

To: Members of the Cabinet

Date: 26 January 2011

Our Ref:

Your Ref:

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Dear Councillor

CABINET - THURSDAY 27TH JANUARY, 2011

I refer to the agenda for the above meeting and now enclose the following reports which were unavailable when the agenda was printed.

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Item

19.

Crosby Car Parks - Increase in Parking Charges

Copy of the resolution by the Cabinet Member – Technical Services

A petition has been submitted with 36 signatures objecting to the proposals in the report and the Petition Organiser, Ms. J Edgar wishes to address the Cabinet in support of the petition.

24.

ROK Building Ltd (in Administration)

Supplementary report of the Environmental and Technical Services Director

26.

Winter Service Interim Report

Copy of the resolution by the Cabinet Member – Technical Services

Yours sincerely,

M. CARNEY

Chief Executive

CABINET MEMBER – TECHNICAL SERVICES – 26 JANUARY 2011

126. CROSBY CAR PARKS - INCREASE IN PARKING CHARGES

Further to Minute No. 58 of the meeting of the Council held on 16 December 2010, the Cabinet Member considered:-

- (I) the report of the Planning and Economic Development Director seeking approval of the proposal to increase the parking charges on the Crosby Town Centre car parks and to set the charges on the Waterloo and Crosby seafront car parks; and indicating that a decision on this matter was required in order to achieve the fee income target approved by the Council.

The report indicated that the proposed charges were as follows:

Crosby Town Centre Car Parks

<u>Stay</u>	<u>Current Charge</u>	<u>2011/12</u>
Up to 30 mins.	Free	0.20
Up to 2 hours	0.60	0.80
Up to 4 hours	1.30	1.50
4 hours+	2.60	3.00

Waterloo and Seafront Car Parks

<u>Stay</u>	<u>Charge</u>
Up to 30 mins.	0.20
Up to 2 hours	0.80
Up to 4 hours	1.50
4 hours +	3.00

On the Waterloo Car Parks (Hougoumont Avenue and Civic Hall) the charges would operate 08.00 - 18.00 Monday to Saturday, whilst on the Seafront Car Parks they would operate 10.00 - 17.00 Monday to Sunday.

A residents permit would be available at a charge of £35 per annum for use on the Seafront car parks; and

- (II) a petition, signed by 81 Sefton residents, in accordance with Rule 27 of the Council and Committee Procedure Rules. The terms of the petition were as follows:

"We the undersigned, object to the Traffic Services Order and the consequential instigation of car parking charges in the following areas of Sefton M.B.C. - Blucher Street Car Park, Burbo Bank Car

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Park, Crosby Civic Hall/Library Car Park, Crosby Coastal Car Park, Crosby Leisure Centre Car Park, Hougoumont Avenue Car Park and Mariners Road Car Park.

We object on the grounds of depriving members of the community to access health and active lifestyles activities, the effect of removal of free car parking on our local shopping centres and the effect on disadvantaged members of the community who will not have the available resources to pay for car parking facilities."

The Committee Administrator advised that Ms. J. Edgar, a representative of the petitioners, had indicated that she would not address the Cabinet Member in support of the terms of the petition but instead would be addressing the meeting of the Cabinet to be held on 27 January 2011.

RESOLVED:

That the matter be referred to Cabinet with a request that it reconsiders its previous decision to approve the increase in the charges on the Crosby Town Centre car parks and the setting of the charges on the Waterloo/Seafront car parks as detailed in the report.

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REPORT TO: Cabinet

DATE: 27th January 2011

SUBJECT: ROK Building Ltd (in Administration)

WARDS AFFECTED: Linacre, Litherland, Derby, Dukes, Kew, Norwood

REPORT OF: Peter Moore
Environmental and Technical Services Director

CONTACT OFFICER: David Kay
Client Manager
Tel: 0151 934 4527

EXEMPT/ CONFIDENTIAL: No

PURPOSE/SUMMARY:

The supplementary report is to update members on the position with regards to ROK Building Ltd (In administration).

REASON WHY DECISION REQUIRED:

To enable the Environmental and Technical Services Director to act in order for the works to be recommenced and completed as soon as possible and in a manner most advantageous to the Authority.

RECOMMENDATION(S):

Cabinet is recommended to:

- (i) Note the update on the situation with regards to ROK Building Ltd (In administration) and the potential implications for the Authority.
- (ii) Authorise the Environmental and Technical Services Director and the Acting Head of Corporate Legal Services to proceed as proposed and to provide a report on progress, with recommendations, to the next Cabinet Meeting.

