item 16 relating to the lease of Fairhaven cottage and withdrew from the meeting during consideration of this item.

2. Confirmation of minutes

RESOLVED: To approve the minutes of the Cabinet meeting held on 28 July 2011 as a correct record for signature by the Chairman.

David Eaves (Leader) drew Cabinet's attention to a plan and vision which has been put forward by Lytham Heritage group for Lytham windmill and the adjacent boathouse. He informed the meeting that the group had made a short presentation to Cabinet members and he was of the view that it was an interesting and exciting concept. The group would be submitting a lottery bid in November with the outcome of that bid in March next year. The basis of the bid would be to restore the whole of the Windmill into a working museum with the main features being the turning of the sails of the Windmill and in the boathouse to reconstruct with visual aids the Mexico disaster. He added that the concept was in its early stages and that a report would be submitted to Cabinet in due course.

3. Urgent items

There were no urgent items of business.

4. Community Focus Scrutiny Committee - Recommendations

Councillor Christine Akeroyd (Vice Chairman of the Community Focus Scrutiny Committee) presented the recommendations made by the Committee at its meeting held on 28 July (previously circulated). Cabinet noted that the recommendations from the meeting held on 8 September had not yet been circulated and would therefore be considered at the next Cabinet meeting.

Councillor Karen Buckley (Portfolio Holder for Finance and Resources) requested clarification on the recommendation relating to Item 5 - Care and Repair (Fylde and Wyre) and in particular the proposed extension to the existing year by year arrangement. She accepts that it would bring the Care and Repair support in line to other bodies in receipt of financial support from the Council. She wanted to be assured however that because there was uncertainty in government funding beyond the funding received for the current and following years that as contained in other Service Level Agreements, a break clause is included. Councillor Akeroyd informed Cabinet that Scrutiny Committee was aware that a break clause would be included.

The scrutiny committee recommended the following to Cabinet for approval:

1. **Referral of Notice of Motion - Melton Grove**

1. To appoint a time limited task and finish group comprising the Chairman and Vice-Chairman of Committee and Councillors Tim Armit, Maxine Chew, Ken Hopwood, John Singleton and Peter Wood to undertake a detailed review of matters associated with the disposal of Melton Grove, Ansdell.
2. To report on the findings to the October 6 meeting of the committee.

2. **Proposed in depth Review - Exploratory On Shore Shale Gas Drilling**

1. To agree to the scoping document.
2. To establish a task and finish group to conduct a review on shale gas drilling activities within the borough and that the group comprise: Chairman and Vice-Chairman of Committee and Councillors Tim Armit, Susan Ashton, Susanne Cunningham, Ken Hopwood, Richard Redcliffe and John Singleton.
3. To report on the findings by the December 1 meeting of the Committee.

Cabinet may like to note that Councillor Nigel Goodrich will replace Councillor John Singleton on the group following his interest in the matter.

3. Medium Term Financial Strategy (MTFS) Outturn Position 2010/11 (including General Fund, Capital Programme and Treasury Management)

1. To note the report and convey the committee's thanks and appreciation to the finance team for the work done in a timely manner during a challenging period.

4. Annual Report - Age UK Lancashire

1. To note the report and thank Mrs Kelday for the excellent presentation and her attendance at the meeting.

5. Annual Report - Care and Repair (Fylde and Wyre)

1. To note the report
2. That Michelle Lee, Care and Repair Project Manager be thanked for attending and reporting to committee.
3. To recommend to Cabinet that the Council's financial support to the Fylde Care and Repair Service be considered for an extended period beyond the existing year by year arrangement.

In reaching its decision, Cabinet considered the details set out in the report before it and at the meeting and RESOLVED to note and approve the recommendations made by the Community Focus Scrutiny Committee held on 28 July subject to the comments of Councillor Buckley referred to above in relation to the funding of Care and Repair and that the recommendations of the meeting held on the 8 September will be considered at the next Cabinet meeting.

