

Minutes of Policy & Finance Committee

Meeting Date: Tuesday, 29 January 2013, starting at 6.30pm
Present: Councillor E M H Ranson (Chairman)

Councillors:

J Hill	J Rogerson
T Hill	R E Sherras
K Hind	D T Smith
S Hirst	R J Thompson
S Hore	N C Walsh
A Knox	A Yearing

In attendance: Chief Executive, Director of Community Services, Head of Financial Services, Head of Legal and Democratic Services.

615 APOLOGIES

Apologies for absence from the meeting were submitted on behalf of Councillors R Elms and K Horkin.

616 MINUTES

The minutes of the meeting held on 20 November 2012 were approved as a correct record and signed by the Chairman.

617 MATTERS ARISING

(a) Minute 437 – Clitheroe Food Festival

The Chief Executive reported that this matter had now been dealt with by Community Committee.

(b) Minute 440 – Wiswell/Barrow Parish Council – Review of Electoral Arrangements

The Head of Legal and Democratic Services reported that she would bring a report to the March committee meeting with a recommendation to bring forward the Parish Council election date from May 2015 to May 2014. Policy and Finance Committee would be asked to endorse this change.

618 DECLARATIONS OF INTEREST

There were no declarations of interest.

619 PUBLIC PARTICIPATION

There was no public participation.

620

EVENT SAFETY ADVISORY GROUP (ESAG)

The Chief Executive referred to Minute 441 of committee dated 20 November 2012 and reported that the working group had met again on 3 December 2012 to finalise the protocol for the safety advisory group. The main items in the protocol were set out as follows:

- Our Policy for the Safety Advisory Group.
- Membership and administration.
- Terms of Reference.
- Roles and responsibilities of both Council Officers and Partner Organisations.

Partner Organisations including Police, Fire and Lancashire Emergency Planning have responded positively to the new protocol and their roles in event safety in the Ribble Valley. The Chief Executive stressed that the new arrangements would be more a partnership approach with all agencies taking an equal role. A full note of each meeting would be taken and these would be reported to the Licensing Committee on a regular basis.

Members also welcomed the new protocol and referred to how this would work in relation to smaller events such as Clitheroe Food Festival and Last Night of the Proms.

Members also considered the revised Events Safety Management Plan which would be a useful plain English guide to event organisers to assist them in organising their events safely.

RESOLVED: That Committee

1. agree the Events Safety Advisory Group protocol;
2. agree the Event Safety Management Plan; and
3. ask the working group to examine the other safety guides the Council produces to ensure that they are clear, concise and easily understandable.

621

USE OF THE CLITHEROE AND WHALLEY CCTV SYSTEM

The Director of Community Services submitted his report clarifying the Council's position with regard to operational procedures concerning the use of the CCTV system and access to/disclosure of data.

Members were reminded that the CCTV system comprised 25 cameras installed at strategic locations within Clitheroe and Whalley. The system was set up in 2003. Details were given of the purposes for which CCTV system was operated and the fact that the system had been registered with the Information Commissioner's Office.

Reference was also made to the Data Protection Act 1998 which provided a statutory basis for systematic legal control of CCTV surveillance over public areas. Under the DPA the Information Commissioners Office published a CCTV Code of Practice based on 8 enforceable principles contained in the DPA with regard to the handling of personal data.

The Director of Community Services informed Committee that the Protection of Freedoms Act 2012 was introduced by the Government during the latter part of 2012 and Part 2 of the Act covered the Regulation of CCTV and other surveillance camera technology. Under Section 29 of the Act the Secretary of State must prepare a Code of Practice containing guidance about surveillance camera systems and the Code must contain guidance in relation to:

- (a) the development or use of surveillance camera systems; and
- (b) the use and processing of images or other information obtained by virtue of such systems.

The new Code of Practice may introduce significant changes to the guidance of how the Council operates its CCTV system. It was recognised that the current CCTV Operation Manuals Procedure produced in 2006 and was therefore in need of revision or updating. It was suggested therefore that the revision be postponed until the new CCTV Code of Practice was completed in accordance with the provisions of the Protection of Freedom Act.

Longridge Members then asked a number of questions in relation to CCTV operating in Longridge Town Centre and the possibility of it being linked in some way to the Clitheroe system.

The Director of Community Services commented on this and reported that a report was due to be prepared on the current condition of the system to the next meeting of this Committee.

RESOLVED: That Committee

1. note this report;
2. request the Director of Community Services to provide a further report on this service when the recommendations of the Home Office Code of Practice were known;
3. a report be submitted to the next meeting of this Committee on the operation of the Longridge CCTV system, whether it could be linked to the Clitheroe system and costs of bringing it up to a reasonable standard of operation.