KEY DECISION: No

FORWARD PLAN: Not Appropriate

IMPLEMENTATION DATE: Immediately following expiry of call in.

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ALTERNATIVE OPTIONS:

All reasonable alternative options will be considered but only those options affording the Council the best opportunity to complete the outstanding works as quickly as possible and at no additional cost will be adopted.

IMPLICATIONS:

Budget/Policy Framework: There are currently capital provisions totalling £3,032,000 £1,895,870 and £780,260 in connection with the Southport Market, Lander Road Primary and Kew Woods Primary projects respectively.

Financial It is not anticipated that the Authority will incur any additional costs over and above the current funding provision.

<u>CAPITAL EXPENDITURE</u>	2010/ 2011 £	2011/ 2012 £	2012/ 2013 £	2013/ 2014 £
Gross Increase in Capital Expenditure				
Funded by:				
Sefton Capital Resources				
Specific Capital Resources				
<u>REVENUE IMPLICATIONS</u>				
Gross Increase in Revenue Expenditure				
Funded by:				
Sefton funded Resources				
Funded from External Resources				
Does the External Funding have an expiry date? Y/N	N/A			
How will the service be funded post expiry?	N/A			

Legal: See below

Risk Assessment: Not appropriate

Asset Management: Not Applicable

CONSULTATION UNDERTAKEN/VIEWS

The Children’s Schools and families and the Leisure Services and Tourism Department have been consulted and any comments have been taken into account in preparing this report.

FD comment: The Interim Head of Corporate Finance & Information Services has been consulted and has no comments on this report. (FD 592)

LD Comment: The Head of Corporate Legal Services has been consulted and his comments have been incorporated into this report. (LD 00011/10)

CORPORATE OBJECTIVE MONITORING:

<u>Corporate Objective</u>		<u>Positive Impact</u>	<u>Neutral Impact</u>	<u>Negative Impact</u>
1	Creating a Learning Community		√	
2	Creating Safe Communities		√	
3	Jobs and Prosperity		√	
4	Improving Health and Well-Being		√	
5	Environmental Sustainability		√	
6	Creating Inclusive Communities		√	
7	Improving the Quality of Council Services and Strengthening local Democracy		√	
8	Children and Young People		√	

LIST OF BACKGROUND PAPERS RELIED UPON IN THE PREPARATION OF THIS REPORT

Children Schools and Families and Leisure Services and Tourism Capital Programmes

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1.0 Background

- 1.1 ROK Building Ltd, who had been engaged to carry out various contracts on behalf of the Authority, entered administration on 8th November 2010.
- 1.2 Members will recall that a report advising of this was presented to Cabinet at its meeting on 16th December 2010

2.0 Current Situation

- 2.1 ROK Building Ltd, working in conjunction with the appointed administrators, have indicated that they are willing and able to complete the outstanding defects on the St Peters House project.
- 2.2 This will benefit the Authority in that sub-contract warranties will not be affected and the works will be completed quickly. The existing contract remains in place and ROK Building Ltd (In administration) will simply complete the contract, as they would have originally.
- 2.3 Unfortunately ROK Building Ltd have confirmed that they remain unable to complete the works on any of the other three projects at Southport Market, Lander Road and Kew Woods schools.
- 2.4 The Authority's technical services consultant, Capita Symonds, have now identified the exact position on each project, establishing what works have been completed satisfactorily by ROK Building Ltd and what works therefore remain.
- 2.5 On the basis of the identified outstanding works Capita Symonds have then sought to identify the cost for completion of the outstanding works with most competitive of the contractors who unsuccessfully submitted tenders in the original complete tender submission.
- 2.6 The proposed contractors have now identified their costs and Capita Symonds are currently subjecting these to detailed scrutiny in order to establish that they are reasonable and, as a consequence, the Authority can expect the increased costs to be met from monies held against ROK Building Ltd and / or as a claim against the performance bond.
- 2.7 Following some initial difficulties a line of communication has now been established with the administrator. Details of the costs for completion for all three projects have been shared with both him and the respective bondspersons.
- 2.8 No official response has yet been received from either party but Capita Symonds have been led to understand that the administrator, at least, intends to subject the proposals to detail consideration.

