

Cabinet



Date:	Wednesday, 16 November 2011
Venue:	Town Hall, St Annes
Cabinet members:	Councillor David Eaves (Leader) Councillor Susan Fazackerley (Deputy Leader) Councillors Karen Buckley, Dr. Trevor Fiddler, Cheryl Little, Albert Pounder, Thomas Threlfall
Other Councillors:	Councillors Fabian Craig-Wilson, Leonard Davies, Charlie Duffy, Kevin Eastham, Kathleen Harper, Linda Nulty, Elizabeth Oades, Dawn Prestwich, Elaine Silverwood, Viv Willder
Officers:	Phillip Woodward, Joanna Scott, Allan Oldfield, Clare Platt, Ian Curtis, Andy Cain, Lyndsey Lacey, Steve Marsh, Gary Sams, Sarah Wilson, Kathy Winstanley
Members of the public:	No 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 Susan Fazackerley declared a personal interest in item 12 relating Lowther Gardens Trust in so far as she is a representative of the Borough Council on the Trust.

Councillor Elaine Silverwood declared a personal interest in item 12 relating to Lowther Gardens Trust in so far as her brother is a lease holder of the café.

2. Confirmation of minutes

RESOLVED: To approve the minutes of the Cabinet meeting held on 21 September 2011 as a correct record for signature by the Chairman.

3. Urgent item- Lytham Windmill - Sails

The Chairman reported that the following item had been received after the publication of the agenda and it was agreed that the report should be considered by the Cabinet as a matter of urgency, on the grounds that the contract procedure rules require that the action

of the Director of Strategic Development Services be reported to the next meeting of Cabinet.

By way of introduction, Phillip Woodward (Chief Executive) made reference to two storm damaged sails to Lytham Windmill which had been replaced earlier this year. At that time, the Council's contract procurement rules were used to identify an appropriately experienced contractor and to secure the most cost effective solution for the repair in accordance with the criteria for mid-range contracts (£10k - £75k).

It was further reported that in recent weeks, a third sail had substantially been damaged and dislodged as a result of adverse weather conditions and needed to be replaced. In response to these circumstances, the Director had made arrangements for the two remaining original sails to also be replaced (at a cost of approximately £15k) using the same contractor on the basis of the tendering process undertaken earlier this year.

It was felt that these arrangements fell within two of the Exempt Contract criteria (paragraphs 3.1.1 and 3.1.3) referred to in section 3 of the Contract Procedure Rules which also required such matters to be reported to the next available meeting of the Cabinet.

Members were advised that appropriate budgetary provision had been made for the works.

In reaching its decision, Cabinet considered the details set out in the report before it and at the meeting and RESOLVED to note and endorse the actions of the Director of Strategic Development Services in relation to the implementation of repairs to the Lytham Windmill sails and agree the variation of Standing Orders to the extent described in the report.

4. Community Focus Scrutiny Committee - Recommendations

The Leader of the Council, Councillor David Eaves presented the recommendations made by the Community Focus Scrutiny Committee at its meeting held on 8 September 2011 (previously circulated)

The scrutiny committee recommended the following to Cabinet for approval:

1. Service Delivery Through and Arm's Length Company - FBC Solutions

To recommend that Cabinet ensures that the Scrutiny committee is updated and involved in all key stages of the process (within a 12 month period) and that the ultimate decision on this matter be made by Council.

NB As legislation does not allow Council to take executive decisions, the above must be read as reflecting the Committee's recommendation that an updated report be presented to Council for its views before any decision is taken by Cabinet.

2 Update on the 2020 Vision Document

1. To note the progress so far on the development and implementation of the 2012/2020 projects.
2. To recommend to Cabinet that officers pursue the delivery of the projects within the Lytham St Annes 2020 Vision and seeks funding opportunities as and where they arise to develop and deliver the projects contained within the Vision. This would include working with outside agencies and groups as appropriate.

- 3 To seek further information on the implications and opportunity for the delivery of the Classic Resort Concept for St Annes, including potential partnership arrangements.
4. To update the Committee of progress on the development of these projects as appropriate.
5. To endorse the use and development of the Vision Document for the consideration of design strategies/ conservation area appraisals for the town centre areas. Further it be used to help support funding bids and seek financial contributions from external sources to further the objectives of the Vision document.
6. To approve the revisions to the document in due course.

