

CABINET

10.00 A.M.

11TH DECEMBER 2007

PRESENT:- Councillors Roger Mace (Chairman), June Ashworth, Jon Barry, Eileen Blamire, Abbott Bryning, John Gilbert, Tony Johnson and David Kerr

Apologies for Absence

Councillors Evelyn Archer and Maia Whitelegg

Officers in attendance:-

Mark Cullinan	Chief Executive
John Donnellon	Corporate Director (Regeneration)
Peter Loker	Corporate Director (Community Services) (part)
Roger Muckle	Corporate Director (Finance and Performance)
Nadine Muschamp	Head of Financial Services and Section 151 Officer
David Owen	Head of Cultural Services (part)
Stephen Metcalfe	Principal Democratic Support Officer

74 ITEMS OF URGENT BUSINESS AUTHORISED BY THE LEADER

The Chairman advised that there was 1 item of urgent business regarding the Allocation of Cabinet Appointments following the resignation of Councillor Val Histed from the Cabinet, which he had authorised, as a decision was required prior to the next meeting of Cabinet (Minute 75 refers). He also advised of supplementary information that had been circulated at the meeting with regard to the Budget and Policy Framework (Minute 83 refers).

At this point the Chairman took the opportunity to thank Councillor Histed for her work as a member of Cabinet and in her area of responsibility since her appointment in May 2007.

75 ITEM OF URGENT BUSINESS - ALLOCATION OF CABINET APPOINTMENTS

(Cabinet Member with Special Responsibility Councillor Roger Mace)

In accordance with Section 100B (4) of the Local Government Act 1972, the Chairman agreed to consider the report as an item of urgent business as there was a need for a decision at this meeting of Cabinet in order to make the necessary appointments to various bodies without delay and it was not in the best interests of the Council's decision-making processes to require interim portfolio holder arrangements for the period to the next meeting of Council.

The Head of Democratic Services submitted a report that advised of those appointments to partnerships and outside bodies which required re-allocation following the resignation of Councillor Histed from the Cabinet.

The options, options analysis, including risk assessment, were set out in the report as follows:

It was for Cabinet to decide on the appointment of a Cabinet member to the bodies and the options were, therefore, to appoint Councillor Johnson who had replaced Councillor Histed, or to agree that another Cabinet Member took on the role of any of these appointments.

There was no preferred officer option.

It was moved by Councillor Roger Mace and seconded by Councillor Eileen Blamire:-

“That the recommendations, as set out in the report, be approved.”

Resolved Unanimously:

- (1) That the appointment to the Local Strategic Partnership vacancy be deferred pending consideration by the LSP of a revised Constitution when it may be that the second representative appointed by the Council will be appointed to act as a substitute on the LSP Executive.
- (2) That Councillor Tony Johnson be appointed to fill the remaining vacancies on: -
 - Community Safety Strategy Group
 - Lancashire Rural Partnership
 - Lancashire Canal Restoration Partnership
 - LGA Rural Commission

Officers responsible for effecting the decision:

Chief Executive.
Head of Democratic Services.

Reason for making the decision:

The decision enables vacancies to be filled on a number of outside bodies and partnerships following the resignation from Cabinet of Councillor Histed. It is for Cabinet to decide on the appointment of a Cabinet member to the bodies.

76 MINUTES

The Minutes of the meeting held on Tuesday, 6th November 2007 were signed by the Chairman as a correct record.

77 DECLARATIONS OF INTEREST

Councillors June Ashworth and Eileen Blamire declared prejudicial interests with regard to the Dukes Theatre - Revised Business Model (Minute 81 refers) as City Council representatives to the Dukes Playhouse Board of Directors.

78 PUBLIC SPEAKING

Members were advised that there had been no requests to speak at the meeting in accordance with Cabinet's agreed procedure.

79 ESTABLISHMENT OF AN ADDITIONAL ESTATE STEWARD - COUNCIL HOUSING SERVICES

(Cabinet Members with Special Responsibility Councillor John Gilbert and David Kerr)

The Corporate Director (Community Services) submitted a report that proposed the establishment of an additional Estate Steward within the Repair and Maintenance Section of Council Housing Services. It was reported that this would help to ensure that the Service met its targets for the average time taken to re-let dwellings.

The options, options analysis, including risk assessment, were set out in the report as follows:

Option 1 - To appoint an additional Estate Steward

To appoint an additional Estate Steward. This is the most cost effective means of maintaining improvements in the average time taken to re-let dwellings.

Option 2 - Continue with the existing arrangements and utilise regular overtime to meet performance targets

Continue with the existing arrangements and utilise regular overtime to meet performance targets. This would be slightly more expensive than Option 1, but it does provide flexibility and can be discontinued at anytime. However, the existing practice of working seven days a week is not satisfactory.

