

## SOUTH RIBBLE BOROUGH COUNCIL

COUNCIL MEETING – 20<sup>th</sup> May 2014

## REPORT OF THE CABINET

The Cabinet met on the evening of Wednesday 2<sup>nd</sup> April 2014.

On that occasion, the Cabinet considered the matters set out below. Decisions shown in boxed areas are subject to Council confirmation; the reports considered by the Cabinet were available to all members in advance of the Cabinet meeting.

### 1. Approval of Capital Expenditure for 2014/15 Schemes

The Cabinet Member for Finance & Resources reminded Cabinet that the Council had approved the budget for 2014/15 at its meeting on 5th March which included the capital programme and that in accordance with the Council's Financial Regulation No. 3.4, permission was now sought to incur expenditure on schemes listed in the capital programme that exceed a value of over £75,000.

The capital expenditure for a number of projects, schemes and Disabled Facilities Grants (DFGs) and improvements to parks and open spaces in the borough was a key Corporate Plan action, as was work to enhance Worden Park as a local asset and visitor attraction. Cabinet approved in 2013/14 £100,000 each year for 4 years to improve the boroughs parks and open spaces. An additional £200,000 had been allocated in 2014/15 to make the total investment £600,000. The budget for 2014/15 was £330,000 (including £30,000 re-phased from 2013/14) which was allocated to a number of schemes such as Hurst Grange Park, Worden Park, Withy Grove Park and Gregson Green are also local priorities in the My Neighbourhood Plans. He commented that the ability to allocate this money to these reflected the Council's sound financial position.

Members of Cabinet supported the proposals welcoming the various schemes across the Borough including the Longton Schemes, Worden Park car park, Disabled Grants Facilities and replacement of the Civic Centre lifts.

Concern was expressed about the resources necessary to deliver this ambitious programme but work was under way on scheduling the programme to ensure its delivery.

In response to a question on a proposed review of Worden Park and the Cabinet Member Neighbourhoods & Street Scene confirmed that this would be available later in the year.

It was decided to:-

1. Grant authority under Section 3.4 of the Financial Regulations to incur capital expenditure of £330,000 to carry out a programme of capital works for Parks and Open Spaces as detailed in the report (the procurement being conducted in accordance with the provisions of the Council's Contract Procurement Rules).
2. Grant authority under Section 3.4 of the Financial Regulations to incur capital expenditure of £120,000 to replace the lifts at the Civic Centre (the procurement being conducted in accordance with the provisions of the Council's Contract Procurement Rules).
3. Grant authority under Section 3.4 of the Financial Regulations to incur capital expenditure of £95,000 to carry out capital works related to the Longton Improvement Plan (the procurement being conducted in accordance with the provisions of the Council's Contract Procedure Rules).

4. Grant authority under Section 3.4 of the Financial Regulations to incur capital expenditure of £110,000 to carry out a programme of capital works related to the formative Penwortham Improvement Plan (the procurement being conducted in accordance with the provisions of the Council's Contract Procurement Rules).

5. Grant authority under Section 3.4 of the Financial Regulations to incur capital expenditure of £249,715 (government subsidy allocation for 2014/15) for Disabled Facilities Grants.

## **2. Reactive Repair and Maintenance Framework**

The Cabinet Member for Finance & Resources introduced this report on tendering process that had been carried out to appoint contractors on to a proposed Framework Agreement for the Reactive Repair and Maintenance of the Council's operational and commercial properties and land drainage works. The tendering process had been a joint procurement between the Council, Preston City Council and Chorley Borough Council. The report requested approval to accept the overall lowest cost bids from suitable organisations to be included on the Framework Agreement as detailed in the report.

It was decided to agree to accept the highest scoring 5 organisations for each Trade Lot, as detailed in Table 1, on to a Reactive Repairs and Maintenance Framework Agreement for a 12 month period, with the option to extend on an annual basis up to a total maximum framework period of 4 years.