622

ASSETS OF COMMUNITY VALUE – THE COMMUNITY RIGHT TO BID

The Head of Legal and Democratic Services asked Committee to determine the Council's procedure for dealing with applications which were received relating to the Community Right to Bid.

Part 5, Chapter 3 of the Localism Act and the Assets of Community Value (England) Regulations 2012 together set out the legislative framework for Community Right to Bid. The purpose of Community Right to Bid was to encourage more community focussed locally led action described by Government as "providing an important tool to help communities looking to take over and run local assets".

She commented that the Council must determine how applications should be dealt with. There were two stands to the process. The first process would be deciding whether or not an asset should be placed on the list of assets of community value and is thus subject to Community Right to Bid or be placed on a list of applications which had been rejected.

The second process would be determining appropriate compensation where the owner of land affected by the inclusion of the land on the list sought compensation from the Council for any reduction in value/costs. In order to comply with the review requirements set out in the regulations, both the inclusion or rejection of an application for a listing as an asset of community value and payment of compensation had to be subject to a review mechanism. The recommendation to Committee therefore was that the following Officers be authorised to deal with all aspects of applications including inclusion of land/buildings on the list of assets of community value where the application is accepted, notification of the listing as a local land charge or where the application is rejected inclusion on the list of unsuccessful nominations but excluding compensation claims:

- Corporate Policy Officer;
- Head of Legal and Democratic Services;
- 2 Council Solicitors.

The role of reviewing these decisions would be taken by the Chief Executive. Compensation claims applications would be dealt with by the Head of Financial Services with the role of reviews decisions taken by the Director of Resources.

RESOLVED: That Committee agree the procedure as proposed in paragraphs 3.7 and 3.9 of the report.

623

NATIONAL NON-DOMESTIC RATES WRITE-OFFS

The Head of Financial Services reported to Committee on write-offs to certain NNDR debts where it had not been possible to collect the amounts due.

RESOLVED: That Committee approve the writing off of £26,165.36 of NNDR debts where it had not been possible to collect the amounts due.

624

GISBURN FESTIVAL HALL FUNDING REQUEST

Committee were asked to consider a request for a short-term loan at Gisburn Festival Hall for £36,000 pending receipt of a grant from the Rural Development Programme for England (RDPE).

Gisburn Festival Hall has applied for an RDPE grant towards the cost of improvements to the insulation and heating of the main hall. The total cost of the work was £48,950. A Village Amenities Grant of £10,000 had been approved by the Council and a £2,950 contribution from the hall had already been raised.

The funding from RDPE was subject to the Festival Hall being able to cash flow the project before any monies would be paid. The Head of Financial Services commented that the Council had approved similar requests but funds had been processed via the relevant Parish Council.

The request is for a short-term loan for £36,000 split into two payments of £14,700 in May and £21,300 in June 2013 to be repaid at the end of June and July once the RDPE grant had been received.

If Committee were to support this request consideration would need to be given as to whether support should be either cash advance repayable as soon as practicable but no later than 4 months after the advance, or a short-term loan with interest charged over the period of the term.

The local Ward Member then gave an update in terms of the progress with the RDPE grant.

RESOLVED: That Committee agree an interest free cash advance of £36,000 payable to the Gisburn Festival Hall in two instalments for a period of no longer than 4 months after the initial advance.

625

REVISED CAPITAL PROGRAMME 2012/13

The Head of Financial Services asked Committee to approve the revised Capital Programme for the current financial year for this Committee.

The original Capital Programme for the current year included schemes at a total estimated cost of £125,000. In addition not all planned expenditure for last year had been spent and a balance totalling £96,280 (slippage) had been transferred into this financial year. Further approvals to the Capital Programme had also been made in the year totalling £93,150. This gave a total approved budget of £314,430. Following a review of the budget this was revised to £314,530.

RESOLVED: That Committee approve the Revised Capital Programme for 2012/13 as set out in the Appendix to the report.

626

PROPOSED CAPITAL PROGRAMME 2013/16

Committee were asked to approve the proposed future 3-Year Capital Programme 2013/14 to 2015/16 for the Committee.

The proposed 3-year programme for Policy and Finance Committee comprised of two projects; a storage area network and the Clitheroe Townscape Scheme.

There was external funding and internal revenue contributions of £67,000 associated with the Clitheroe Townscape bid that had been submitted and the balance of funding for the scheme would need to be funded internally. It was highlighted that the capital resources available for the unfounded balance were currently low.

Bids had been initially invited for the 2015/16 financial year, however a bid had also been submitted for the 2014/15 financial years for this Committee.

