

CABINET 9TH JULY 2009

PRESENT: The Leader (Councillor Preston)
The Deputy Leader (Councillor Bush)
Councillors Bokor, Fryer, Harley, Lewis, Osborne, Slater and Snartt

Councillors Barkley, Harper-Davies and Wise (Cabinet Support Members) were also in attendance.

26. DISCLOSURES OF PERSONAL INTERESTS

Councillors Harley, Lewis, Osborne, Preston, Slater and Snartt – declared a Personal Interest in items relating to Leicestershire County Council.

27. LEADER'S ANNOUNCEMENTS

There were no Leader's announcements.

28. MINUTES

The minutes of the meeting held on 11th June 2009 were confirmed and signed.

29. QUESTIONS UNDER COUNCIL PROCEDURE RULES 29(ii) AND 39

No questions had been submitted.

30. RESPONSE TO SCRUTINY – DEVELOPMENT CONTROL ENFORCEMENT

A report of the Director of Development was submitted setting out responses to the recommendations of a Scrutiny Panel in respect of the Planning Enforcement Service, within the Development Control Division (item 6 on the agenda filed with these minutes).

RESOLVED

1. that the responses to the Scrutiny Panel's recommendations be endorsed;
2. that the Scrutiny Panel be thanked for its report and recommendations.

Reasons

1. To define the actions currently being taken and the actions that will be taken in response to the recommendations made by the Panel.
2. To record the appreciation for the work of the Panel.

31. LOUGHBOROUGH EASTERN GATEWAY – ADDITIONAL
LAND ACQUISITION

A report of the Director of Loughborough Regeneration was submitted updating the Cabinet on progress with this project, seeking authority to take various actions and accept delegated authority from the County Council (Stopping Up Orders) and advising of a further report to the Cabinet in October 2009 (item 7 on the agenda filed with these minutes).

RESOLVED

1. that the Cabinet notes progress with the project;
2. that the Cabinet agrees to make a Compulsory Purchase Order (CPO) under Section 226 (1) (a) of the Town and Country Planning Act 1990 and the Acquisition of Land Act 1981 and Section 13 of the Local Government (Miscellaneous Provisions) Act 1976 for the acquisition of the land or rights over the land shown shaded pink on the Plan submitted and described generally in the report, for the purpose of securing mixed use development as part of the Loughborough Eastern Gateway scheme including a link road, residential, office and commercial uses and car parking;
3. that the Director of Governance and Procurement be authorised to:
 - (i) prepare and settle the draft Order and supporting documents;
 - (ii) take all necessary steps to secure the making, confirmation and implementation of the CPO including the publication and service of all notices and the presentation of the Council's case at any Public Inquiry;
 - (iii) acquire interests in land within the CPO either by agreement or compulsorily;
 - (iv) approve agreements with land owners setting out the terms for the withdrawal of objections to the Order, including where appropriate seeking exclusion of land from the Order and/or making arrangements for re-housing or relocation of occupants;
 - (v) make any minor and consequential amendments to the draft Orders and supporting documents as may be required to ensure compliance with the necessary regulations and procedures;
4. **that the Cabinet recommends to Council that**, subject to Leicestershire County Council resolving to delegate powers under S125 Highway Act 1980 to the Borough Council of Charnwood for the purposes of stopping up Private Means of Access, it accepts that delegated authority;
5. that, subject to Council accepting the relevant delegated powers referred to in 4. above, the Cabinet agrees to make requests to the Secretary of State for Transport for the Stopping Up of parts of Ratcliffe Road, Burder Street and

Gordon Road as shown on the Plans submitted and described generally in the report, and to use such powers in order to stop up identified private means of access at Burder Street and Gordon Road and to then create new private means of access to the identified properties from the adopted highway.

6. that in so far as it is necessary the Council uses its powers under S271 and S272 Town and Country Planning Act 1990 to secure the relocation of infrastructure from land in the ownership of the Council required to deliver the scheme;
7. that the Director of Governance and Procurement be authorised to commence the publicity procedures for procurement of parts of Sidings Park as a turning head and for locating an electricity sub station under the terms of S232 Town and Country Planning Act 1990;
8. that the Director of Governance and Procurement be further authorised to prepare and make a Compulsory Purchase Order and request stopping up powers in relation to land at Glebe Street in the event that negotiations to secure an appropriate solution to the provision of the southern end of Sidings Walk are unsuccessful;
9. that a further report be brought to Cabinet in October 2009 with details of any objections received, an update of the likely need for a CPO Inquiry and the costs associated with that and an update on the overall costs of the project and its implications for funding and delivery.