Option 3 - Retain the existing establishment and discontinue overtime

This option would result in staffing costs but there would be a loss in rental income if properties remain empty for longer periods. There would also be a deterioration in a Key Performance Indicator.

The preferred officer option was option 1 for the reasons outlined.

It was moved by Councillor John Gilbert and seconded by Councillor David Kerr: -

“That the recommendations, as set out in the report, be approved.”

Resolved Unanimously:

- (1) That Cabinet approves the proposed arrangements for funding an additional Estate Steward Post SCP 6 within Council Housing Services, and that the Revenue Budget be updated accordingly.

Officer responsible for effecting the decision:

Corporate Director (Community Services).

Reason for making the decision:

The provision of an extra Estate Steward post will enable the better programming of work and should help to ensure the delivery of reduced re-let time.

80 PARKS AND OPEN SPACES STRATEGY - UPDATE

(Cabinet Member with Special Responsibility Councillor Maia Whitelegg)

(Councillor Tony Johnson declared a prejudicial interest in the following item due to being a City Council representative on the Williamson Park Board of Directors and left the meeting prior to consideration thereof.)

The Head of Cultural Services submitted a report that updated Cabinet on progress against the Parks and Open Spaces Action Plan.

The options, options analysis, including risk assessment, were set out in the report as follows:

The options within the report related to the proposals for Happy Mount Park and Highfield Recreation Ground.

Happy Mount Park - Do nothing

Failure to achieve an identified Action Plan in the Parks and Open Spaces Strategy and a cessation of any further private sector investment and development in Happy Mount Park.

To support the enhanced "partnership" with the private sector.

Achievement of an identified Action Plan in the Parks and Open Spaces Strategy. Subject to final approval by Cabinet, at a later date, the possibility of further private sector investment and development in Happy Mount Park.

Highfield Recreation Ground - Do nothing

Failure to achieve an identified Action Plan in the Parks and Open Spaces Strategy and failure to secure external funding (only available to community groups) that would bring the tennis courts and pavilion back into operation.

To support the community management model.

Achievement of an identified Action Plan in the Parks and Open Spaces Strategy. Subject to final approval by Cabinet, at a later date, the possibility of "pilot" community management model which, if successful, could be rolled out to other parks within the District.

The preferred officer options were to support the enhanced "partnership" with the private sector and to support the community management model.

It was moved by Councillor Jon Barry and seconded by Councillor John Gilbert: -

“That the recommendations, as set out in the report, be approved.”

Resolved Unanimously:

- (1) That Cabinet note the progress made against the Parks and Open Spaces Action Plan.
- (2) That Cabinet authorise Officers to progress the respective “partnership” proposals in respect of Happy Mount Park (private) and Highfield Recreation Ground (community), with a view to bringing either or both proposals forward to a future meeting of Cabinet for final consideration and approval.

Note: Councillor Tony Johnson was not present when the vote was taken.

Officers responsible for effecting the decision:

Corporate Director (Regeneration).
Head of Cultural Services.

Reason for making the decision:

The two schemes provide the Council with an opportunity to test out alternative and innovative approaches to the management of parks and open spaces.

81 DUKES THEATRE – REVISED BUSINESS MODEL

(Cabinet Member with Special Responsibility Councillor Maia Whitelegg)

(It was noted that Councillors June Ashworth and Eileen Blamire had previously declared prejudicial interests in the following item due to them being City Council representatives on the Dukes Playhouse Board of Directors and left the meeting prior to consideration thereof.)

The Head of Cultural Services submitted a report that advised Cabinet of the Dukes Theatre Revised Business Model.

The options, options analysis, including risk assessment, were set out in the report as follows:

To reduce or withdraw the City Council’s funding support to the Dukes Theatre.

A reduction or withdrawal of the City Council’s funding support to the Dukes Theatre would not only jeopardise its revised business model but also threaten its existence. It would likely produce a domino effect in respect of support funding that the other partners (Arts Council England and Lancashire County Council) make, not only to the Dukes, but to the whole arts offer and other arts revenue clients within the Lancaster District.

To continue supporting the Dukes Theatre’s transition to a Revised Business Model.

The Dukes is regarded as a theatre of local and regional significance and is supported by the Arts Council England (ACE), Lancashire County Council and Lancaster City Council. The Dukes Theatre is an integral part of the District's Cultural offer to residents and visitors, through its youth and school work – Dukes Youth Theatre (known as DT3), and its Promenade Productions at Williamson's Park, etc.