RESOLVED: That Committee agree to fund the Clitheroe Townscape Scheme in 2015/16 in the sum of £115,000 but that the storage area network not be included in the Capital Programme and this be a recommendation to future Special Policy and Finance Committee in relation to the 3-year Capital Programme for this Committee's services.

627

REVISED REVENUE BUDGET 2012/13

Members considered a comprehensive report on the Revised Revenue Budget for 2012/13. The Head of Financial Services commented that the original estimate did not show some of the movements that were needed in the budget following the service reviews. One of the main areas of impact for this Committee had been the movement of staffing into the Contact Centre service, from other departmental cost centres.

To allow a better comparison of the budget to the revised estimate in the report, the budget that was originally approved in March had been restated to include the impact of the service review and anticipated income from VAT shelter monies.

The impact of this restatement was fully summarised within the report.

The difference between the revised and original estimate was an estimated decrease in net spending of £151,340 or £166,420 after allowing for transfers to and from earmarked reserves. The main reasons for this were as follows:

- Reduction in employee costs of £8,000.
- Reduction in cost of democracy of £8,000.
- Reduction in external audit fee of £30,000.
- Reduction in meals on wheels and luncheon clubs, transport, equipment, materials and purchase of meals of £10,000.
- Reduced income from land charges searches of £8,000.
- A decrease in support services of £76,000.
- Reduced depreciation charges of £6,000 on the new land charges and CRM system.

RESOLVED: That Committee approve the revised budget for 2012/13 and submit this to the Special Policy and Finance Committee subject to any further consideration by the Budget Working Group.

628 ORIGINAL REVENUE ESTIMATES 2013/14

Committee considered a report setting out the draft Revenue Budget for 2013/14 for consideration at Special Policy and Finance Committee. Net costs for this Committee had decreased by £83,520 and the main reasons were summarised as:

- net inflationary increases of £93,000;
- reduction in employee costs of £26,000;
- decrease in support service costs of £97,000;
- reduction in subscriptions of £5,000;
- new burdens grant of community right to bid £8,000; and
- community right to challenge £8,000.

After allowing for the following transfers to and from earmarked reserves the decrease was reduced to £37,220. This was due to establishing a contribution of £16,000 to Community Right to Bid and Community Right to Challenge earmark reserves, an increase in the contribution of £9,00 to the VAT reserve of £9,000, and a reduction in the contribution required from Performance Reward Grant reserve of £22,000.

RESOLVED: That Committee agree the Revenue Budget for 2013/14 and submit this to Special Policy and Finance Committee subject to further consideration by the Budget Working Group.

629 REFERENCES FROM COMMITTEE

(a) Health and Housing Committee – Flat Over Longridge Over 60's Club

Committee considered a request from Health and Housing Committee to agree to the addition of a new capital scheme for the current financial year's Capital Programme.

Health and Housing Committee had considered a report submitted by the Director of Community Services which gave details of a request for an addition to the Capital Programme in 2012/13. The scheme was for the improvement of the condition of the flat above the Over 60's Club on Towneley Road, Longridge. This improvement would be carried out in line with the decent homes standard and would be particularly for work in the kitchen and bathroom together with other work on front door and widening of a window. Quotes for the necessary work had now been received and from this it had been identified that a budget provision of £12,900 would be needed.

RESOLVED: That Committee agree to the request for the addition of the scheme for work to the flat above the Longridge Over 60's Club to the value of £12,900 to the current 2012/13 Capital Programme.

630 COMPLAINTS PROCEDURE REVIEW WORKING GROUP

Committee considered a report on the progress being made by the Complaints Procedure Review Working Group which had been formed in September 2012. The Working Group consisted of Councillors Hirst, Hore and A Knox and had been set up to investigate how to improve the Council's procedure. The Working Group's remit covered the following areas:

- Review of the procedure.
- Look at how complaints should be lodged.
- Who should vet and reject complaints.
- How investigations were carried out.
- Whether the Formal Complaints Panel should continue in its present form.
- When and how notification should be carried out.

The Working Group had held its first meeting on 6 November 2012 and discussed all of the above issues.

RESOLVED: That the report be noted.

631 REVENUES AND BENEFITS GENERAL REPORT

The Head of Revenues and Benefits presented his report to Committee. The report covered the following areas:

- National Non-Domestic Rates;
- Council Tax;
- Sundry Debtors;
- Housing Benefit performance;
- Housing Benefit fraud;
- Housing Benefit overpayments.

RESOLVED: That the report be noted.

