

EXTRACT

THE EXECUTIVE

MEETING, 30TH MARCH, 2009

| | |
|------------------------|-------------------------------------------------------------|
| Councillor Morris | Leader of the Council – Strategy and External Relationships |
| Councillor J. Byrne | Development |
| Councillor Sherrington | Cleaner, Greener, Safer |
| Councillor Kay | Human Resources and Diversity |
| Councillor Adia | Development |
| Councillor Ibrahim | Culture, Young People and Sport |
| Councillor Peel | Environmental Services |
| Councillor Murray | Health and Adult Social Care |
| Councillor Mrs Thomas | Corporate Resources |
| Councillor Zaman | Housing and Regeneration |

Non-Voting Members

| | |
|---------------------------|------------------------------------|
| Councillor Spencer | |
| Councillor R. Allen | |
| Councillor Shaw | |
| Councillor Rushton | Deputy for Councillor J. Walsh |
| Councillor Mrs Fairclough | Deputy for Councillor Mrs Brierley |
| Councillor Morgan | |
| Councillor Hayes | |
| Councillor Mrs Ronson | |
| Councillor D. A Wilkinson | |

Officers

| | |
|-----------------|-----------------|
| Mr. S. Harriss | Chief Executive |
| Mr. A. Eastwood | Page 1 of 21 |

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|------------------|---------------------------------------------|
| | Director of Legal and Democratic Services |
| Mr. S. Arnfield | Director of Corporate Resources |
| Mr. K. Davies | Director of Development and Regeneration |
| Mrs. L. Ridsdale | Assistant Director |
| Mr N. Maher | Head of Policy Improvement and Area Working |
| Mr. P. Marsh | Assistant Director |
| Mrs. C. Sutton | Head of Strategic Development |
| Mr. M. Veigas | Assistant Director |
| Ms. K. Johnston | Consultation and Research Manager |
| Mr. A. Jennings | Democratic Services Manager |

Councillor Morris in the Chair

Apologies for absence were submitted by Councillors Mrs. Brierley, Hornby and J. Walsh.

84. MINUTES

The minutes of the proceedings of the meeting of the Executive held on 2nd March, 2009 were submitted and signed as a correct record, subject to the inclusion of Councillor Mrs Thomas in the attendance list.

85. ANNUAL AUDIT AND INSPECTION LETTER

The Annual Audit and Inspection Letter was presented to the Executive which provided an overall summary of the Audit Commission's assessment of the Council drawing on audit, inspection and performance assessment work.

It was reported that Bolton Council was improving strongly and performance was consistently high and still improving in priority areas. The Council had retained its four star performance

rating in 2008, and was one of only a small number of councils to have achieved the maximum rating since CPA was introduced in 2002.

The highlights were as follows :-

- Children's services had improved, with arrangements to keep children safe now judged to be outstanding. Educational attainment at Key Stage 3 and 4 was rapidly closing the gap with the national average.
- Adult social care had improved across all outcomes, and protection of vulnerable adults had recently been assessed as excellent.
- There were significant falls in violent crime and anti-social behaviour.
- The Council had also achieved level 4 of the national equality standard, one of only a small percentage to do so.
- Inequalities were reducing in areas such as employment and health with many long-term benefit claimants being helped back into employment with the majority being from the most deprived neighbourhoods.
- Teenage pregnancies were down, access to mental health services was better and the alcohol service had been transformed.
- Partnership plans were transforming services to promote further improvement.
- Leadership had been strengthened, through member development and greater involvement in performance management.
- Environmental services were progressing but more slowly than other areas, particularly around standards

of cleanliness in the Borough.

- Financial management remained strong, and value for money was good.

The letter explained that, overall the Council had responded well to the issues raised in last year's letter, and also to audit and inspection during the year.

The report set out two areas where action was required as follows :-

- Although inequalities were reducing, there was still a gap between outcomes for people in Bolton and other areas of the country. A sustained focus on long term ambitions would be necessary to drive further improvement, whilst responding to the current pressures being encountered due to the recession.
- Improvements in environmental performance had not been sufficient to close the gap on even average performers, this remained an area of some concern as it was a high priority for local people.

