

MINUTES OF: THE CABINET

Date of Meeting: Wednesday 17th February 2010

**Present: Councillor Swain (in the Chair)
Councillors Challinor, Essex, Gledhill, Smith and P. Steen**

**In Attendance: Mrs H Lockwood, Chief Executive
Mr P Seddon, Head of Finance
Mr S Jackson, Head of Regeneration
Mrs L Murphy, Head of People and Policy
Mrs C Birtwistle, Acting Assistant Head of Legal Services
Mr M Riley, Communities Manager
Mr S Stray, Planning Services Manager
Mrs C Price, Area Manager – Communities Team
Mrs C Sharples, Acting Committee and Member Services
Manager
Mrs J Cook, Committee Officer**

**Also Present: Councillors Aldred, A. Barnes, Cheetham, Crawforth,
Driver, Eaton, Evans, Farrington, Gill, Lamb, Neal, Nuttall,
C. Pilling, J. Pilling, Robertson, Sandiford and Stansfield**

30 members of the public and 2 members of the press

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Graham.

2. MINUTES OF THE LAST MEETINGS

Resolved:

1. That the minutes of the meeting held on 25th November 2009 be approved.
2. That the minutes of the meeting held on 17th December 2009 be approved.

3. URGENT ITEM OF BUSINESS

The Leader of the Council reported that there were no urgent items of business.

4. DECLARATIONS OF INTEREST

There were no declarations of interest.

5. PUBLIC QUESTION TIME

Members of the public raised questions which are briefly summarised below and responses were given by the appropriate Portfolio Holder:-

- Mr D Spencer – a request was made for Appendix 5 of C6 to be voted on separately at the meeting, or at the next meeting of the full Council.
- Mrs B Stocks – assurance was requested that the existing pools will remain open until the replacements are built, that the new facilities will be fully inclusive of all equality groups and that the facilities will be fit for purpose for the 21st century.
- Mr G Potter – assurance was requested that the Pool Groups would continue to meet monthly.
- Mrs S Holt – expressed support for the recommendations put forward by KKP Consultants and requested assurance that pools would remain open until the new facilities are built.
- Mr L Entwistle – query raised regarding the feasibility study and sustainability of the leisure proposals.
- Mrs Stephens - concerns expressed regarding future bookings at Bacup Leisure Hall for which deposits had already been paid.
- Mr R Smith – a request was made to the Cabinet to consider allowing Bacup Community Association to run Bacup Leisure Hall for 12 months subject to further review.

6. LOCAL DEVELOPMENT SCHEME

The Portfolio Holder for Regeneration outlined the report which sought Member approval for the content of the proposed revised Local Development Scheme (LDS). The Local Development Scheme was part of the Local Development Framework which sets out which Local Development Documents that the authority proposes to produce. Members were asked to consider key changes to the existing Local Development Scheme which would be submitted to the Government Office North West.

Members considered the report and contents and the following comments were made:-

- Timescales and challenges to officers
- Expense of outdated Area Action Plans (AAPs)
- Concerns that Supplementary Planning Documents (SPDs) may carry less weight at Public Inquiries
- Supplementary Planning Documents were noted as being simpler to amend and update.

Resolved:

1. That the following key changes be made to the existing Local Development Scheme which will be submitted to Government Office North West:-
 - The Area Action Plans for Rawtenstall Town Centre and Bacup, Stacksteads and Britannia can be more effectively delivered by using Supplementary

- Planning Documents while retaining the work already undertaken as part of the evidence base.
- Not produce a Development Management Development Plan Document.
 - Amend the existing timescales.
 - Remove Supplementary Planning Documents from the Local Development Scheme.
 - Report Supplementary Planning Documents in the Annual Monitoring Report (AMR)
 - Produce Supplementary Planning Documents for other town centres such as Haslingden and Waterfoot.
 - Production of a Supplementary Planning Document on Energy Efficiency, Renewable Energy and Climate Change.
 - Update the Statement of Community Involvement.
2. That all future minor amendments to the Local Development Scheme be delegated to the Planning Manager in consultation with the Portfolio Holder.