632 TREASURY MANAGEMENT MONITORING 2012/13

Committee considered a report on our treasury management activities for period 1 April 2012 to 31 December 2012. The report dealt with the following issues:

- Borrowing requirements.
- Prudential indicators.
- Approved organisations.
- Recent events.

RESOLVED: That the report be noted.

633 MINUTES OF BUDGET WORKING GROUP

The Committee received minutes of the Budget Working Groups dated 24 September 2012 and 20 November 2012.

634 EXCLUSION OF PRESS AND PUBLIC

RESOLVED: That by virtue of the next items of business being exempt information under Categories 1, 2, 3 and 5, of Schedule 12A of the Local Government Act 1972 the press and public be now excluded from the meeting.

635 PROVISION OF PUBLIC TOILETS

Committee were asked to reconsider the proposal for the disposal of selected closed public conveniences as a result of Minute 463 of this Committee dated 20 November 2012 and further consideration by Community Services Committee at its recent meeting on 15 January 2013.

Members were reminded of their discussion around this item at the November meeting and the involvement of Longridge Town Council at their meeting held on 12 December 2012.

Reference was also made to a petition which had been received at full Council on the 18 December in relation to a request to reinstate the public toilets in Longridge and it was agreed this would be reconsidered by Community Service Committee.

Finally the January meeting of Community Services Committee had subsequently considered the report that proposed mechanisms that could deliver publically accessible toilets in Gisburn and would also develop and investigate options for the improvement of that provision of facilities in Longridge.

RESOLVED: That Committee

1. authorise the Director of Community Services in consultation with Corporate Management Team to dispose of the sets of public toilets at Newton, Waddington and Mellor;
2. approve that the closed toilets at Woone Lane and Brungerley be demolished and that the resulting cleared areas be landscaped and incorporated into the surrounding Council or owned land or facility; and
3. request that a report on progress with investigations to address concerns in the Gisburn and Longridge areas be presented to a future meeting of this Committee.

636 LITIGATION UPDATE

Committee were asked to approve the course of action recommended by the Head of Legal and Democratic Services and the Council's Solicitor.

RESOLVED: That Committee

1. authorise the Head of Legal and Democratic Services to settle the current litigation on the terms proposed; and
2. authorise the Director of Resources to pay the settlement sum.

637 CONSULTANCY BUDGET FUNDING REQUEST ON PLANNING APPLICATIONS

The Head of Planning Services asked Committee to allocate sufficient funds to allow for consultants and legal expenses in relation to forthcoming planning appeals and other anticipated applications. The Council had now received two planning appeals for non-determination in relation to major proposed residential and economic development schemes.

As a result of those non-determination appeals which would be dealt with in due course by public inquiry, it was anticipated that both would be in the region of between 6 and 8 days. The Council would therefore require Counsel to represent the Council in putting forward its submission as well as other expert witnesses. In many previous situations, the Council had appointed a Barrister to represent the Council and it was anticipated that the applicants would not only provide various expert witnesses but also Counsel to instruct and represent their case.

RESOLVED: That Committee authorise consent for £100,000 to be allocated from the reserves to cover the costs of defending forthcoming planning appeals.

638 PLANNING – RESOURCES ISSUES

The Chief Executive advised Committee of his report which dealt with a restructuring exercise and a number of actions being taken as a result of that restructuring.

RESOLVED: That Committee

1. support the action being taken;
2. agree to the creation of 1 temporary senior planner post and 1 permanent senior planning post; the temporary planning post being for a 2-year period;
3. agree to the purchase of software module to allow automatic interfacing between the National Land and Property Gazetteer and the planning system; and

4. consider the overall implications of the review of planning services for the 2013/14 budget setting process.

639

REVIEW OF STRATEGIC PARTNERSHIP OFFICER CONTRACT

Committee considered a report which asked them to agree to the extension of the post holders contract to deliver ongoing partnership working. Members were reminded that a dedicated officer supported the Strategic Partnership who was responsible for developing and supporting the delivery of partnership working. The current post was fixed term which ended in February 2013. Given the need identified to continue the development of partnership working the proposal was to extend the current post holders contract for a further 2-year fixed term period.

RESOLVED: That Committee support the continued delivery of partnership working and agree to the extension of the current post of Partnership Officer for a further 2-year period.

640

NATIONAL NON-DOMESTIC WRITE-OFFS

Committee considered a report which sought the writing-off of certain National Non-Domestic Rate debts relating to individuals or sole traders.

RESOLVED: That Committee approve the writing-off of £18,823 NNDR debts where it had not been possible to collect the amounts due.

The meeting closed at 8.23pm.

If you have any queries on these minutes please contact Jane Pearson (414430).