The Chief Executive emphasised that this was a good result for Bolton Council which placed it in the top 10% of councils in the country which reflected well on the members, EMT and staff ,although the Council would still continue to strive to improve further.

Resolved – That the Annual Audit and Inspection Letter 2007/08 be welcomed and that the Chief Executive and the Council's staff be thanked for their efforts in maintaining the Council's four star status.

86. CORPORATE RESPONSE TO THE PLACE SURVEY

The Director of Legal and Democratic Services submitted a report that provided a summary of the key findings of the provisional results of the Place Survey; set out proposals for using the results to drive service improvements across the

Council and requested members to lead the work in this area.

It was explained that the move to Comprehensive Area Assessment in 2009/10 would shift the focus to customer satisfaction with the local area.

The introduction of the Place Survey would complement this work, since it gave an insight into residents' satisfaction with their local area and with the services provided by the Council and other local agencies. It complemented the information already collected and would further help the Council to understand how it could meet its main aims, particularly that of narrowing the gap.

In summary, the key issues arising from the provisional results of the Place Survey were:

- Bolton's performance in relation to the national indicators was generally strong, particularly around the issue of anti-social behaviour;
- the Council's performance against the cohesion targets continued to be good;
- Bolton performed well against the AGMA authorities and most frequently ranked 5th and 6th out of 12; and
- service satisfaction scores had mainly decreased; only satisfaction with parks and open spaces and with local recycling facilities had remained consistent. Further analysis was required to understand the reasons for these falls.

The report proposed that Chief Officers with LSP priority theme responsibilities be asked to coordinate the responses to the Place Survey and to integrate these into established performance management arrangements, including reporting to appropriate PDGs. A timetable was attached at Appendix 3.

Progress would be reported to the Executive through performance management arrangements in June/July 2009

and quarterly thereafter.

Resolved – (i) That the provisional headline results of the Place Survey be noted.

(ii) That the proposed response to the Place Survey results be approved.

(iii) That the Executive agrees to champion the improvement work by helping to shape the responses and by monitoring and challenging performance at the proposed intervals.

(iv) That the timetable for developing and implementing the responses be approved.

87. HORWICH MARKET

The Directors of Development and Regeneration, Corporate Resources and Environmental Services submitted a report which updated members on the findings of the Horwich Market feasibility study and sought approval for the closure of Horwich Market and to endorse a trial for an alternative market provision at St Johns Street.

It was reported that at present, the market was in a dilapidated state, lacked profile and visibility and was also separate from the core of the Town Centre. As a consequence, it did not benefit from any significant town centre footfall. Furthermore, over the last three years the Market had operated at an average annual deficit of over £30,000.

The Executive Members for Development and Strategy and External Relationships had agreed to commission a Feasibility Study for the possible redevelopment and/or re-location of Horwich Market and the report set out the findings of the study.

The report also set out the strategic context for Horwich, highlighting findings from recent evidence based studies and

considered the implications of local and national planning context in relation to development in Horwich Town Centre.

The report considered a number of options in detail :-

- Close the existing market;
- Replacement Market Building at St John's Street;
- Mixed Use Market Building at St John's Street;
- Canopied Outdoor Market at St John's Street;
- Demountable Market Stalls at St John's Street; and
- Demountable Market Stalls on Winter Hey Lane.

A financial appraisal was provided for each of the options, taking into account development costs, anticipated income/expenditure and surplus/deficit before capital financing.

Consequent to the above it was proposed that Horwich Market be closed, the building demolished and the site marketed at the appropriate time as a development opportunity.

Every effort would be made to accommodate existing traders at alternative markets and it was proposed that a demountable stalls market be trialled at St Johns Street to test interest from existing and new traders and Horwich residents/visitors.

The report recommended that the market closure be completed by 31st August 2009, and the trial open market be commenced within the same time period.

Following members questions the Leader indicated that appropriate funds would be identified for improved car park signage and for publicity to advertise the new facility. It was also agreed that the Executive would be kept informed of progress with the demountable market .

Resolved – That Horwich Market be closed and that a trial of demountable market stalls be undertaken at St Johns

Street car park with further discussions being held with Horwich Market traders.