Reason for decision

To ensure that the Local Development Scheme is updated appropriately

7. ROSSENDALE GATEWAY (REDEVELOPMENT OF THE VALLEY CENTRE)

The Leader of the Council outlined the report which provided Members with an update on the activities required to secure the development of the Valley Centre in Rawtenstall. The report sought Member approval for the appropriate officers to commence formal negotiations with the current owners of the site and approval to commence the OJEU procurement process for the selection of a preferred development partner. In addition the report sought approval to install decorative wrapping for the properties fronting Bank Street and Kay Street, subject to the approval of the owners, and to establish a budget of £200,000 to support the work of the Gateway Programme Steering Group.

Members considered the report and contents and the following comments were made:-

- Importance of work commencing on this site
- Progress made by the Steering Group so far
- Co-operation of the current site owners
- Clarification of the current legal position and options open to the Council
- Comments were made regarding the position of the bus station and how this could tie into the proposed rail link
- Further consultation with the public.

Resolved:-

1. That approval be granted for the Director of Business and the Head of Regeneration to commence formal negotiations with AshCap regarding the redevelopment and/or the disposal of the site.

2. That approval be granted for the Director of Business and the Head of Regeneration to commence the OJEU procurement process for the selection of a preferred development partner.
3. That approval be granted for the installation of decorative wraps for the vacant properties fronting Bank Street and Kay Street subject to the approval of the owners.
4. That approval be granted for the establishment of a dedicated budget of £200,000 to support the programme.
5. That the Council should consider the use of CPO powers if deemed appropriate.

Reason for decision

The development of a Rossendale Gateway Programme is a positive step forward in bringing about the redevelopment of priority sites within Rawtenstall.

8. CONSERVATION STRATEGY

The Portfolio Holder for Regeneration outlined the report which informed Members of the future areas of work that the two newly appointed Conservation Officers would focus upon. It was proposed that a Conservation Strategy be developed which would be required to be submitted to English Heritage. The Portfolio Holder noted that English Heritage had offered grant aid support towards the preparation of conservation area appraisals, management plans and further initiatives. Members were asked to consider the proposed Conservation Strategy which was appended to the report.

Members considered the report and contents and the following comments were made:-

- Inclusion of all areas of Rossendale and all conservation areas.

Resolved:-

1. That the work areas and programme as set out in the proposed Conservation Strategy be approved as the basis for the activities of the Conservation Officers, based in Development Control, and that the programme of work covering the following topics be forwarded to English Heritage:
 - Listed Buildings
 - Conservation Areas
 - Archaeology (Scheduled Ancient Monuments)
 - Historic Environment Record
 - Historic Parks and Gardens
 - Locally Important Buildings

- Local Authority Heritage Owned Assets
 - Heritage Funding Opportunities (including the potential for a Townscape Heritage Initiative (Bacup Town Centre))
 - Local Development Framework
 - Training
 - Historic Environment and Design Champions
 - Heritage and Design Award
 - Promotion and Publicity
 - Enforcement Control
2. That all future minor amendments to the Strategy and the action points contained therein to be delegated to the Director of Business in consultation with the Portfolio Holder.

Reason for decision

The proposed Conservation Strategy would provide the basis for both consistent enforcement action and advice to property owners within the Borough.

9. MEDIUM TERM FINANCIAL STRATEGY

The Portfolio Holder for Finance and Resources outlined the report which provided an update on the Council's Medium Term Financial Strategy (MTFS) and Treasury Management Strategy (TMS). The MTFS was a 3 year overview of the Council's current and projected finances and outlined the financial issues and challenges that would be faced over the next 3 years, as well as ensuring that the Council maintains appropriate reserves in order to face unforeseen challenges.

The Portfolio Holder noted that the Treasury Management Strategy was a document which was required to be produced by all Local Authorities, in respect to a request by the Audit Commission.

Members considered the report and contents and the following comments were made:-

- The hard work of Officers in producing and maintaining financial strategies was noted.
- It was noted that the Council was, at present, in a positive financial position.
- Concerns were expressed that required savings may impact upon frontline services.
- Assurances were given that consultation would continue on budget matters.

Resolved:-

1. That the Medium Term Financial Strategy and Treasury Management Strategy be approved, subject to any final amendments from the Council's final budget approval.

2. That, subject to the approval of the 2010/11 budget by Council, any necessary amendments to the Medium Term Financial Strategy and Treasury Management Strategy be delegated to the Head of Financial Services in consultation with the Portfolio Holder for Finance and Resources.