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 8 September 2011.

5. Policy Development Scrutiny Committee - Recommendations

Councillor Fabian Craig-Wilson (Chairman of the Policy Development Scrutiny Committee) presented the recommendations made by the Committee at its meetings held on 29 September and 3 November 2011 (previously circulated)

The scrutiny committee recommended the following to Cabinet for approval:

1 Data Assurance Policy

1. To recommend to Cabinet that a Data Assurance policy as set out in the draft attached to the original report is adopted.

2 General Fund Budget Monitoring Report 2011/12 – Position as at Quarter Ended 30th June 2011

1. To note the current position and the comments outlined in the report.
2. To recommend to cabinet that for 2012/13, finance is included within the base budget to cover the cost of potential planning appeals.

3 Appointment of Car Parking Task and Finish Group

1. To appoint a time-limited Task and Finish Group to look at the matter in more detail, and to report back to a later committee and to Cabinet.
2. To appoint to the Task and Finish Group the following members:
Councillors Fabian Craig-Wilson; Elizabeth Oades; Julie Brickles; Richard Redcliffe and Charlie Duffy.

In addition to the above, the Committee at its meeting held on 3 November recommended the following to Cabinet for approval:

1. Appointment of Task & Finish Group to Review Council Assets Let at Below Market Value

1. To appoint a time-limited Task and Finish Group to undertake a review of assets let below market value and to report back to a later committee and Cabinet.
2. To appoint to the Task and Finish Group the following members:
Cllrs Fabian Craig-Wilson; Len Davies; Julie Brickles; David Chedd and Peter Wood

Cabinet was also advised that Mr Andy Ashcroft, Public Realm Manager at Lancashire County Council gave a briefing to that committee meeting on the Winter Service arrangements for Fylde.

A number of members of Cabinet expressed their concerns about the number of task and finish groups being set up and the timeframes being worked to and asked the Chairman to be mindful of the limited resources available.

Councillor Karen Buckley made reference to the item relating to the General Fund Budget Monitoring Report (item 2 above of 29 September refers) and suggested that the word "base" should be deleted.

In reaching its decision, Cabinet considered the details set out in the report before it and at the meeting and RESOLVED that subject to the word "base" being deleted from item 2 as detailed above, to note and approve the recommendations made by the Policy Development Scrutiny Committee at its meetings held on 29 September and 3 November 2011.

6. Financial Forecast Update (Including Revenue, Capital & Treasury Management 2011/12 to 2015/16)

By way of introduction, Joanna Scott (Section 151 Officer) stated that the forecast update had been prepared against a continued backdrop of future financial uncertainty in the public sector. Mrs Scott stated that the assumptions set out in the latest forecast were made in light of the best information available and would inevitably change as and when further information became available.

The report presented the mid-year and preliminary forecast of the Council's future financial position (for the five years 2011/12 to 2015/16) and took account of the latest reserve balances, revenue and capital spending forecast and treasury management issues. It also identified and updated current and new financial risks and challenges facing the Council. Mrs Scott stated that the report also included changes arising since the Budget was set by Council in March 2011.

In brief, the report provided detailed information on the following areas:

- Forecast approved at Council on 2 March 2011
- Schedule of general assumptions underpinning the forecast
- Schedule of unavoidable changes to the forecast
- Narrative on unavoidable changes to the forecast and specific assumptions to support Appendix C of the report

- Updated latest forecast position

Mrs Scott further highlighted key areas of financial risk to the general fund revenue budget forecast, the capital programme and for treasury management. In addition, she stated that whilst the finances of the Council are robust to the end of 2012/13, in light of the recent government consultation papers, significant savings might be needed from future budget cycles.

Prior to consideration of this matter, the Leader of the Council made reference to a question raised by Councillor Elizabeth Oades in relation to page 36 (vi) of the report - Clifton (Lytham) Housing Association Ltd and invited Councillor Oades to the table.

Councillor Oades asked for a full explanation in relation to this item and what (if any) impact there would be on the final figure for the capital receipt.