88. AGMA KEY DECISIONS

The Leader of the Council submitted a report that detailed the key decisions taken by the AGMA Executive Board at its meeting on 27th February, 2009.

Resolved – That the report be noted.

89. CARBON MANAGEMENT PROGRAMME

The Director of Corporate Resources submitted a report that sought the Executive's approval for the implementation of Bolton Council's Carbon Management Plan 2008/13.

The Plan set out the key initiatives identified by Bolton Council to reduce its direct carbon emissions and it had been built around a number of the Council's existing strategies and key corporate policies.

Resolved – That the Carbon Management Plan be approved and that the submission of annual progress reports against the targets now set be endorsed.

90. CLARENCE STREET FORMER SCHOOL BUILDING

The Directors of Development and Regeneration, Legal and Democratic Services and Corporate Resources submitted a report that explained the background to, and impact of the judicial review proceedings on decisions previously made regarding interim car parking and Clarence Street former school buildings.

SAVE Britain's Heritage had obtained a judicial review, the outcome of which quashed the following:-

- the decision to demolish the school by the Executive Member for Strategy and External Relations on the 18

th August 2008 and the noting by the Executive on 29th September 2008, the decision to proceed with demolition following the purported grant of planning permission, and the decision on 31 October 2008 to continue demolition; and

- the planning permission reference 80920/08 issued on 16 October 2008 for the “laying out of 103 space car park including timber knee rail fence, pay and display ticket machine and height restriction barrier” at Clarence Street/All Saints Street, Bolton.

The report reminded the Executive of the aims of the Clarence Street development brief and which stated that the retention and conversion of the principal building which fronted Clarence Street was the preferred option. However, the Brief provided that the Council “are prepared to consider the demolition and redevelopment of the former school buildings if the developer is able to demonstrate that alternative proposals will deliver a landmark development at the Topp Way/St Peter’s Way junction that will significantly enhance the townscape of the area. An exceptionally high standard of design would be required.”

It was explained that demolition commenced in October, 2008, and ceased on 31st October, 2008 when Save Britain’s heritage applied for and were granted an interim injunction.

The demolition works carried out prior to the High Court injunction were extensive and only the shell of the building remained. All the timber floors were removed and only those constructed from concrete remained. All services and internal systems had been removed and utilities disconnected, the roof of the annexe completely stripped and a proportion of the main building roof had been stripped of slates by vandals.

The report set out four possible options for consideration :-

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- the building to be rebuilt and put back in the state it was in prior to the demolition works, prior to marketing the site for development. It was estimated that the works would cost a minimum of £1.7m up to £2.8m with a mean cost of £2.3m;
- the building to be made safe with the minimum work required to maintain the structural stability of the building where the timber floors had been removed, secure the building from unlawful access and improve the external appearance to the St Peter's Way and Topp Way frontages. This revised option would not make the buildings watertight, and therefore the state of the building was at risk of deteriorating further due to water ingress.

This option made no allowance for on site security inspections for vandalism or forced entry but would meet building safety requirements during any options appraisal, marketing and disposal period and offer future developers the opportunity to carry out the necessary refurbishment/conversion works in conjunction with their proposals for the development of the site.

Written quotes had been received at a cost of £79,000 for the works including purchase of the scaffolding, or £85,000 inclusive of scaffolding hire charges over a two year period.

- the building was to left in its current state with the security maintained at the site at a cost of £10,000 per month. The Head of Building Control did not consider these arrangements to be acceptable for a lengthy period pending sale and development. The stability of the building was of concern as there was currently no lateral restraint between the walls due to the removal

of the timber floors, and the building was deteriorating with the risk to health and safety increasing; and

- to demolish the building and have the site cleared and mounded, the estimated cost for this was in the region of £35,000.

The report considered each of the options in more detail and the relevant merits of each.

It was explained that SAVE and the Princes Regeneration Trust had made representations that the Council should consider further options appraisal work before taking a final decision on the future of the building. The main aim of an options appraisal would be to establish the best end-use of the building and to assess financial viability.