Reason for decision

It is important that the Council has a robust Medium Term Financial Strategy and Treasury Management Strategy to enable financial planning over the medium term.

10. CAPITAL PROGRAMME 2010/11

The Portfolio Holder for Finance and Resources outlined the report which requested the Cabinet to agree recommendations to full Council in relation to the capital expenditure estimates and resources for 2010/11. The report advised Members of the proposed capital expenditure and resources for the medium term 2011/12 and 2012/13 and financing issues related to future capital expenditure.

Members considered the report and contents and the following comments were made:-

- Query regarding VAT shelter funding in respect of the Green Vale Homes agreement.
- Clarification of some zero figures in the report for 2011/12 and 2012/13 and it was noted that this would be completed once the figures were known.
- Query regarding the disabled facilities grant funding applications.

Resolved:-

1. That the following capital expenditure for 2010/11 (excluding 2009/10 slippage) be recommended to Council for approval:

Detail	£000's
Vehicle replacement Programme (07/08 - 5 year programme)	0
Playgrounds (06/07 - 5 year programme)	50
Cemeteries (06/07 - 5 year programme)	30
Pride in Rossendale Programme (08/09 – 4 year programme)	80
Pathways (06/07 - 5 year programme)	30
Wheeled Bins (06/07 - 5 year programme)	45
Bacup Town Centre Culvert	0
Sport Playing Fields (06/07 - 5 year programme)	45
Museum (06/07 - 5 year programme)	15

Car Park Upgrading (06/07 - 5 year programme)	30
Building Maintenance (06/07 - 5 year programme)	200
War Memorials (08/09 - 4 year programme)	5
Total	530

2. That the ELEVATE and Disabled Facilities capital programme be recommended to Council for approval.
3. That, subject to confirmation of the final Housing Programme grants shown in Appendix 1 of the committee report, the Housing Programme is approved and the Head of Financial Services be authorised to amend the programme in the light of final grant allocations and recommended Council for approval.
4. That the 2009/10 capital programme not incurred in 2009/10 be carried forward to 2010/11, subject to approval by full Council.
5. That the Cabinet's Capital Monitoring Group meets at regular intervals during 2010/11 to review capital expenditure and resources and reports any findings and recommendations back to Members.
6. That given the Council's ability to access low interest rates, approval be given, when beneficial, to transfer from lease financing arrangements to purchase.

Reason for decision

To ensure that resources are available to meet the currently proposed capital programme for 2010/11.

11. REVENUE BUDGET AND COUNCIL TAX SETTING

The Portfolio Holder for Finance and Resources outlined the report which asked Members to recommend the Revenue Budget and Council Tax for 2010/11 to full Council. It was noted that it was proposed that there be no increase in Council Tax for 2010/11 for Rossendale residents. The Portfolio Holder for Leisure outlined the leisure aspect of the budget report and clarified the proposed plans for the leisure projects.

Members considered the report and contents and the following comments were made:-

- Query regarding the charges imposed by United Utilities regarding drainage of waste water on sports facilities car parks
- Concerns were expressed regarding the long-term future of Bacup Leisure Hall and budgetary provisions past Summer 2010
- Ability of community groups to formulate a successful bid to sustain Bacup Leisure Hall and the success of CLAW with regard to their running of leisure

facilities in Whitworth and the successful running of the AB and D Centre in Bacup

- Query raised regarding the proposed loans from the Public Works Board for the leisure project.
- New leisure facilities should be designed with the latest ecologically friendly technologies in mind.

Resolved:-

1. That the Cabinet recommends to Council a net budget requirement for Rossendale Borough Council of £11,756,323 for 2010/11.
2. That the Cabinet recommends to Council that a Council Tax is set equating to a Band D equivalent for 2010/11 of £253.40.
3. That the Head of Financial Services be instructed to prepare the technical resolutions necessary to give effect to these proposals.
4. That the Cabinet recommends to Council that the new proposed options to mitigate risk in the provision and the financing of new leisure facilities namely the final assessment and implementation of Option H (approved February 2009), Option 1 (approved December 2009), the associated business case and amongst other things:
 - the financial cost relating to supporting Rossendale Ski Slope will cease by March 2011, following the conclusion of the process to appoint a commercial partner.
 - the Council will have available £1.0m of capital resources.
 - the business case and financial plan will generate revenue savings to support £5.26m.

be delegated to the Chief Executive in consultation with the Leader of the Council.