In response, Councillor Buckley (Portfolio Holder for Finance and Resources) stated that the agreed sale price of the Company was £1.375m. She explained that agent's fees were in the sum of 18,000,. Councillor Buckley went on to say that the sale had proceeded on the basis that there would be a cash balance in the Company's bank account at the date of transfer of 37,000 and provided for an adjustment if this were not the case. She added that although the final accounts had not been fully agreed, the draft accounts indicated that outstanding repair and maintenance commitments would leave a cash balance (at the date of transfer) of £20k leaving a gap of £17,000. On that basis, the estimated impact on the receipt would be 17,000. She stated that the majority of this related to essential maintenance and report work undertaken immediately before the completion of the sale.

Councillor Buckley then went on to further comment on the content of the report generally. In doing so, she highlighted the work undertaken to date and stated that the updated forecast reflected that the further savings that would be required in future years (as identified in the MTFS in March 2011 at £465,000) had now been reduced to £362,000 as a result of prudent financial management by the Council. Whilst the savings target was coming down and moving forward there were still on-going financial uncertainties. Councillor Buckley reminded Cabinet that against such uncertainty, the Council had implemented a freeze on Council Tax in the current year and had committed to doing so next year. In order to accommodate the continued reduction of government funding, the challenge for the Council would be to continue to reduce its revenue requirements thus not being dependent on its reserves. She stated that to address this, the Corporate Management Team posts had been reduced, there had been an uptake on part-time work and flexible retirement and changes to staff terms and conditions had been agreed. In conclusion, Councillor Buckley stated that although there were many challenges ahead there would continue to be investment in frontline services.

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

1. To recommend to Council the noting of the implications of the updated forecast.
2. To commend the work undertaken and the quality of advice offered by the Section 151 Officer and the finance team.

7. Data Assurance Policy

Ian Curtis (Head of Governance) presented a report to Cabinet on the proposed adoption of a consolidated Data Assurance Policy.

In his report, Mr Curtis made reference to good practice which suggests that the Council ought to have policies setting out how it complies with its obligations under the Data

Protection Act 1998 including how it ensures data quality and how it classifies data. Mr Curtis went on to say that the Council has existing policies on data protection and data quality and that these would be incorporated in the proposed consolidated policy with the addition of material on data classification.

A draft Data Assurance Policy was included as an appendix to the report. Cabinet was advised that the policy had previously been considered by the Policy Development Scrutiny Committee which recommended that Cabinet adopt it on behalf of the Council.

In reaching its decision, Cabinet considered the details set out in the report before it and at the meeting and RESOLVED to adopt a Data Assurance Policy set out in the appendix to the report.

8. Boxes to Bins Project - Feedback from public consultation

Councillor Albert Pounder (Portfolio Holder for Customer and Operational Services) introduced a report on the outcome of a recent public consultation exercise undertaken on various options for the roll out of replacement wheeled bins for recycling services across Fylde.

In his report, Councillor Pounder stated that the project was based on the pilot scheme recently implemented in Staining. In summary, the report made reference to a previous Cabinet and scrutiny reports on the matter including an outline of the various options, an overview of the consultation feedback together with details of the conclusions drawn from the consultation.

Councillor Pounder advised Cabinet that it was the intention to fund the service from existing revenue budgets. Councillor Buckley provided further details on the financial implications and in doing so, stated that the project would be financed by way of an 'invest to save' scheme which would result in future revenue savings equivalent or greater than the investment.

Copies of the consultation feedback together with the financial details/operational costs of the various options were included as appendices to the report.

Samples the various wheeled bins were made available at the meeting

Allan Oldfield (Director of Customer and Operational Services) provided an overview of how the scheme would be rolled out.

Councillors Threlfall and Fazackerley asked about the flexibility of the scheme particularly for those areas which were dominated by flats/ HMOs. Mr Oldfield addressed this point and also outlined how the Council had arrived at a preference for option 3 in the report.