An options appraisal would cost up to £15,000, and take up to 3 months including commissioning and delivery. This would be for a broad appraisal and not for the more detailed design and development work required to rigorously test a preferred option. No grant funding was available as the building was neither listed nor in a Conservation Area.

The Executive was requested to consider the appropriate course of action for the remaining buildings and the future of the site, in the context of the approved Development Brief.

The current general market conditions were not favourable and market testing with developers active in Bolton Town Centre showed that as the building was located in the centre of the development plot, and in its current part demolished condition, it was not a commercially attractive proposition to retain the buildings within any new development.

Even with developer interest a realistic timescale for disposal of the development opportunity was a minimum of 18 months which was relevant in considering the future of the buildings in terms of the financial impact of the options on the Council, and the environmental impact at a gateway location to the Town

Centre.

In addition to the future disposal and development of the site, there was the additional issue of the condition of the buildings and the requirement to take further action on their safety in the context of the estimated 18 months period pending development.

Resolved – (i) That the outcome of the judicial review proceedings be noted.

(ii) That an options appraisal for the future use of the building is not required and that the Clarence Street former school buildings be demolished.

91. REGULATORY SERVICES REVIEW

The Director of Legal and Democratic Services submitted a report that proposed the combination of regulatory units within various Council departments into a single section and setting timescales and future developments for the new section.

It was explained that the regulatory services that dealt with business compliance and public protection were now managed across a number of departments as a result of restructuring in May, 2007 and the retirement of one Assistant Director and two heads of service (Environmental Protection and Consumer Protection). This had led to a lack of strategic direction and, combined with loss of knowledge and experience, had made it difficult for staff in the disbursed units to operate. This in turn had led to duplication of management at Chief Officer level and gaps in strategic involvement for the individual Group Managers. Furthermore, at a time when businesses faced big challenges as a result of the recession, the Council needed a unified and strategic approach to support business, inspection and compliance.

The report listed a number of issues that suggested a more joined up structure would be more appropriate including:-

- AGMA public protection partnership;

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- Service support unit;
- Licensing;
- Central Government agenda;
- Recruitment difficulties;
- Single point of contact; and
- Improved services and efficiencies.

Consequently, the following was proposed :-

(a) Phase 1 (April 2009 – May 2009)

In the first instance the new section would comprise the following units.

Service Support

Food Control

Health & Safety

Trading Standards (including Consumer Advice)

Licensing

Pollution Control

The Group Managers would stay in place for the time being managing their respective units. The overall management of the new section would be reviewed when Pay and Grading was resolved.

Service Support would be managed by the Licensing Group Manager for the interim period due to the software and data linkages that existed between Licensing administration and Service Support.

The new Regulatory Services section would be placed within the new Chief Executive's Department under the auspices of the Assistant Director of Legal Services.

Housing & Public Health and Pest Control would be kept outside the new unit, although this could be reviewed as part of the more detailed future re-structure outlined in phases 2 and 3.

(b) Phase 2 (June 2009 – August 2009)

The structure of the units outlined above would be looked at with a view to deciding managerial arrangements and making both financial and operational efficiencies. This would include the creation of a new Head of Service post created from efficiencies which would be responsible for the strategic dimensions of the new unit.

(c) Phase 3 (September 2009 – December 2009)

A Head of Service would be in place to preside over elements of phase 3 and beyond.

Housing and Public Health and Pest Control would be considered in more detail for inclusion in the new section at an appropriate time.

The other regulatory and enforcement functions of the Council would be considered for possible inclusion, for example Planning Enforcement and closer links with the fire service and police

The development and implementation of the following issues would be explored :-

- skill and knowledge sharing and overlaps;
- consolidation of database and IT issues;
- working from home/mobile working; and
- job re-design

The impact of the AGMA Public Protection partnership and business compliance audits would also be examined.

It was explained that the current location for the unit was to be closed as part of the Council's drive to generate efficiencies from buildings. A new location in Castle Hill had been found which would accommodate all those in the new section.

The financial implications of the recommendations regarding the interim structure were minimal, although bringing the regulatory units together was likely to create future opportunities for financial efficiencies.

Resolved – (i) That the creation of the new section as detailed in the report be approved.