5. Joint Meeting of the Community Focus Scrutiny Committee and Policy and Development Committee - Recommendations

Councillor Cheryl Little referred to the recommendations made by the Joint Scrutiny Committee at its meeting held on 26 July 2011 (previously circulated) and welcomed detailed consideration by Scrutiny on the important issue of the consultation by Lancashire police in respect of the estates review consultation which would affect the lives of people in the Fylde community. She referred to the fact that the Joint meeting had recognised the wider implications of police resource cuts and had therefore put forward two recommendations. In considering the recommendations put forward by the Joint meeting, she proposed that recommendation 1 be approved with the addendum that there should be no further reductions in front line policing as a result of cuts in expenditure in line with the Community Safety Partnership's decision as set out in paragraph 6 on page 28 of the agenda.

The Joint Scrutiny Committee recommended the following for approval:

In reaching its decision, Cabinet considered the details set out in the report before it and at the meeting and RESOLVED that Cabinet endorses the recommendations of scrutiny in the following terms:

1. Front Counter and Estates Review Consultation

That Cabinet is not content with the closures but accepting changes and likely to occur would ask:

- That communications are improved in terms of promoting to the public how they should contact the police in terms of emergencies and non emergencies
- That the decision to close Lytham Police Station be deferred until 2014 when the current lease is due for review to assess at that time whether the need for the savings is still warranted

2. Police Spending Reductions in General

Whilst noting the concerns of the scrutiny committee, Cabinet would request the Lancashire Constabulary to do everything possible to ensure that there are no further reductions in front line services as a result of spending reductions in line with the decision of the Community Safety partnership

6. Cabinet's Timetable for Developing Budget Proposals 2012/13

The Section 151 Officer (Joanna Scott) presented a report which set out a budget timetable to be adopted which complies with the budget and policy framework rules, statutory deadlines and facilitated early billing for Council Tax. She emphasised in line with the constitution and statutory deadlines Cabinet needed to set out the key dates for developing the budget proposals. A timetable for this was set out at Appendix A to the report which concluded in March 2012. The dates had been built around the precepting authorities shown in paragraph 1.2 on page 31. There was however the possibility that some of these dates may be changed, although this had not happened in previous years, which would have an impact on the timetable but would not affect the Council's meeting in March 2012. She drew Cabinet's attention to consultations which were still on going and opposition briefings which had not yet been finalised.

Councillor Buckley in supporting the recommendation in the report, requested that some training be given to Councillors with regard to budget via the Learning Hour process.

In reaching its decision, Cabinet considered the details set out before it and at the meeting and RESOLVED that the Budget Timetable for 2012/13 be adopted and that Learning Hours be scheduled for all Councillors with regard to budget processes during December/January.

7. Three Tier Forum

Prior to consideration of the matter, the Leader of the Council (Councillor David Eaves) made reference to questions received from Councillor Chedd and Councillor Nulty. Councillor Chedd was invited to the table and asked the following questions:

1. *"Will the Borough Council representation on the three tier forum be politically balanced and if not, why not?"*
2. *"What is meant by dual positions in Para 3"*

3. *"What is the source of the information in the final paragraph of the report concerning parish representation at the LALC, as this is incorrect?"*

The Chief Executive (Phillip Woodward) informed Cabinet that Councillor Nulty, who was not present at the meeting, had submitted similar questions which picked up on the points raised by Councillor Chedd and asked that these points be addressed by Director of Governance and Partnerships (Tracy Scholes) when answering those questions.

The Director of Governance and Partnerships (Tracy Scholes) presented a report regarding an invitation by Lancashire County Council for this Council to participate in a Three Tier Forum for Fylde. The Forum would have representatives from across the three tiers of local government and could discuss areas of mutual concern. Six Borough representatives would be sought and appointed by Council. Mrs. Scholes also outlined that the advent of the Forum also presented the opportunity for the Borough to review how it engaged with Town and Parish Councils. Lancashire County Council conducted its liaison through the Fylde Branch of the Lancashire Association of Local Councils and it was suggested that the Borough Council could conduct its future dialogue through the same forum in order to maximise the benefits of three tier working.

