

MINUTES OF: THE CABINET

Date of Meeting: Wednesday, 19th September 2007

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

**IN ATTENDANCE: Carolyn Wilkins, Chief Executive
Helen Lockwood, Deputy Chief Executive
George Graham, Executive Director of Resources
Phil Seddon, Head of Financial Services
Lesley Noble, Head of Policy and Performance
Jon Sharples, Head of Economic Regeneration and
Strategic Housing
Liz Murphy, Head of Human Resources
Philip Mepham, Interim Environmental Health Manager
Hayley Robinson-Mitchell, Principal Environmental Health
Officer
Bill Lawley, Interim Legal and Democratic Services Manager
Heather Moore, Committee and Member Services Manager**

**ALSO PRESENT: Councillors A. Barnes, Pilling, Robertson and Sandiford
County Councillor Serridge
2 Representatives from the Press**

1. APOLOGIES FOR ABSENCE

There were no apologies to report.

2. MINUTES

Resolved:

That the Minutes of the meeting of the Cabinet held on 1st August 2007 be signed by the Chair as a correct record.

3. URGENT ITEM OF BUSINESS

There were no urgent items to report.

4. DECLARATIONS OF INTEREST

There were no declarations made.

5. PUBLIC QUESTION TIME

No questions were raised under this item.

6. VALLEY CENTRE, RAWTENSTALL – SITE ASSEMBLY

Councillor Challinor, Portfolio Holder for Regenerating and Promoting Rossendale presented the report of the Head of Economic Regeneration and Strategic which outlined the action in support of a viable development scheme for the Valley Centre, Rawtenstall.

Councillor Ruddick reported that the proposals in the report demonstrated a commitment by the Council to take positive action to progress the scheme.

In response to a question from Councillor A. Barnes about whether the site had been sold, Councillor Ruddick reported that Council was aware that discussions were taking place regarding the future ownership of the Valley Centre.

In response to a question from Councillor A. Barnes about timescales for the planning application, Councillor Ruddick reported that officers were working hard to progress the application and a series of meetings was being held. It was anticipated that the application might be considered in November.

Decision Made:

1. Rossendale Borough Council will, if necessary, use its compulsory purchase powers under Section 226 of the Town and Country Planning Act 1990 for the purpose of the redevelopment of the Valley Centre, Rawtenstall.
2. A draft Compulsory Purchase Order for the acquisition of the land shown edged red on the plan attached to this report be prepared for submission to the Government Office for the North West for the purpose of checking its technical validity.
3. The Head of Economic Regeneration and Strategic Housing be authorised to appoint in writing pursuant to Section 324 of the Town and Country Planning Act 1990 such persons as he shall nominate to enter into the land and land adjacent thereto for the purpose of surveying the land or estimating its value or both.
4. The Head of Planning, Legal and Democratic Services be authorised to undertake all that is necessary pursuant to Section 324 of the Town and country Planning Act 1990 to enable entry to be gained on to the land and land adjacent thereto by any authorised person.

Reason for Decision:

It is in the best interests of the Council and of the local area to agree, if necessary, to use its compulsory purchase powers.

Alternative Options Considered and Rejected:

To defer confirming the possible use of the Council's Compulsory Purchase powers. This would give an unclear message and would not assist the progress of a viable development scheme.

To decline to confirm the possible use of the Council's Compulsory Purchase powers. This would preclude the use of the only mechanism available to the Council to ensure site assembly in order to deliver a viable comprehensive development scheme.

7. ENFORCEMENT POLICY UPDATE

Councillor Driver, Portfolio Holder for a Clean and Green Rossendale presented the report of the Deputy Chief Executive which provided an update on the development of the Enforcement Policy.

Councillor Driver reported that considerable legislative changes were envisaged over the next 12 months which would have an impact on regulatory options and activities available to the Council. It was recommended that proposals to review the Policy should be deferred pending the receipt of the new legislation at which time the Scrutiny Task and Finish Group would consider the options in detail and present their findings to the Cabinet.

In response to a question from Councillor Sandiford regarding current enforcement activities, the Interim Environmental Health Manager reported that existing arrangements would continue.

Decision Made:

1. That the changes underway be noted and deferral of further work pending information on legislative changes be approved.
2. That the Scrutiny Task and Finish Group be re-convened to consider legislative changes when these are published.

Reason for Decision:

The revision of the current Enforcement Policy would not seem worthwhile in light of imminent changes in legislation.

Alternative Options Considered and Rejected:

None.

8. LOCAL GOVERNMENT OMBUDSMAN – ANNUAL LETTER FOR THE YEAR ENDED 31st MARCH 2007 AND ANNUAL COMPLAINTS REVIEW

Councillor Ruddick welcomed Anne Seex, Local Government Ombudsman and Rosemary Agnew, Assistant Ombudsman to the meeting.

He informed Members of the improvements contained within the Local Government Ombudsman's Annual Letter for the year ended 31st March 2007 together with an update on activities within the complaints and feedback process.