The preferred officer option was to continue supporting the Dukes Theatre's transition to a Revised Business Model.

It was moved by Councillor Jon Barry and seconded by Councillor Abbott Bryning: -

"That the recommendations, as set out in the report, be approved."

Resolved Unanimously:

- (1) That Cabinet note the progress with respect to the Dukes Theatre Revised Business Model.
- (2) That the City Council, via the Officer Development Team, continue to support the Dukes Theatre's transition to a Revised Business Model.

Note: Councillors June Ashworth and Eileen Blamire were not present when the vote was taken.

Officers responsible for effecting the decision:

Corporate Director (Regeneration).
Head of Cultural Services.

Reason for making the decision:

The Dukes Board, via its Change Project Team, has made significant progress in difficult circumstances to achieve the outcomes of its revised business model. To see that process through to a successful conclusion the Dukes requires the continued support of its key strategic partners (ACE, Lancashire County Council and Lancaster City Council).

82 CONSIDERATION OF A CULTURAL SERVICES – TRUST (NOT FOR PROFIT DISTRIBUTING ORGANISATION)

(Cabinet Member with Special Responsibility Councillor Maia Whitelegg)

The Head of Cultural Services submitted a report that gave consideration to a Cultural Services – Trust (Not for Profit Distributing Organisation).

The options, options analysis, including risk assessment, were set out in the report as follows:

In summary, the basic options were:

Option 1: Not to consider the setting up of a Cultural Services NPDO/Trust, or

Option 2: To support the principle, and take it forward as part of the 2008/09 budget and planning process. In support of this, officers would focus on planning the project.

The context for undertaking an appraisal of a Cultural Services NPDO/Trust took into account factors such as the Council's Medium Term Financial Strategy (MTFS), the Comprehensive Spending Review (CSR), the Government's Agenda of Improved and Innovative Service Delivery Models and the Comprehensive Performance Assessment (CPA). An outline risk assessment of the Trust Option was also included in section 2.2 of the report. If Members choose to take this option forward, then the project planning work to be undertaken would expand on this, and also take account of the latest information arising in terms of the Council's financial forecasts, and its planned objectives.

The decision as to whether Officers should investigate and evaluate a Not for Profit Distributing Organisation (NPDO/Trust) option for the whole of Cultural Services was for Cabinet to determine initially, subject to the budget and planning process. However, should Members choose not to take forward that option, consideration would still need to be given to ensure value for money was being achieved under current arrangements, addressing the Audit Commission's agenda of continual improvement, and responding to the need to evaluate alternative delivery models.

The preferred officer option was for Cabinet to support the principle of establishing a Not for Profit Distributing Organisation (NPDO/Trust) for Cultural Services, on the basis as outlined in the report, for consideration as part of the 2008/09 budget process and that Officers progress work on planning such a project.

It was moved by Councillor Jon Barry: -

"That the recommendations, as set out in the report, be approved."

However, it was noted that there was no seconder to the proposition and, therefore, the proposition was deemed to have fallen.

It was then moved by Councillor Eileen Blamire and seconded by Councillor June Ashworth: -

"That Cabinet does not support the principle of establishing a Not for Profit Distributing Organisation (NPDO/Trust) for Cultural Services."

Members then voted as follows:

Resolved:

(7 Members voted in favour (Councillors Ashworth, Blamire, Bryning, Gilbert, Johnson, Kerr and Mace) and 1 Member voted against (Councillor Barry))

(1) That Cabinet does not support the principle of establishing a Not for Profit Distributing Organisation (NPDO/Trust) for Cultural Services.

Officers responsible for effecting the decision:

Corporate Director (Regeneration).

Head of Cultural Services.

Reason for making the decision:

The decision does not commit Cabinet to establishing a Cultural Services NPDO/Trust in view of the potential financial risks at this time given the City Council's budget position.

83 BUDGET AND POLICY FRAMEWORK 2008/09 CORPORATE PLAN AND BUDGET UPDATE

(Cabinet Member with Special Responsibility Councillor Roger Mace)

The Corporate Director (Finance and Performance) and Head of Financial Services submitted a joint report that updated Cabinet on the latest position with regard to the 2008/9 Budget and Policy Framework documents, in particular in respect of the Corporate Plan and the Revenue Budget and Capital Programme. Supplementary documentation was also circulated at the meeting.

The options, options analysis, including risk assessment, were set out in the report as follows:

Option 1 - to note the progress to date in respect of reviewing and updating the budget and each of the policy framework documents.

Option 2 - to agree an alternative course of action in respect of these.

The preferred officer option was option 1.