Reasons

1. In order that Cabinet is aware of progress with this important regeneration project.
2. To ensure that the land and rights over land required for the development can be acquired if agreement cannot be reached so that the development can go ahead.
3. To ensure that the necessary authority is in place to pursue compulsory purchase to its conclusion and to give authority to resolve matters by agreement if possible.
4. To ensure that the Council has the necessary authority to stop up and create private means of access.
5. To authorise the making of the necessary Orders to secure the stopping up of these roads following the construction of the link road.
6. To ensure that legal powers are available to relocate infrastructure located in positions that would prevent the implementation of the project.

7. To ensure that a small part of the land within Sidings Park can lawfully be used to form a turning head to permit the Stopping Up of Burder Street.
8. In order to allow design work to proceed and subsequent negotiations to take place to secure a solution to this matter before the use of Compulsory Purchase Powers.
9. In order that Cabinet is fully informed of all the costs of the project and the implications of any additional costs or procedural matters.

32. RIVER SOAR AND GRAND UNION CANAL STRATEGY

A report of the Director of Loughborough Regeneration was submitted outlining the final draft of the River Soar and Grand Union Canal Strategy and seeking endorsement of that Strategy (item 8 on the agenda filed with these minutes).

RESOLVED

1. that the Cabinet welcomes the preparation of the Strategy as an important contribution to the development and enhancement of this key strategic corridor through Charnwood and Leicestershire;
2. that the Strategy is endorsed and approved and that its proposals and recommendations are taken into account in future strategy and policy development in Charnwood and in considering actions and activities within the corridor.

Reasons

1. To acknowledge the importance of the document.
2. To establish the status of the document.

33. HOUSES IN MULTIPLE OCCUPATION AND POSSIBLE PLANNING RESPONSES – CLG CONSULTATION

A report of the Director of Development was submitted for the purpose of agreeing a response to a consultation initiated by Communities and Local Government (CLG) seeking views on possible amendments to management practices and planning powers to exercise greater control over Houses in Multiple Occupation (item 9 on the agenda filed with these minutes).

RESOLVED

1. that the Secretary of State for Communities and Local Government be advised of this Council's preference for an amendment to the Town and

Country Planning (Use Classes) Order 1987 to define a separate Use Class for Houses in Multiple Occupation along with related comments on the impact of the possible changes as set out in Appendix I to the report;

2. that the Storer and Ashby Road Area Residents Group (SARG), Loughborough University and the Students' Union are congratulated for their part in the national campaign to promote a review of Houses in Multiple Occupation within the Use Classes Order.

Reasons

1. To confirm the Council's preference for a planning regime which would bring all Houses in Multiple Occupation within the control of the planning system and to clarify this Council's view upon the range of options available and their implications.
2. To acknowledge and recognise the essential contribution of partners in presenting to ministers a cohesive, multi-agency commitment to the reform of the Use Classes Order for the benefit of the whole community.

34. GOVERNMENT CONSULTATION ON POSSIBLE CHANGES TO THE ADMINISTRATION OF CONCESSIONARY TRAVEL

A report of the Director of Development was submitted for the purpose of agreeing a response to a Department for Transport consultation on options for changing the administration of concessionary travel and the ability to introduce local discretionary concessions (item 10 on the agenda filed with these minutes).

RESOLVED that the consultation response set out in Appendix I to the report be submitted to the Department for Transport, but that it be made clear to the Department that the failure of the consultation exercise to consider in any detail the funding implications of potential changes is a matter of significant concern to the Borough Council. Without this information, it is not possible to properly determine the financial risks and make a properly reasoned response to the options for changing the responsibilities for administration of the statutory minimum concession.

Reason

To clarify the Borough Council's views on the options proposed and to affirm that any changes to the administration arrangements for concessionary travel need to be accompanied by changes to formula grant that reflect the actual costs to each local authority of providing travel concessions.

35. WRITE OFF REPORT FOR RENT AND SERVICE CHARGES

A report of the Deputy Chief Executive was submitted seeking approval to write off an irrecoverable debt in line with Financial Procedure Rules (item 11 on the agenda

filed with these minutes).