With reference to Councillor Chedd's questions, Tracy Scholes gave the following replies in the order of the questions above:

1. Unlike the former Lancashire Locals, the Three Tier Forum is not a formal committee and therefore political balance will not apply. (If it did the balance would be 4 conservatives and 2 independents).
2. The Borough Council is able to appoint whoever it wishes to represent it on the Three Tier Forum.
3. One of the parish representatives was omitted on the list of those Town and Parish Councils who were not formal members of LALC. Mrs. Scholes apologised for this oversight.. Clarification required as to what part incorrect. Information obtained in telephone discussions with Clerk to LALC and County colleagues.

Mrs. Scholes referred to the questions received from Councillor Nulty. She was of the view that the first question about dual positions was given in the answer to question 2 above. She read out the following question also received from Councillor Nulty:

"At point 4 – I feel the process should be that firstly all Parishes/Town Councils should be contacted directly to ensure that ALL are made aware of this. After this liaison should be through our Borough/Town/Parish Liaison group as this includes all Parishes/Towns by invitation, and is attended by most. LALC is a member only group and many have chosen not to join due to the costs involved. Although the Open Forum at the beginning of each LALC meeting is a step forward I still feel this would NOT reach all, as it would involve Members having to travel to a meeting for possibly only half an hour, instead of this being part of a full meeting. I hope you will reconsider these points?"

Tracy Scholes replied stating that there was the open forum at the beginning of each LALC meeting to enable those Councils who were not members of LALC to be engaged in the process. Also, as outlined in the report the Council's commitment to partnership working with Town and Parish Councils and remained undiminished. However in order to fully

effect the working of three tier forum, future liaison between the Borough and Town and Parish councils would be best undertaken by the same forum with which the County Council chooses to engage.

In supporting the three tier forum Councillor Threlfall advocated a trial of the forum for an initial period of one year.

Councillor Chedd took the view that the dual position aspect of forum representation had not been clarified. He considered that because of this grey area, the representation for Borough Councillors to the forum could be a small pool of Councillors if interpreted in a disadvantageous way.

Tracy Scholes suggested that in order to clarify this matter that it should be noted within the minutes that appointments to the Three Tier Forum could be made from Borough Councillors who also held a Town or Parish Council seat. Councillor Chedd agreed that this would be helpful.

Phillip Woodward referred to a letter from the County Council which sets out the timescale for the implementation of the proposals. There would be briefing sessions with Town and Parish Councils early October with more direct briefings with District Councils in late October with the Three Tier Forum being up and running by the end of November. He was of the view that the November Council would be the target to agree this Council's nominations to the Forum.

In reaching its decision, Cabinet considered the details set out in the report before it and at the meeting and RESOLVED:

1. To agree to participate in the Three Tier Forum for Fylde and seek the appointment of six Borough representatives from the whole membership of the Council (including members who are also members of Town and Parish council) at the next appropriate Council meeting
2. To continue the Borough Council's commitment to partnership working with the Town and Parish Councils via the Fylde LALC to ensure that a more targeted three tier dialogue is entered into and to consult with the Fylde LALC thereon
3. To review the effectiveness of the Three Tier Forum after a 12 month period to ensure that value is being achieved through membership thereof

8. Supporting the Homebuyer Market - Local Authority Mortgage Scheme (LAMS)

Councillor Dr Trevor Fiddler presented a report the purpose of which was to consider the Council's participation in a scheme to assist first time buyers. He welcomed the proposals whereby the Council participates in a scheme to assist first time buyers. He made reference to a previous housing needs survey which highlighted the plight of people having difficulty in getting onto the property ladder. He reminded cabinet that this Council has policies in place to support affordable rented housing but the Council has never been able to put in place solutions to provide low cost market housing. He considered that the Lams scheme will provide the balance between the Council's policies and delivering housing. He considered also that the risk element of people defaulting on the mortgages was remote based on the fact that the financial support that will be given would minimise the mortgage aspect. He hoped that the risk factor which applies to the Council would not hinder the progress of the scheme.