(ii) That the new section become the responsibility of the Assistant Director Legal Services.

(iii) That the phased plan for the future development of the section, as now detailed, be agreed.

92. GOVERNMENT PROPOSALS TO REDUCE THE RENT INCREASE

The Director of Corporate Resources reported that the Government had requested the views of the Council on a proposal to reduce the rent increase to 3.1%.

The Executive were apprised of the two options open to the Council and their implications as follows:-

(a) leave the increase at 6.85% -

- this would not be favourable with tenants; and
- it would secure the level of resources assumed in this year's budget.

(b) reduce the rent increase to 3.1% -

- preferred option for tenants;
- reduce the amount of rent raised by £1.87m;
- HRA resources would reduce by £317,000 as the increase in housing subsidy was only £1.56m;
- Capital programme resources were likely to reduce by £2.5m in 2009/10 ,although there would be no further impact on capital resources in 2010/11 and 2011/12;

- there was likely to be an impact on Bolton at Home from the reduced capital programme in 2009/10 ; and
- the reduction in rent would reduce the weekly average rent from £62 to £59.85.

The consultation period ended on 25th April, 2009 which would meant that tenants would not benefit from the reduction until end of May, 2009.

Resolved – That the Director of Corporate Resources inform the Government that the Council intends to reduce the rent increase to 3.1% in line with the proposal now submitted.

93. NCP AND BMBC PARKING MANAGEMENT AGREEMENT

The Directors of Corporate Resources, Development and Regeneration, Environmental Services and Legal and Democratic Services submitted a report that updated members on town centre parking and associated issues within the context of the new Management Agreement signed by NCP and the Council.

Members were informed that a Management Agreement between NCP and the Council relating to Car Parks in Bolton Town Centre was signed by both parties on 18th February 2009.

The Management Agreement encompassed a wide range of services including the design, build, and operation of two multi-storey car parks; operation and maintenance of surface level car parks; provision and operation of a closed circuit television (CCTV) system; joint development, delivery and operation of a variable message signage system (VMS); cash collection and maintenance of pay and display machines for On- Street parking.

Planning consent for Topp Way Multi Storey car park had been granted in November, 2008 and the development incorporated

a new CCTV control room and new location for Shopmobility services. Construction and fit out of the Shopmobility unit would be £60,000.

Brightmet Street had been identified as a third location for a new Multi Storey Car Park and the Executive was recently informed of significant engineering difficulties in developing this site and the need for further work to understand more fully the financial implications. The Management Agreement set out a process which would enable development at Brightmet Street to take place if required.

NCP and the Council had agreed a number of “Protected Areas” within the town centre and NCP would be appointed to develop and or manage any additional parking facilities on Council land in these areas. NCP would also be considered for the development and or management of any additional parking facilities on Council land in the remainder of the town centre.

To coincide with the completion of the two new Multi Storey Car Parks an agreed programme of closures of surface level car parks in the town centre would take place and NCP and the Council had established a Strategic Partnership Framework to ensure the Management Agreement was implemented efficiently and to consider future car parking priorities within Bolton Town Centre.

The Council had also established a Town Centre Parking Project Board to ensure that car parking issues which fell outside the remit of the Management Agreement were dealt with by Council officers and other external partners where relevant.

The car park Management Agreement provided the Council with an annual Guaranteed Revenue Payment (GRP) over the life of the contract, which was paid irrespective of the amount of car park income collected by NCP.

The agreement with NCP maintained that car parking tariffs would increase by up to 3% a year, recognising the need to round charges, or RPI rounded up to the nearest 10p,

whichever was the higher.

Resolved – (i) That the signing of a 35 year Management Agreement between NCP and the Council relating to Car Parks in Bolton Town Centre be noted.

(ii) That expenditure of up to £60,000 be authorised for the fitting out of the Shop Mobility Unit at the Topp Way new multi storey car park .

(iii) That the multi storey car parks build programme be noted.

(iv) That the “Protected Areas” within the town centre be noted.

(v) That the plan for the surface level car park closures be noted.

(vi) That the governance arrangements in place between NCP and the Council to ensure the efficient management of the contract and the car parks and services within it be noted.