Anne Seex reported that she was pleased to accept the Council's invitation to attend the meeting in order to highlight the key points within her annual letter. She informed the meeting that there had been a remarkable improvement in terms of response times and she complimented the proactive approach which had been taken by officers at all levels. She indicated that the report was exemplar in terms of analysing complaints and she would like to see such a report adopted by Councils across the country.

Councillor Sandiford informed the meeting that the Scrutiny Task and Finish Group had received a report on Ombudsman complaints and she outlined the recommendations of the Group which had been accepted by Full Council. She highlighted that the main recommendation was for six monthly reports to be submitted to the Performance Scrutiny Committee to ensure that improvements continued to be made and she considered that the report should have been presented to that Committee prior to the Cabinet meeting.

Councillor Ruddick reported that the Performance Scrutiny Committee would consider the detail of the report at its meeting on 2nd October 2007 and he thanked Scrutiny and the officers for the improvements that had been made.

In response to a question from Councillor A. Barnes regarding how the Ombudsman dealt with vexatious complaints, Anne Seex reported that the Ombudsman's office had a duty to check the cause of complaints and a balance was required in terms of time demands. She further reported that training was available for members and officers on effective complaint handling.

Councillor Tickner, Portfolio Holder for Delivering Quality Services to Customers reported that the Council was always looking at ways to improve the customer service experience and she gave recognition to the officers in terms of the positive direction of travel that had been made.

Decision Made:

1. That Members note the content of the Local Government Ombudsman's Annual Letter for the period ending 31st March 2007 and place on record their thanks to the Local Government Ombudsman's Office for their support and guidance over the past year.

2. That Members note the improvements carried out in respect of the Customer Complaints and Feedback Procedure.

Reason for Decision:

It is important to learn from previous complaints so that the Council achieves an improved performance across all its services.

Alternative Options Considered and Rejected:

None.

9. REVIEW OF THE FORMULA FOR GRANT DISTRIBUTION

Councillor Essex, Portfolio Holder for a Well Managed Council presented the report of the Executive Director of Resources which outlined a proposed response to the consultation on the grant formula to be used in the three year local government finance settlement covering the years 2008/09 to 2010/11.

Councillor Essex reported that as a strong, well managed Council it was important to respond to the consultation. He informed the meeting that the main issues for Rossendale related to concessionary fares and relative needs and resources.

A number of questions were raised in respect of concessionary fares and it was noted that the principle of the scheme was supported however there was concern about the equity of grant distribution.

Decision Made:

That the report be noted and the consultation response attached to the report be agreed.

Reason for Decision:

The response provides the Council with the opportunity to consider where its interests lie and to lobby in respect of those interests.

Alternative Options Considered and Rejected:

None.

10. FALL BARN CONSERVATION AREA

Councillor Challinor, Portfolio Holder for Regenerating and Promoting Rossendale presented the report of the Head of Planning, Legal and Democratic Services which outlined proposals on the designation of the Fall Barn Conservation Area.

Councillor Challinor reported that the designation of a Conservation Area was justified on the basis of the character and history of the area and it would be effective in protecting and ultimately enhancing the heritage of the group of buildings at Fall Barn.

Decision Made:

That Full Council be recommended to agree to the designation of the Fall Barn Conservation Area.

Reason for Decision:

The designation of the Fall Barn Conservation Area will encourage the retention of the buildings

Alternative Options Considered and Rejected:

None.

11. FOOD LAW ENFORCEMENT SERVICE PLAN AND SAMPLING POLICY

Councillor Driver, Portfolio Holder for a Clean and Green Rossendale presented the report of the Head of Street Scene and Liveability which outlined proposals to adopt the Food Law Enforcement Service Plan and Sampling Policy which were required by the Food Standards Agency.

In response to a question raised about information detailed in the Equality Impact Assessment, the Interim Environmental Health Manager reported that the Policy had to be assessed to ensure that it was fair to all groups of people.

Decision Made:

That the Food Law Enforcement Service Plan 2007/08 and Sampling Policy be approved.

Reason for Decision:

It is a requirement of the Food Standards Agency to produce the Plan and Policy.

Alternative Options Considered and Rejected:

None.

12. QUARTER 1 CORPORATE PLAN PERFORMANCE REPORT AND PERFORMANCE MANAGEMENT PROPOSALS

Councillor Essex, Portfolio Holder for a Well Managed Council presented the report of the Head of Policy and Performance which outlined the Quarter 1 Corporate Plan performance together with proposals to improve performance management. The report also detailed Best Value Performance Indicator and Local Area Agreement performance for Members' information as this was looked at in detail by the Performance Scrutiny Committee.

Councillor Essex reported that performance continued to improve and action plans were in place for any actions that were below target.

Councillor Essex outlined proposed improvements for 2007/08 to further strengthen the Council's approach to performance management which included a proposal for Portfolio Holders and Heads of Service to report the progress achieved in the implementation of the actions in their respective Business Plans.