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

1. To note the feedback from the success of the scheme in Staining, from the comments of the Overview and Scrutiny Committee and from the public consultation exercise on the "Boxes to Bins" project.
2. To recommend to Council the provision of two 180 litre wheeled bins to be used as the standard service provision for the replacement of the green box and the white sack / blue bag.
3. To recommend to Council the provision of the 360 litre wheeled bin to reduce the required number of bins for properties in multiple occupation or residential apartments.

4. To recommend to Council an addition to the capital programme in respect of the bin purchases, fully funded from revenue savings as detailed in the report.

9. The Pier Forecourt Public Realm Scheme and fully funded additions to the Capital Programme

Prior to consideration of this matter the Leader of the Council, Councillor David Eaves made reference to a question submitted by Councillor Oades and invited her to the table.

Councillor Oades asked when Fylde Vision would extend to all areas of the Fylde. She stated that whilst she appreciated that the Regeneration Unit is small and could not take on too many projects, she along with many other rural councilors felt that it was high time the rural Fylde had some time, effort and capital funding put into the rural area to redress the balance and counter the neglect experienced over the years.

In response, Councillor Trevor Fiddler (Portfolio Holder for Planning and Development) stated that whilst many shared such concerns over the general availability of capital investment it must be acknowledged that the regeneration team had primarily concentrated on the core town centres in the Borough. He then went on to refer to investments via Section 106 and public realm works made in the Kirkham area as a result of work by the Council. He went on to suggest that there might be an opportunity to pick up the work and recommendations of the recently established task and finish group in to the viability of the local town centres to look at the distribution of capital expenditure within the Borough.

Councillor Fiddler then went on to present the report on proposals for the Pier forecourt public realm scheme and other public realm improvement schemes. In doing so, he made reference to a previous report to Cabinet (23rd March 2011) which provided details on the background to the matter.

In summary, the report provided details of proposals within the capital programme (95k) which had been fully funded by contributions from Fylde Vision, the Local Strategic Partnership for Fylde. The detailed approval now sought comprise a proposed public realm scheme for The Pier Forecourt (70k) and other public realm improvement schemes relating to Lytham Station (15K) and Ansdell Station (10K)

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

1. To approve additions to existing schemes within the capital programme totalling £95,000 (as detailed above), fully funded by a contribution of £95,000 from Fylde Vision, the Local Strategic Partnership for Fylde.
2. To approve the scheme detail of the Pier Forecourt Public Realm Improvement Scheme from within these budgets in accordance with the details outlined in this report
3. To receive at the earliest opportunity the report of the Task and Finish Group into the economic assessment of town centres.

10. 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 items of business, on the grounds that they involve the likely disclosure of exempt information as defined in paragraph 3 of Schedule 12A of the Act.

11. Accommodation Project - Asset Disposal

Philip Woodward (Chief Executive) presented a report on proposals for the disposal of two of the three assets earmarked for sale to support the essential refurbishment of the Town Hall. Mr Gary Sams (Estates Manager) also attended the meeting to address matters relating to the marketing of the sites.

Relevant plans and heads of terms were circulated with the report.

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 the disposal of the two sites (detailed in appendices A & B of the report) to the parties indicated and on the Heads of Terms contained within those appendices.
2. To report back to Cabinet the final details of the Heads of Terms for approval, should there be any variations to them.
3. To report back to Cabinet and Council after the proposed terms of sale of the Public Offices site have been agreed and prior to contractual commitment being given on the proposed scheme for the Town Hall refurbishment.

12. Lowther Gardens Trust

Clare Platt (Director of Community Services) presented a comprehensive report on the five year business plan requested by the Council and developed by the trustees of Lowther Gardens for the operation and management of Lowther Pavilion.

Following the presentation, the Leader of the Council, Councillor David Eaves made reference to the various questions submitted by Councillors Oades and Nulty relating to the report. In doing so, he stated that prior to final consideration and decision by Cabinet it would be beneficial for the scrutiny committee to carry out a review on the proposals made by the Trust and accordingly suggested referring the matter to scrutiny for consideration.

In reaching its decision, Cabinet considered the details set out in the report before it and at the meeting and RESOLVED to refer the matter to the Council's Overview and Scrutiny Committee for further consideration and comment in December and that the outcome of its deliberations be presented to Cabinet in January.