## **3. Pension Fund Contributions 2014/15 to 2016/17**

The Leader of Council reminded Cabinet that a report to Council on 5th March delegated to Cabinet the final decision on the timing of deficit contributions payable to the Pension Fund arising from the latest actuarial valuation of the Fund. At the time, it was understood that the Council had until mid-April 2014 to confirm its decision, coinciding with the due date of first instalment payment for the new financial year. We had since been advised that the Council's position had to be confirmed by the 27 March so that the Actuary could conclude the valuation process and issue his certificate by the 31 March. As a consequence, the Chief Executive, in consultation with the Cabinet Member for Finance & Resources, was required to take the decision under Standing Order 38 and to report that the decision had been made to the this Cabinet meeting.

The Cabinet Member for Finance & Resources explained the financial savings that this action would generate.

It was decided to note the decision of the Chief Executive under Standing Order 38 taken in consultation with the Cabinet Member for Finance & Resources for a one-off payment £1.778m to reflect the fact that the Pension Fund will be able to invest the monies accordingly during this time period be noted.

## **4. Proposed Central Park**

The Leader of the Council welcomed this proposal and referred to plan displayed.

The Cabinet Member for Strategic Planning & Housing introduced the report which concerned a proposal to develop a new park, Central Park, as part of South Ribble Borough Council's 40th Anniversary celebrations. The Site Allocation DPD (Partial Version) defined the area of the park and the first step in its development was the preparation of a Masterplan to create a vision for the park.

Other members also welcomed the proposal's and in response to a question the Cabinet Member for Strategic Planning & Housing confirmed that the nature of the park should not lead to high maintenance costs when the park was established.

It was decided to approve the engagement of an external consultant to prepare the Central Park Masterplan with the procurement process commencing in April 2014 be approved.

## 5. City Deal

The Leader of the Council introduced this item which reported that the Preston, South Ribble and Lancashire City Deal (City Deal) was signed by the Lancashire Enterprise Partnership (LEP), South Ribble Borough Council, Preston City Council, Lancashire County Council and Central Government in September 2013.

The City Deal agreed with Government, accelerated the agreed Central Lancashire Site Allocation Local Development Framework to a ten year period in South Ribble and Preston. For South Ribble it brought forward major highway improvements and town and district centre improvements for Penwortham, Leyland, Bamber Bridge and Tardy Gate as well as support for green spaces and leisure. It built upon the strong economic performance of the area over the last ten years and would help to ensure that the City Deal area continued to grow by addressing strategic transport infrastructure and development challenges and delivering new jobs and housing across the City Deal area.

The signed City Deal document set out a number of commitments for each of the City Deal partners, including the LEP, the three local authorities and Central Government departments and agencies, including the Homes and Communities Agency (HCA). It incorporated these in a Delivery and Implementation Plan, which set out the actions that partners need to undertake to ensure that the City Deal was implemented successfully from 2014/15. Since September 2013 a significant amount of work had been undertaken to complete those actions in readiness for the City Deal to begin in 2014/15.

The City Deal Executive and City Deal Stewardship Board had both been established and appropriate technical and operational delivery mechanisms had been put in place.

Lancashire County Council was the accountable body for the City Deal and was now in a position to establish the City Deal Infrastructure Delivery Fund (IDF). The financial principles relating to the flow of funds into the IDF were appended to the report for approval.

An Infrastructure Delivery Plan for 2014/15 has been drafted by the partners and would be presented for approval to the City Deal Executive in April 2014.

A Stewardship Board Agreement and a Business and Disposal Plan for 2014/15 had been drafted by the HCA and would be presented to the City Deal Stewardship Board in May 2014 for approval.

Members expressed their support for City Deal recognising the substantial benefits it would bring to the area and also acknowledge the need for dialogues with town and parish councils on the funding arrangements necessary to bring some of the schemes forward earlier than they otherwise would have been.

It was decided to recommend the Council to:-

1. Note the progress made to ensure the City Deal can be implemented from 2014/15;
2. Approve the draft City Deal Infrastructure Delivery Plan.