Councillor Sandiford commented that Scrutiny Performance had already discussed and welcomed this proposal and also mentioned that it would provide an opportunity to ask what services were doing to improve residents' satisfaction with the Council. In response to a question from Councillor A. Barnes regarding monitoring complaints, it was reported that Cabinet Members received a weekly list of complaints and the Performance Scrutiny Committee would be considering a report on complaint analysis at their meeting on 2nd October 2007.

Decision Made:

1. That the Performance Management and Data Quality Strategy and Action Plan be amended to take into account the proposals set out in the report which would further strengthen performance management within the Council.
2. That the Cabinet continues to support the Council's commitment to data quality and the importance of Member and Officer roles in achieving high quality data.

Reason for Decision:

Strengthening the Council's Performance Management Framework will enable the Council to continue to maintain its focus on ensuring that the Council is achieving its stated priorities and ambitions.

Alternative Options Considered and Rejected:

None.

13. FINANCIAL MONITORING

Councillor Essex, Portfolio Holder for a Well Managed Council presented the report of the Head of Financial Services which provided an update on the General Fund estimates for 2007/08, the Capital Programme and Treasury matters.

Councillor Essex reported that in respect of Capital a number of transactions were to be progressed and the report of the Capital Steering Group would be submitted to Cabinet in October. It was reported that Revenue was on track to deliver as forecasted and the Council had a strong position in terms of its reserves.

Decision Made:

1. That the report be noted.
2. That the expenditure on new bring sites as set out in 4.2.3.6 of the report be approved.
3. That the use of the Change Management Reserve as detailed in 4.4.2 of the report and the addition of year end gains resulting from audit changes to the Budget Volatility Reserve as detailed in 4.4.5 be approved.

Reason for Decisions:

Strong financial management ensures the effective management of the Council's resources which enables the provision of value for money services.

Alternative Options Considered and Rejected:

None.

14. EXCLUSION OF THE PUBLIC AND PRESS

Decision Made and Reason for Decision:

That the public and press be excluded from the meeting during consideration of the following items of business on the grounds that they involve disclosure of exempt information relating to both an individual and to the financial or business affairs of any particular person as defined in Paragraphs 1, 2 and 3 of Part 1 of Schedule 12A to the Local Government Act 1972.

N.B. The Committee and Member Services Manager left the meeting for the consideration of the following items of business.

15. BACUP TOWN CENTRE CULVERT

The Cabinet considered the joint report of the Executive Director of Resources acting as Corporate Property Officer and the Head of Economic Regeneration and Strategic Housing which outlined information relating to culvert repair works on land between Irwell Terrace and St James Street, Bacup.

The repairs to the culvert were required to enable the delivery of a regeneration project in the area.

Decision Made:

That the recommendations in the report be approved.

Reason for Decision:

The proposal contributes towards the Council's priorities of delivering regeneration and promoting Rossendale as a place to live and visit.

Alternative Options Considered and Rejected:

None.

16. LEASE OF LAND AT COWTOOT LANE, BACUP

The Cabinet considered the report of the Executive Director of Resources acting as Corporate Property Officer which outlined proposals to lease land at Cowtoot Lane, Bacup.

Decision Made:

That the proposals as set out in the report be approved.

Reason for Decision:

The decision will provide benefits to the community, particularly younger members of the local community.

Alternative Options Considered and Rejected:

None.

17. JOB EVALUATION

The Portfolio Holder for a Well Managed Council presented the report of the Head of Human Resources which contained proposals for a revised pay and grading structure resulting from the job evaluation process undertaken as a result of national agreements between local authority employers and staff representative bodies. In introducing the report the Portfolio Holder emphasised the need to balance the interests of maintaining good employee relations with a series of proposals which were affordable for council taxpayers.

The Head of Human Resources responded to a number of detailed questions from members and drew Members attention to the risks identified within the Report.

Decision Made:

1. To note the progress made with the Job Evaluation process.
2. To agree to adopt option 3 as identified in the report as the pay and grading structure to be pursued by the Council in consultation with the Trade Unions.
3. To agree to the adoption of a Market Supplements Policy and to delegate finalisation of the policy to the Chief Executive after consultation with the Leader of the Council and Portfolio Holder for a Well Managed Council.
4. To agree to delegate the approval of the “set of measures” to the Head of Human Resources after consultation with the Leader of the Council, the Portfolio Holder for a Well Managed Council, Chief Executive and Head of Finance.
5. To agree the protection arrangements for employees whose salaries are reduced as a consequence of the job evaluation process, as set out in the report.

Reason for Decision

To achieve implementation of a revised pay and grading structure which is equality proofed, designed to further the achievement of the Council’s objectives and is affordable in as expeditious a manner as possible.

Alternative Options Considered and Rejected:

None.

The meeting commenced at 6.30pm and closed at 8.37pm