3.0 Options to Proceed

- 3.1 It was hoped that the administrator and bondspersons support could be secured, prior to the Authority entering into a contract for completion of the works thereby removing the risk that the Authority's actions would be subsequently challenged.
- 3.2 This is still possible but it may become necessary to consider proceeding with the completion contracts without such reassurances. In addition to the obvious desire to complete the works as soon as possible there are potentially time constraints, particularly in relation to meeting the Lander Road expenditure target that may mean a prompt recommencement is necessary.
- 3.3 Clearly, if proceeding without the up front support of the administrator and bondspersons, the Authority would have to be confident that the adopted proposals were reasonable and did not therefore present a risk that the Authority's costs would not be met.
- 3.4 Capita Symonds have therefore been asked, upon completion of the exercise, outlined in 2.6 above, to advise the Authority on what risks, if any, there will be in proceeding with the current proposed replacement contractors.
- 3.5 It is the intention to present a report at the next Cabinet Meeting which will outline progress in obtaining support for the current proposals from the administrator and bondspersons and, in the event of these not being forthcoming, make recommendations on whether to proceed without such assurances.
- 3.6 In the event that Capita Symonds believe that the current identified costs are unreasonable, and therefore unlikely to be agreed by the administrator and bondspersons, it is possible that Members will be recommended to support an option to invite further tenders for the outstanding works.

4.0 Financial Implications

- 4.1 The Environmental and Technical Services Director remains confident that, in respect of the contracts at Southport Market and Kew Woods, any additional costs incurred in completing the outstanding works can be met from monies retained by the Council under the contract or through claims against the performance bonds.
- 4.2 Subject to ongoing review it appears that the costs to complete the Lander Road contract may exceed the total of the retained monies and maximum bond value by approximately £70,000. Every effort will however be made to reduce the increased costs and contain the total scheme cost within the funding available.

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4.0 Recommendation

Cabinet is recommended to:

- (i) Note the update on the situation with regards to ROK Building Ltd entering administration and the potential implications for the Authority.
- (ii) Authorise the Environmental and Technical Services Director and the Acting Head of Corporate Legal Services to proceed as proposed and to provide a report on progress, with recommendations, to the next Cabinet Meeting.

Peter Moore
Environmental and Technical Services Director

CABINET MEMBER – TECHNICAL SERVICES – 26 JANUARY 2011

128. WINTER SERVICE INTERIM REPORT

The Cabinet Member considered the report of the Environmental and Technical Services Director that provided information on the recent extreme weather event and identifying initial opportunities for consideration; and indicating that a decision on this matter was required because the Cabinet Member - Technical Services had requested a report on the response to the recent extreme weather event and a re-evaluation of the effectiveness of the existing Winter Service Policy in light of that event; and that many of the options for changing or increasing service provision had cost implications that would require Member approval.

The report indicated that the Environmental and Technical Services Department provided a Winter Service to the borough in accordance with the Council's Winter Service Policy and Operational Plan; that Officers monitored the weather conditions 24 hours a day throughout the winter season and enacted the plan when weather conditions dictated; that a local contractor, who had secured the contract twice consecutively in open competitive tendering, provided the actual gritting operation; and detailed that there were eight specific gritting routes identified for the borough's roads that treated 209 miles (35%) of Sefton's total highway network, which exceeded the Audit Commission guidelines that suggested that between 12% and 25% of the carriageway network should be treated.

The report also detailed the extreme weather event that commenced on 17 December 2010 and the implemented response to the event relating to:

- Winter Service Policy/Highways
- Schools
- Health and Social Care
- Communication and Co-ordination

The report concluded that, despite the efforts of Council staff and the Council's contractor, the unprecedented conditions experienced over the ten days from 17 December 2010 resulted in an outcome that was below the expectations of elected Members, residents and highway users; and highlighted possible improvement actions for consideration and recommendation to Cabinet relating to the following:

- snow ploughing
- grit bins
- additional gritting
- gritter GPS - tracking
- salt
- additional resources
- Winter Service Policy
- co-ordination and escalation of the Council's response

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- engagement with the community
- voluntary, community and faith organisations

RESOLVED: That

- (1) the report updating on the recent extreme weather event be noted;
- (2) the initial findings identified in paragraphs 29 to 36 of the report be acknowledged;
- (3) the approach outlined in paragraphs 37 to 40 be approved subject to the submission of further reports of the Environmental and Technical Services Director and the Cabinet be advised accordingly; and
- (4) **Cabinet be requested to approve the procurement of 6 additional snow ploughs at an approximate cost of £35,000 (option (a) in paragraph 41) and consider and determine the possible immediate/short term and longer term options as detailed in (b) to (h) of paragraph 41 of the report**