(vii) That the Council’s internal arrangements to manage town centre parking issues not covered by the NCP contract be noted.

(viii) That the financial outcomes of the Management Agreement be noted.

93. EXCLUSION OF PRESS AND PUBLIC

Resolved - That, under Section 100A(4) of the Local Government Act 1972, the public be excluded from the meeting for the following items of business on the grounds that it involves the likely disclosure of exempt information as specified in paragraphs 4 and 5 of Part 1 of Schedule 12A to the Act; and that it be deemed that, in all the circumstances of the case, the public interest in their exemption outweighs the public interest in their

disclosure.

94. LAND AT HOLLANDS NURSERIES

The Director of Legal and Democratic Services submitted a report which requested the Executive to reconsider, in light of the motion agreed by the Council at its meeting on 4th March, 2009, the report and decision relating to Land at Holland Nurseries, Darwen Road, Bromley Cross which was originally considered by the Executive at its meeting on 2nd February, 2009 and subsequently subject to the call-in procedure.

The Executive had originally agreed “that the restrictive Covenants contained in the Birtenshaw Agreement be not enforced in this instance”

The Council, at its meeting on 4th March, 2009, had requested the Executive to seek leading Counsel’s opinion on the restrictive covenants contained in the Birtenshaw Agreement before deciding whether the restrictions be enforced in this instance.

The Director of Legal and Democratic services informed the Executive that in line with the Council’s request he had now received Counsel’s advice which was explained to members.

Resolved – That the restrictive Covenants contained in the Birtenshaw Agreement be not enforced in this instance”

95. IMPLEMENTATION OF PAY AND GRADING STRUCTURE AND NEW HONORARIA POLICY

The Chief Executive submitted a report which requested the Executive’s agreement to the process of the final implementation of the new Pay and Grading structure which required agreement to terminate and re-engage the contracts of those staff who had not agreed consensually to the changes to their contracts resulting from the Pay and Grading review.

The report also sought approval for the new policy in relation to honoraria payments.

Members were apprised of the following key issues:-

- that following the approval of the new Pay and Grading structure on 2nd February 2009, all staff were written to on the basis of seeking their agreement to consensually varying their contracts in order to enable the new pay structure to be implemented;
- to date, over 40% of staff had agreed to the consensual variation ;
- the Council had consulted formally with the Trades Unions on the basis of the issuing of a Section 188 Notice to the Secretary of State. The Council had received no adverse reaction or additional suggestions from the Trades Unions in relation to the Section 188 and therefore the Council had met its legal obligations on redundancy consultation; and
- on the basis that a minority of staff would not agree to their contract changes consensually, it was necessary to impose the contract changes which were undertaken via a process of giving 90 days notice to the staff from 1st May, 2009 that their current contracts would be terminated but they would be offered re-engagement on a new contract which incorporated the changes brought about by the new Pay and Grading structure.

The Executive was assured that this did not have any detrimental impact on the staff concerned in relation to any other employment rights and that any member of staff who continued to work for the Council after 1st August, 2009 would be deemed to have accepted the new contract.

It had also been necessary to review honoraria payments and a key element of the exercise had been the development of a new honoraria policy which was appended to the report. The main aims of the new policy were to introduce a robust process that would ensure consistency across the organisation, cap the

level of honoraria payments normally to a maximum of 10% of salary for 3 months and ensure that for periods greater than 3 months that a formal evaluation of the additional duties were undertaken.

The Council had taken appropriate legal advice in relation to the termination and re-engagement process and had consulted informally and formally with the relevant Trades Unions on an on-going basis. This had included formal consultation through the Single Status Task Group and SLJCC at their meetings on 26th March 2009.

Resolved – (i) That all staff who have not agreed to the contract changes relating to the implementation of the Pay and Grading Review via the process of consensual variation be served 90 days notice from 1st May, 2009 on the basis of terminating their existing contracts of employment and re-engaging them on new contracts of employment in respect of the new Pay and Grading structure and that the new contracts come into effect from 1st August, 2009.

(ii) That the new policy in relation to honoraria payments be agreed.