Councillor Buckley referred to an article in the "Inside Housing" magazine which stated that mortgage arrears cases were down 4 per cent on last year according to figures produced by the Financial Services Authority so that if this were a trend then they should be borne in mind when considering the risk factor.

In reaching its decision, Cabinet considered the details set out in the report before it and at the meeting and RESOLVED:

1. To approve in principle participation in the LAMS scheme and undertake further work as required.
2. To approve a revenue budget virement of £3,000 to finance the initial expenditure as outlined in the report.
3. To report back to Cabinet on the outcome of the further work to facilitate an informed decision about participation in the scheme at a later date.

9. Rural Housing Need Survey - Singleton Parish

Councillor Dr Trevor Fiddler presented a report of the rural housing survey undertaken in Singleton Parish earlier in the year. The report was the first rural housing needs survey to be completed. It was the intention to complete a further survey in a second parish in 2011 and develop a programme for all parishes for the completion of similar surveys in future years.

He thanked David Gillett, Head of Housing Services, for producing the report and recognised the amount of work which was needed to carry out the survey. He reminded Cabinet that the survey had been carried out to improve its approach to community engagement which there was a need to strengthen in the light of the Core Strategy. Officers were endeavouring to roll out the survey methodology to other parishes. He emphasised that the survey was an important piece of evidenced based work which would complement the community engagement work of the Core Strategy.

In reaching its decision, Cabinet considered the details set out in the report before it and at the meeting and RESOLVED:

1. To approve the Singleton Housing Need Survey and recommendations.
2. To recognise the work and support of Singleton Parish Council in the production of the survey report.
3. To endorse further work with the relevant town / parish councils to undertake local housing need surveys across the Borough.
4. That the findings of the survey be used, as appropriate, as evidence to support and inform future work in connection conservation area/ management planning work for Singleton and in the context of future potential discussions with other interested parties, including the Village Trust.

10. Core Strategy Timetable and Budget

Prior to consideration of the matter, the Leader of the Council (Councillor David Eaves) made reference to a question received from Councillor Nulty.

Phillip Woodward informed Cabinet that Councillor Nulty was not present and that he would read the question to the meeting as follows:

"Can we have an assurance that we will now have the correct staffing structure with enough capacity to carry this important piece of work forward, uninterrupted by other priorities? Also, that every effort will be made to keep to this timetable and to speed it up if this is at all possible? This is vital to every part of the Borough and I hope will be given the highest priority?"

Councillor Dr Trevor Fiddler replied stating that the importance of the work is highlighted by quoting from the recent National Planning Policy Framework (NPPF) as follows:

"permissions will be allowed when a plan is absent, silent or indeterminate or when planning policies are out of date"

He stated that the planning timetable indicates that the final adoption date was December 2014. He quoted from the NPPF because over the next three to four years the Council is likely to be vulnerable to applications from developers where the protection of the countryside is an issue. With regard to the capacity to deliver, the Council has never had allocated sufficient resources to promote the development of the Core Strategy. The Planning Advisory Service had identified these weaknesses. On the timetable issue he informed Cabinet that there would be every endeavour to speed the process up where possible. The recommendation suggested that the Cabinet receives update reports on a quarterly basis to keep track of the process. Recently the Local Development Steering Group met to consider the appropriate level of new housing provision in the Borough and in support of that exercise there would be the preparation of the preferred options as shown in Appendix 2 to the report and if that could be brought forward that would help the Council deal effectively with applications for housing development. In an effort to accelerate the processes the council had appointed an additional planning officer with appropriate experience to take the processes forward.

The Assistant Director Planning Services (Mark Evans) presented the report which proposed a revised timetable and resource plan for delivery of the Core Strategy. He informed Cabinet that the Core Strategy was an extremely important development plan document for the Borough, would identify strategic sites in the Borough for future development, would point development to the right areas and would assess infrastructure and investment need. He informed Cabinet that the stage had been reached whereby a tangible plan could be moved forward with the evidence base being almost completed so that important progress could be made. When the plan was in place development in Fylde would be plan led and hopefully there would be fewer planning appeals.