3. Approve the principles of the Stewardship Board Agreement which will be considered by the City Deal Stewardship Board in May 2014;
4. Approve the operating principles for the establishment of the City Deal Infrastructure Fund and Heads of Terms regarding fund flow between the three Councils.
5. Grant the Chief Executive, in consultation with the Leader and the Cabinet Member for Strategic Planning and Housing, delegated powers to agree any subsequent changes of wording to the Heads of Terms prior to signing by the three councils
6. Grant the Chief Executive, in consultation with the Leader and the Cabinet Member for Strategic Planning and Housing, delegated powers to agree the formal legal agreement based on the Heads of Terms and to subsequently enter into this agreement

## **6. Update on the Central Lancashire Gypsy and Traveller Accommodation Assessment (GTAA) and the adoption of the Site Allocations Development Plan Document (DPD)**

The Cabinet Member for Strategic Planning & Housing introduced this report which explained the latest stage in the preparation and adoption of the Site Allocations Development Plan Document (DPD), including the need for further work on the recent Gypsy and Traveller and Travelling Showpeople Accommodation Assessment (GTAA) and the preparation of a separate Development Plan Document to deal with the accommodation needs for Gypsy and Traveller and Travelling Showpeople within Central Lancashire.

The Cabinet Member for Strategic Planning & Housing further reported that since the Cabinet report was prepared a further letter has been received from the Planning Inspector which referred to the Government's new Planning Policy Guidance published on 6 March 2014. The Inspector suggested that the Council may like to consider the implications of this guidance on the policies in the Site Allocations Development Plan Document and suggests a number of changes to policies relating to Village Development (Policy B2) and retail uses (Policies E3, 4 and 5) which could be consulted upon at the same time as the main modification relating to gypsy and traveller matters.

It was decided to recommend Council to:-

1. Endorse the Main Modification relating to Gypsy and Traveller and Travelling Showpeople for a 6 week consultation period and subsequent submission to the Planning Inspectorate;
2. Accept the need for further work on the GTAA and agree to the preparation of a joint Gypsy and Traveller and Travelling Showpeople Development Plan Document (DPD) with the neighbouring authorities of Chorley and Preston;
3. Endorse the additional modifications as detailed in this report for consultation for a period of 6 weeks and subsequent submission to the Planning Inspectorate;
4. Grant delegated authority to the Planning Manager in consultation with the Cabinet Member for Strategic Planning and Housing to make any other minor modifications to the Development Plan Document as considered necessary in light of the recently published Planning Practice Guidance.

## **7. Renewable and Low Carbon Energy SPD**

The Cabinet Member for Strategic Planning & Housing introduced this item on the Renewable and Low Carbon Energy Supplementary Planning Document (SPD) which set

out the Council's approach to this type of development. The SPD was intended to supplement the policies on renewable and low carbon energy in the Central Lancashire Core Strategy.

Members would recall that a draft SPD was the subject of consultation early in 2013. The production of the document was delayed to allow consideration of revised national planning policy on this matter and the outcome of 3 appeals for wind turbine developments in the Borough.

The Council published its Responses Report from 12th February – 12th March 2014, responding to all of the comments made, and showing if and how the document had been changed. This report highlighted the issues raised to the Responses Report, and sought Cabinet endorsement of the draft SPD. The document would be presented to full council for adoption on 20th May 2014.

It was decided to recommend Council to:-

1. Adopted the Renewable and Low Carbon Energy SPD;
2. Grant delegated authority to the Planning Manager in consultation with the Cabinet Member for Strategic Planning and Housing to make any minor text, layout and formatting changes on the publication of the document.

## **8. Review of Constitution 2013/14**

Councillor W Bennett as Chair of the Governance Committee introduced this item and informed Cabinet that The Constitution Task Group was established in 2010 to undertake a review of the Constitution by Governance Committee. Since 2010 the Constitution Task Group has conducted annual reviews of different sections of the Constitution and submitted reports to the Governance Committee and Cabinet prior to adoption of the proposed changes by Council at the start of each new municipal year. It was intended that this review would culminate in the adoption of the revised Constitution at the start of the 2014/15 municipal year.