5. That the Cabinet approves the fees and charges as per Appendix 4.
6. That the Cabinet recommends to Council that Members do not accept an incremental minimum wage in Member Allowances for 2010/11.

Reasons for decision

To enable the Council to set a final budget and Band D Council Tax for 2010/11.

12. FINANCIAL MONITORING 2009/10 TO MONTH 9 – END OF DECEMBER 2009

The Portfolio Holder for Finance and Resources outlined the report which updated Members on the current financial position to Month 9 with respect to the general fund budget monitoring for 2009/10, the capital programme and treasury matters. It

was noted that following cancellation of the Cabinet Meeting in January 2010, the report also included any significant issues from the end of November report.

Resolved:-

That the report be noted.

Reason for decision

To facilitate the continued management of the Council's finances.

13. USE OF RESOURCES 2008/09 ASSESSMENT

The Portfolio Holder for Finance and Resources outlined the report which informed Members of the outcome of the Council's Use of Resources 2008/09 Assessment. An assessment was undertaken by the Audit Commission in 2008/09 which scrutinised how well the Council is managing and using its resources to deliver value for money and better sustainable outcomes for local people. It was noted that the Council has been awarded a Level 3 overall score, which denotes an organisation that 'exceeds minimum requirements – performs well'.

Members considered the report and contents and the following comments were made:-

- Lower score with regard to governance matters
- Hard work of Officers, in particular the HR Team to achieve Level 3 score overall

Resolved:-

That the report be noted.

Reason for decision

The Council has achieved Level 3 for its Use of Resources 2008-09 assessment, which is a significant achievement and an improvement on the previous year's performance.

14. INTEGRATED PERFORMANCE REPORT QUARTER 3 (OCTOBER TO DECEMBER)

The Portfolio Holder for Finance and Resources outlined the report which informed Members of the financial monitoring for quarter 3, those indicators not achieving their targeted levels of performance at the end of quarter 3 together with the actions being undertaken to get performance back on target and the progress made in implementing the actions contained in the Council's Corporate Plan. The Portfolio Holder noted that during this quarter the Council had received more compliments than complaints.

Members considered the report and contents and the following comments were made:-

- Slippage of LI82aii and the reasons therein.
- Improvement of information provided by Officers in the full reports to Performance Overview and Scrutiny Committee.

Resolved:-

1. That the levels of performance detailed in the report be noted.
2. That the Cabinet continues to monitor performance of those indicators that are under-achieving targeted levels of performance and request further information on this from the relevant Head of Service where necessary.

15. RESTRICTED INFORMATION SHARING PROTOCOL

The Portfolio Holder for Customer Services outlined the report which sought Cabinet approval for the Rossendale Restricted Information Sharing Protocol. The Protocol is an essential requirement between the Council and its partners and failure to have such a Protocol in place would expose the Council to risks and impact on the Council's ability to meet the Code of Connection as stipulated in the Government Connect requirements.

Members considered the report and contents and the following comments were made:-

- Query regarding penalty clauses at paragraph 2.7 of the Restricted Information Sharing Protocol.

Resolved:-

1. That the Rossendale Restricted Information Sharing Protocol be approved.
2. That any further minor amendments to the Protocol be delegated to the Head of Customer Services in consultation with the Portfolio Holder.

Reason for decision

To ensure that the Council has a Protocol in place to enable compliance with Government Connect requirements.

16. PROPOSED AMENDMENT TO THE INTERIM HOUSING POLICY: JULY 2008

The Portfolio Holder for Regeneration outlined the report which sought Member approval to make a minor amendment to the supporting text of the Interim Housing Policy adopted in July 2008. The amendment was in relation to the definition of 'backland development' in order to clarify when it will generally be acceptable to allow development in these situations.

Resolved:-

1. That the Interim Housing Policy July 2008 be amended to replace the existing text in respect of the section 'Backland Development with the text as outlined in paragraphs 4.5 and 4.6 of the committee report.
2. That all future minor amendments to the Policy to be delegated to the Planning Manager in consultation with the Portfolio Holder.

Reason for decision

To clarify the definition of 'backland' development.