Councillor Buckley referred to the resource plan at Appendix 3 to the report. She asked was all the expenditure necessary and that every opportunity would be taken to minimise the cost. She asked how much had already been spent or committed in 2011/12.

Mark Evans informed Cabinet that the costs associated with the two staffing appointments had been spent, the Renewable Energy Study had been committed and was a reduced amount due to joint commissioning with the other Councils, the Bio-Diversity Study would be commissioned later in the year, the Transport Evidence Base was still to be commissioned, the Housing Needs Study (the majority to be carried out in-house) and the Housing Viability Study was about to be commissioned, the employment Land Study was about to be commissioned, the Sustainability Appraisal Scoping Report Update had been completed and part of the money for the Barrister has been spent. Some of the commissioning had been put on hold previously due to the possibility of changes in legislation or policies. He emphasised that the timetable shown in Appendix 2 had been updated recently and the officers were now in a position to move the timetable forward. He

assured Cabinet that every effort would be made to minimise expenditure throughout the timetable.

In reaching its decision, Cabinet considered the details set out in the report before it and at the meeting and RESOLVED:

1. That Cabinet agrees the revised timetable and resource plan detailed in Appendices 2 and 3 of the report.
2. That the timetable be used for project managing the Core Strategy and is posted on the Council's website and that the Cabinet receive update reports on a quarterly basis detailing progress against the project plan.
3. That the revised phasing of the expenditure as identified in Appendix 3 of the report be reflected in the next update of the Council's financial forecast.

11. Planning Appeals - Funded Budget Increase

The Assistant Director Planning Services (Mark Evans) presented a report which provided information on planning appeals currently being dealt with and identified how they can be funded. He emphasised that the current planning appeal budget was nil and that traditionally the consultants budget in general development control budgets has been used to finance planning appeals. With uncertainty nationally and locally in respect of national planning guidance, the Regional Strategy having been revoked and then re-introduced after legal challenges and the move forward with the Core Strategy, there have been more appeals received than usual. He explained where savings may be achieved in future appeals costs and where there may well be call on additional funding in relation to some of the appeals set out in paragraphs 3 and 4 on page 105.

Councillor Dr Trevor Fiddler referred to the uncertainty regarding government strategies in relation to planning laws and guidance, that these factors were not helping or giving confidence to the Council when defending planning application decisions.

In reaching its decision, Cabinet considered the details set out in the report before it and at the meeting and RESOLVED to note the number and cost of planning appeals in the system and agrees to the creation of a budget in 2011/12 for the cost of planning appeals in the sum of £80k, fully funded from additional planning application fee income received in 2011/12 to date.

12. Service Delivery Through Arms-Length Company - FBC Solutions Ltd

The Chief Executive (Phillip Woodward) presented a report which provided a picture of the current situation in relation to the company established by the Council in 2007 (FBC Solutions Ltd.) but which had not yet been developed to a trading position. He informed Cabinet that an approach had been made to Lancashire County Council to provide specialist legal and financial advice with a view to the Council making a decision on whether to go live with the Company. The County Council responded by agreeing that although the County Council was capable of providing the advice requested, they suggested an alternative proposal that both Councils enter into a shared service agreement for delivering public realm and environmental type services. On the basis of that suggestion, the view was taken that the specialist advice that LCC might now give might not be completely impartial and independent. He referred to the Community Focus Scrutiny Committee meeting that had taken place earlier in September (the Minutes of which would be brought to the next Cabinet meeting) with a recommendation from that meeting that Scrutiny should have more engagement on the matter during the next 12 months before FBC Solutions goes live. The necessary financial and legal advice can still be sought externally but would carry an estimated cost of £20,000. However, it would also

be feasible for the Company and go live early in 2012 or from 1 April 2012 as an option. The alternative would be to put the Company on hold and consider the shared services option with the County Council and the benefits this might bring to Fylde. Finally, the Council could consider the advice given in Appendix B to the report which is an assessment by a Local Improvement Advisor from the Local Government Association. This assessment considers that the business case could be refined and developed further before the company goes live whilst all the services which could form part of the company operations could be brought together under one management area for a period of time prior to 'going live' with the Company. He suggested that Cabinet may want to reconsider an appropriate period in recommendation 2 in the light of Community Focus Scrutiny comments of a 12 month timescale.