This current review had been focused on the style and content of the Council's Minutes, Public Participation at Council meetings, and Exempt information. Following the Government's decision to pass The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014 requiring recorded votes at budget meetings, the task Group also considered and proposed an appropriate change to the wording to ensure future compliance.

The Leader of the Council thanked the members and officers of the Task Group for their work throughout the year.

Councillor Robinson proposed that (b) of Item 11 should be removed and the words "on a matter of fact only" be added to (a) of item 11.

A debate ensued on the item in particular on the right of reply after members of the public had had their say but Members of Cabinet were of the opinion that the amendment still gave members the right of reply.

The Chair of Governance Committee indicated that he was relaxed about the amendment.

It was decided to recommend Council to:-

1. Adopt the following proposed changes to the Constitution:-

(a) The proposed new Standing Order 14 appended to this report replace the current Standing Order 14.

(b) The following paragraph be added to Rule 11 Procedure Rules C. Access to Information Procedure Rules:

“Reports containing exempt information will not remain exempt longer than is necessary and will be made public six months after the date of meeting or sooner unless the Chief Executive (or other designated officer) is of the opinion that there are overriding reasons for the information to remain exempt.”

(c) The following paragraph be added to Standing Order No. 22 Voting and Decisions:-

“(3) There shall be recorded in the minutes of the proceedings of meetings of the Council of each member's vote for or against or abstention from voting on any decisions relating to the budget or council tax at any Budget and Council Tax setting meeting.”

(d) Provision be included on the agenda of full Council meetings for questions to be asked of any member nominated by the Council as a Member Champion.

(2) That Cabinet recommend the Council adopt the proposed changes to the Constitution with effect from the first Council meeting of the new municipal year in 2014.

(3) That the Monitoring Officer be authorised to update the Constitution to reflect the outcomes from Recommendation (1) above.

(4) That, given the level of disruption caused at Council meetings, a feasibility study be undertaken to determine the suitability of the current microphone system and to make recommendations to improve or replace the current audio system in light of impending regulation.

## **9. The Cabinet's Forward Plan**

It was decided to approve the Forward Plan submitted under section 22 of the Local Government Act 2000.

I hereby commend the report of the Cabinet to the Council.

**COUNCILLOR MRS MARGARET SMITH**

**LEADER OF THE COUNCIL**

STANDING ORDER NO. 14

## Question or Address by Members of the Public

1. Members of the public may put a question to, or address the Council on any matter of Council business or anything which affects the borough or its residents provided it is relevant to the Council's functions and duties.
2. Notice of the subject matter of an address must be given in writing to the Chief Executive at least six clear working days before the meeting at which it is to be raised (i.e. if the meeting is on a Wednesday, by 5.00 pm on the Monday of the week preceding the meeting).
3. The subject matter shall be indicated on the agenda for the meeting of the Council.
4. Notice of a question must be given in writing to the Chief Executive at least one clear day before the meeting at which the question is to be asked (i.e. if the meeting is on a Wednesday, by 5.00 pm on the Monday preceding the meeting).
5. A list of the questions of which notice has been given shall be circulated to those members present at the meeting.
6. Members of the public may address the Council without notice on any matter of Council business, but if the subject matter has not been included on the agenda, it may not be discussed unless the Mayor determines that it is a matter of urgency.
7. A member of the public may ask a question without notice but in those circumstances there will be no requirement for a full answer to be given immediately.
8. Members of the public will be invited to ask question(s) after all members have been invited to ask questions on any particular agenda items.
9. Members of the public will be restricted to a total of five minutes during the whole meeting.
10. The Mayor shall determine whether a discussion on the matter shall take place and any response to the address or question may take the form of:-
  - (a) A direct oral answer, or;
  - (b) Where the desired information is contained in a publication of the Council, a reference, or;
  - (c) Where any reply cannot conveniently be given orally, a written answer shall be sent to the member(s) of the public addressing the Council or asking a question, and circulated to all members of the Council.
11. Following an address or question from a member of the public:-

A member may rise on a point of personal response, explanation or on a matter of fact only.