17. ANTI-FRAUD AND CORRUPTION STRATEGY

The Portfolio Holder for Finance and Resources outlined the report which sought Member approval for the updated Anti-Fraud and Corruption Strategy as part of the Council's internal control and governance procedures.

Resolved:-

1. That the Anti-Fraud and Corruption Strategy be approved.
2. That all future minor amendments to the Strategy be delegated to the Director of Business in consultation with the Portfolio Holder.

Reason for decision

To assist the Council in achieving a culture of accountability and openness.

18. WHISTLEBLOWING POLICY

The Portfolio Holder for Finance and Resources outlined the report which sought member approval for the updated Whistleblowing Policy as part of the Council's internal control and governance procedures.

Resolved:-

1. That the Whistleblowing Policy be approved.

2. That all future minor amendments be delegated to the Director of Business in consultation with the Portfolio Holder.

Reason for decision

To assist the Council in achieving a culture of accountability and openness.

19. INTERIM BALANCE SHEET

The Portfolio Holder for Finance and Resources outlined the report which updated Members on the interim position of the balance sheet as at 30th November 2009. The report also recommended some write-off of old debtors, creditors and provisions.

Resolved:-

That the items outlined at 4.4.3.1 and 4.4.3.2 of the committee report pertaining to National Non-Domestic Rates totalling £78,561.63 now be transferred to the General Fund Revenue Account as income in accordance with guidance received from the Audit Commission.

Reason for decision

To ensure the continuance of strange management of current assets and liabilities.

20. INTEGRATED REGIONAL STRATEGY CONSULTATION DOCUMENT

The Portfolio Holder for Regeneration outlined the report which sought the approval of Cabinet on proposed comments in response to a consultation on Part 1 (the strategic overview) of the Integrated Regional Strategy for England's Northwest (RS2010). The response would be sent as part of a combined Pennine Lancashire response to the consultation. It was noted that it was important that the Council submits a coherent representation to 4NW and NWDA in order to ensure that Rossendale's priorities and aspirations are reflected in the latest statutory regional planning policies.

Members considered the report and contents and the following comments were made:-

- Importance of ensuring that Rossendale's needs are reflected in regional planning policies

Resolved:-

That approval be given to submit a response which outlines Option 4 – Focus on regeneration and development to tackle deprivation – as the Council's consultation response to 4NW and the NWDA.

Reason for Decision

To ensure that Rossendale's priorities and aspirations are reflected in the latest statutory regional planning policies.

21. REVITALISING ROSSENDALE MARKETS

The Leader of the Council outlined the report which provided an update on the delivery of the 'Revitalising Rossendale Markets' Strategy and its impact on Rossendale Markets. The report put forward proposals and recommendations for the next stage of the strategy.

Members considered the report and contents and the following comments were made:-

- Confirmation was requested that Officers had prepared a positive press release in respect of this matter.
- Confirmation that a replacement stallholder had been lined up in respect of a vacant stall at Rawtenstall outdoor Market.

Members expressed their thanks to the Officers involved and the Communities Team for their hard work on revitalising Rossendale Markets.

Resolved:-

1. That the stall allocation policy which was introduced for a 6 month period on 1st May 2009 be adopted as the stall allocation policy for Rossendale Markets.
2. That approval be given to employ marketing and cost-saving measures for a further period, and a further report evaluating the overall impact and an appraisal to be taken to Cabinet in September 2010.

Reason for decision

To continue to support and revitalise Rossendale Markets.

22. EXCLUSION OF THE PUBLIC AND PRESS

Resolved:

That the public and press be excluded from the meeting during consideration of the following item of business on the grounds that it involves the disclosure of exempt information relating to the financial or business affairs of any particular person (including the authority holding that information) under Part 1 Paragraph 3 of

Schedule 12A to the Local Government Act 1972 and information which is subject to any obligation of confidentiality as defined in Part 1 Paragraph 3 of Schedule 12A to the Local Government Act 1972.

23. REQUEST FOR COMPULSORY PURCHASE ORDER OF A PROPERTY IN HASLINGDEN

The Portfolio Holder for Regeneration outlined the committee report and the recommendations contained therein.

Resolved:

That the recommendations as outlined in the committee report be approved.

Reason for decision

To bring the property back into a suitable use.

The meeting commenced at 6pm and closed at 8.30pm

CHAIR