It was moved by Councillor Roger Mace and seconded by Councillor Jon Barry: -

"That the recommendations, as set out in the report, be approved, subject to the following additional wording being included: -

- and Cabinet considers submitting a response to the Government on the settlement."

After hearing the debate Councillor Mace, as proposer, withdrew the additional wording that had been proposed, with the permission of his seconder, Councillor Barry and the meeting.

Members then voted as follows.

Resolved Unanimously:

Policy Framework

- (1) That Cabinet notes the latest position in respect of the documents included in the Policy Framework, as outlined in the report.
- (2) That Cabinet note the arrangements in place to prepare the draft 2008/9 Corporate Plan.

Budget

- (3) That Cabinet note that the draft Revenue Budget and Capital Programme will be reported to the January 2008 Cabinet meeting.

Officers responsible for effecting the decision:

Corporate Director (Finance and Performance).
Head of Financial Services.

Reason for making the decision:

The agreed budget and policy framework timetable requires Cabinet to agree its preferred priorities, set out in the Corporate Plan, and aligned budget proposals for further consultation prior to consideration by full Council in February. The report highlighted the progress made to date.

84 STAR CHAMBER***(Cabinet Member with Special Responsibility Councillor Roger Mace)***

The Corporate Director (Finance and Performance) submitted a report that updated Members on the Star Chamber meetings of 7th, 14th and 21st November 2007, held since the last report to Cabinet.

It was moved by Councillor Jon Barry and seconded by Councillor John Gilbert: -

“That the report be noted.”

Members then voted as follows.

Resolved Unanimously:

- (1) That the report be noted.

Officer responsible for effecting the decision:

Corporate Director (Finance and Performance).

Reason for making the decision:

The decision notes the issues considered at the most recent meetings of the Star Chamber.

85 REVIEW OF STAFF AND MEMBER PERMITS AND CHARGES***(Cabinet Member with Special Responsibility Councillor John Gilbert)***

The Corporate Director (Regeneration) submitted a report that gave consideration to the level of Staff and Member Permit charges.

The options, options analysis, including risk assessment, were set out in the report as follows:

Option 1 - to introduce new permit charges based on the previously agreed differential charges on user status, business need and the number of journeys undertaken. An immediate change would mean that this option would not be in line with the requirement to consult on changes to the permit renewal process.

Option 2 - to introduce an inflationary increase until the permits can be considered under a review of business travel. This would result in the same type of permits as the current arrangements and the following permit charges would apply until 1st August 2008, prior to which a further review would be undertaken.

Permit Type	2007 Charge	2008 Charge
Staff General	£185.00	£190.00
Staff Specific	£310.00	£320.00

There would be no specific risks associated with this option as permit numbers were likely to remain the same. The Council's income would rise in line with inflation.

The preferred officer option was option 2. This would allow the Council to realign permit renewal dates by 2009 and consider the role and cost of permits as part of its business travel arrangements. For the time being it would not result in any decrease in the demand for permit parking, neither would it result in any major increase in income for the Council.

It was moved by Councillor John Gilbert and seconded by Councillor Roger Mace: -

"That the recommendations, as set out in the report, be approved."

Resolved Unanimously:

- (1) That the Staff Permit charges are increased from 1st January 2008 to allow for inflation.
- (2) That the permits be issued for a period to 1st August 2008, prior to which a further review will be undertaken to bring both Staff and Member Permits in line at 1st August 2008 and with a view to all permits being subsequently renewed on 1st April 2009, and annually thereafter.

Officers responsible for effecting the decision:

Corporate Director (Regeneration).
Head of Property Services.

Reason for making the decision:

The decision will allow the Council to realign permit renewal dates by 2009 and consider the role and cost of permits as part of its business travel arrangements. For the time being it would not result in any decrease in the demand for permit parking, neither would it result in any major increase in income for the Council.

86 REVISION OF CORPORATE PROPERTY STRATEGY***(Cabinet Member with Special Responsibility Councillor Evelyn Archer)***

The Corporate Director (Regeneration) submitted a report that gave consideration to a revision to the Corporate Property Strategy to allow consideration of sales of property at less than market value.

The options, options analysis, including risk assessment, were set out in the report as follows:

Option 1 - To update the Corporate Property Strategy to provide a framework for allowing consideration of disposal of assets at less than market value, in support of well being powers, and that officers develop such a framework, having regard in particular to legal and financial considerations, the Council's corporate objectives, fairness and openness, and the interests of local taxpayers.

Option 2 – do nothing. This would result in retaining the Corporate Property Strategy in its current format and would not reflect the ability of the Council to utilise the provisions of the General Disposal Consent should it be so minded.