In reaching its decision, Cabinet considered the details set out in the report before it and at the meeting and RESOLVED:

1. That the proposal outlined in paragraph 7 of Appendix B of the report (to develop an internal trading unit which brings together the relevant council services under one management structure as a pre-cursor to launching FBC Solutions Ltd as a trading entity) is implemented as part of the current management review.
2. That the internal trading unit described in recommendation 1 is charged, during its first 18 - 24 months of operation, with developing a business and marketing plan for FBC Solutions Ltd, which address those matters listed in paragraph 7 of Appendix B, such that the Company is able to launch itself as a trading entity, subject to the further approval of Cabinet.
3. That further discussions are held with officers of Lancashire County Council to explore the scope and potential for the shared service activity outlined in paragraphs 10 - 14 of the report and that further reports on this matter are presented to Cabinet at the appropriate time.

13. LCC Local Transport Implementation Plan

The Chief Executive (Phillip Woodward) presented a report regarding a consultation from Lancashire County Council in relation to the Draft Lancashire Transport Implementation Plan 2011-14. The Plan contained details of the proposed investment priorities of the County Council on highway and transportation matters in each district in the County for the next three years. The consultation asked for comments on the proposed priorities. He emphasised that paragraph 2 in the report summarised the main elements in the plan and this Council had been asked to comment on those issues. Lancashire County Council had indicated that despite the short consultation period and the closing date for comments as 12 September, it would consider any comments from this meeting.

Cabinet members expressed disappointment in the short consultation period and that there was very little detail of the impact on Fylde. It was suggested that the report be noted and that Scrutiny be asked to have a close look at it.

Councillor Buckley was of the view that this was a matter which the Three Tier Forum should be considering.

Councillor Dr Trevor Fiddler agreed that the consultation period was too short to consider the important issues in the Plan

In reaching its decision, Cabinet considered the details set out in the report before it and at the meeting and RESOLVED:

1. That the report be noted and that no further comments be made at this point.

2. That the appropriate Scrutiny Committee be requested to consider in depth the Draft Lancashire Transport Implementation Plan 2011-14.
3. That Lancashire County Council be requested to refer the Plan to the Three Tier Forum for consideration.

14. Disposal of the Freehold Interest in Two Areas of Open Space to Staining Parish Council

Gary Sams (Principal Estates Surveyor) presented a report regarding two areas of public open space in the village of Staining which were owned by the Borough Council. The areas had been maintained by Staining Parish Council at their own expense for many years, and they had now requested that the legal title be transferred.

In reaching its decision, Cabinet considered the details set out in the report before it and at the meeting and RESOLVED that the freehold interest in land at Staining Rise and Meadow Park be transferred to Staining Parish Council, subject to advertising the transfer and considering any objections.

14. Exclusion of the Public

RESOLVED: That under Section 100(A)(4) of the Local Government Act 1972 the public be excluded from the meeting for the following item of business, on the grounds that it involved the likely disclosure of exempt information as defined in paragraph 3 of Schedule 12A of the Act.

15. Lease of Fairhaven Cottage

The Principal Estates Surveyor (Gary Sams) presented a report regarding the proposed lease of Fairhaven Cottage. A report had been considered at the July Cabinet meeting regarding the matter and it was resolved "to make appropriate arrangements to advertise in the press the vacant property to invite further interest in the property for the next two months and to present a further updated report to cabinet after this period".

In reaching its decision, Cabinet considered the details set out in the report before it and at the meeting and RESOLVED That, the party referred to in the report be granted a three month option to lease Fairhaven Cottage on the terms set out in the heads of terms attached to the report.