RESOLVED that the £16,498 debt relating to Porchester Finance Limited outlined in the report be written off.

Reason

The normal enforcement/recovery of the debt is not possible due to the company having been wound up. The Council's Financial Procedure Rules require that any debt write off over £10,000 be approved by the Cabinet.

36. FINANCIAL STRATEGY 2009/10 TO 2011/12 - REVIEW

A report of the Deputy Chief Executive was submitted updating the current Financial Strategy in the light of major changes which had taken place since February 2009, so as to provide a basis for future consideration of service reviews and the Council's finances in general (item 12 on the agenda filed with these minutes).

RESOLVED that the contents of the report be noted.

Reason

To ensure that the Cabinet and councillors generally have a suitable base to consider decisions for the Council's use of resources.

37. EXEMPT INFORMATION

RESOLVED that members of the public be excluded from the meeting during the consideration of the following items on the grounds that they involve the likely disclosure of exempt information as defined in Paragraph 3 and 5 of Part 1 of Schedule 12A to the Local Government Act 1972.

38. PROCUREMENT PROCESS FOR A RECYCLING FACILITY IN CHARNWOOD

A report of the Director of Leisure and Environment was submitted seeking approval for an extension to the existing contract as an alternative to the procurement of a recycling facility, as previously agreed by Cabinet (item 14 on the agenda filed with these minutes).

RESOLVED that the Director of Leisure and Environment be authorised to extend the existing contract for the period 1st August 2009 to 31st March 2011, based on revised tonnage prices for dry recyclate and for mixed glass, but otherwise on the existing contract terms.

Reason

To secure appropriate arrangements for the processing of household recyclate collected by the Council's kerbside collection scheme up to July 2011, which coincides with the proposed changes to the collection arrangements in the Environmental Services Contract.

39. FLEET PROVISION AND MAINTENANCE TENDER ARRANGEMENTS

A report of the Director of Leisure and Environment was submitted to report the outcome of the tendering process, following detailed evaluation of the tenders received for the Council's Fleet Provision and Maintenance Contract (item 15 on the agenda filed with these minutes).

RESOLVED that the Contract for Fleet Provision and Maintenance for the Council for the period commencing 1st August 2009 to 31st March 2015 be awarded.

Reason

To ensure continuation of service to Charnwood residents when the current arrangements expire on 31st July 2009.

40. OPTIONS FOR DELIVERY OF SHARED AND TRANSACTIONAL SUPPORT

A report of the Director of Governance and Procurement was submitted summarising the proposed minimum set of options for the delivery of a range of shared transactional and support services that will be brought to future meetings of the Cabinet (item 16 on the agenda filed with these minutes).

RESOLVED that the set of options in respect of the provision of Benefits and Revenues, Human Resources and Payroll, Finance and Procurement and Information and Communication Services summarised in the report be confirmed as being those that will be brought before Cabinet for future detailed consideration, with the exception of Benefits and Revenues which appears as a separate item on the agenda; other options, or 'hybrid' options may also be considered but those set out within the report are the minimum range of options that will be considered.

Reason

To confirm that the evaluation of the proposed set of options within the report will be sufficient to offer Cabinet the insight required to provide direction in the future direction of service delivery for a range of shared transactional and support services.

41. FUTURE PROVISION OF BENEFITS AND REVENUES SERVICE

A report of the Director of Governance and Procurement was submitted considering a number of options for the future provision of the Council's Benefits and Revenues Service and recommendations that Cabinet pursue implementation of the preferred option (item 17 on the agenda filed with these minutes).

RESOLVED that the recommendations in the report of the Director of Governance and Procurement be approved.

Reason

The options evaluation undertaken suggests that outsourcing the Benefits and Revenue Service is the preferred method of delivering this Service for the Council.

Notes:

1. The decisions in these minutes will come into effect at 5.00pm on Friday 17th July 2009 unless called in under Overview and Scrutiny Procedure Rule 13.
2. Subject to note 1 above, no reference may be made at Council to the decisions in these minutes unless notice to that effect is given to the Head of Democratic Services by five members of the Council by 5.00pm on Friday 17th July 2009.
3. These minutes are subject to confirmation as a correct record at the next meeting of Cabinet on 6th August 2009.