The preferred officer option was option 1 in which Cabinet was asked to consider whether it wished to update the Corporate Property Strategy to provide a framework for allowing consideration of the disposal of assets at less than market value in support of the “well being powers” under the provisions of the ODPM Circular 06/2003 Local Government Act 1972: General Disposal Consent (England) 2003. This would then be developed by Officers, for future consideration by Members.

It was moved by Councillor John Gilbert and seconded by Councillor Roger Mace: -

“That the recommendations as set out in the report be approved, subject to the addition of the following wording: -

- and to bring back the Corporate Property Strategy to Cabinet for approval.”

Resolved:

(5 Members voted in favour (Councillors Ashworth, Bryning, Gilbert, Johnson and Mace) and 3 Members voted against (Councillors Barry, Blamire and Kerr))

- (1) That Cabinet updates the Corporate Property Strategy to provide a framework for allowing consideration of the disposal of assets at less than market value in support of the “well being powers” under the provisions of the ODPM Circular 06/2003, Local Government Act 1972: General Disposal Consent (England) 2003 and to bring back the Corporate Property Strategy to Cabinet for approval.

Officers responsible for effecting the decision:

Corporate Director (Regeneration).
Head of Property Services.

Reason for making the decision:

The decision enables the Corporate Property Strategy to be updated and provides a framework for allowing consideration of disposal of assets at less than market value, in support of well being powers. Officers, in developing such a framework, will have regard in particular to legal and financial considerations, the Council's corporate objectives, fairness and openness, and the interests of local taxpayers.

87 REVENUE SERVICES RESTRUCTURE

(Cabinet Member with Special Responsibility Councillor Roger Mace)

(Councillors June Ashworth and John Gilbert declared personal interests in that part of the report that referred to the Citizens Advice Bureaus.)

The Corporate Director (Finance and performance) submitted a report that brought forward proposals to restructure and reorganise Revenue Services to respond to the need to make savings, achieve better value for money and meet the operational needs of the Service as it sought to improve Council Tax collection rates and implement the corporate document management system.

It was noted that the Appendix to the report was exempt, in accordance with Section 100A(4) of the Local Government Act, 1972, on the grounds that it contained information that could involve the possible disclosure of exempt information as defined in paragraph 1 of Schedule 12A of that Act.

The options, options analysis, including risk assessment, were set out in the report as follows:

Option 1 - to accept the proposals as identified in Appendix A to the report.

Accepting the proposals will enable the Council to make significant savings in support of its medium term financial strategy contribute to the need to identify efficiency savings and demonstrate value for money in service provision.

Option 2 - to consider implementing only part of the proposals taking savings but not accepting any costs included in the proposals.

By following Option 2 Cabinet could realise some additional savings but would run the risk of the operational failure of the new structure as proposed and would jeopardise the efforts to improve Council Tax collection rates.

The preferred officer option was option 1 as it offered the best prospect of meeting the Council's financial and corporate targets.

It was moved by Councillor Roger Mace and seconded by Councillor David Kerr: -

"That the recommendations, as set out in the report, be approved."

Members then voted as follows.

Resolved Unanimously:

- (1) That Cabinet accept the proposals in the report and as detailed in Appendix A (Exempt item) to the report.
- (2) That Cabinet ask Personnel Committee to consider the detailed organisational and Human Resources implications of the report for implementation on the dates shown in the exempt item at Appendix A to the report.
- (3) That any costs arising from the Human Resources implications of the report are met from the savings identified in the report with such costs being reported back to Cabinet as part of the 2008/9 budget process.

Officers responsible for effecting the decision:

Corporate Director (Finance and Performance).
Head of Legal and Human Resources.
Head of Revenues Service.

Reason for making the decision:

The restructure will enable service delivery to continue to a high standard, whilst providing improvements to the value for money given to the Council Tax payers of the district.

88 JOHN DONNELLON - CORPORATE DIRECTOR (REGENERATION)

It was noted that the Corporate Director would be leaving the authority for a new position at Blackpool Borough Council and that this would be the last meeting of Cabinet prior to taking up his new position.

On behalf of Cabinet the Chairman thanked him for his work for the City Council.

Chairman

(The meeting ended at 12.03 p.m.)

**Any queries regarding these Minutes, please contact
Stephen Metcalfe, Democratic Services, telephone 01524 582073 or email
smetcalfe@lancaster.gov.uk**

MINUTES PUBLISHED ON: THURSDAY, 13TH DECEMBER, 2007.

**EFFECTIVE DATE FOR IMPLEMENTING THE DECISIONS CONTAINED IN THESE MINUTES:
FRIDAY, 21ST DECEMBER, 2007.**