

**THE "CALL IN" PERIOD FOR THIS SET OF MINUTES ENDS AT 12 NOON ON MONDAY, 4 JANUARY 2010. MINUTE NO. 236 IS NOT SUBJECT TO "CALL IN".**

## **CABINET**

### **MEETING HELD AT THE TOWN HALL, BOOTLE ON THURSDAY 17TH DECEMBER, 2009**

**PRESENT:** Councillor Robertson (in the Chair)  
Councillors Brodie - Browne, P Dowd, Fairclough,  
Lord Fearn, Griffiths, Maher, Parry, Porter and  
Tattersall

**ALSO PRESENT:** Councillor C. Mainey

#### **229. APOLOGIES FOR ABSENCE**

No apologies for absence were received.

#### **230. MINUTES**

**RESOLVED:**

That the Minutes of the Cabinet Meeting held on 3 December 2009 be confirmed as a correct record.

#### **231. DECLARATIONS OF INTEREST**

The following declaration of interest was received:

<b>Member/ Officer</b>	<b>Minute No.</b>	<b>Reason</b>	<b>Action</b>
Councillor Brodie-Browne	251 - Strategic Budget Review	Personal – His employer would be affected by the proposals for Option 37 in Appendix A of the report	Stayed in the room during the consideration of the item.
Margaret Carney	252 - Statutory Officers	Prejudicial - She is directly affected by the proposal in the report.	Left the room during the consideration of the item.

**232. INVEST FOR THE FUTURE – ANNUAL REPORT OF DIRECTOR OF PUBLIC HEALTH 2009**

Dr. Janet Atherton, the Director of Public Health for Sefton and NHS Sefton gave a presentation on the content of the annual report produced on the health of Sefton's population. The report highlighted the following issues that need to be addressed to tackle health inequalities in the long term:

- Employment
- Education
- Housing
- Healthy Environments
- Climate Change and Sustainability
- Community Cohesion

RESOLVED: That

- (1) the Annual Report of the Director of Public Health be noted; and
- (2) the development of a health inequalities strategy across all local partners to address the issues identified in the report be supported.

**233. COMMUNITY INVOLVEMENT - LICENSING ACT WORKING GROUP**

The Cabinet considered the report of the Working Group established by the Overview and Scrutiny Committee (Regeneration and Environmental Services) to examine and investigate the Council's policies and procedures in relation to community involvement and the Licensing Act 2003.

Councillor C. Mainey, Lead Member of the Working Group, outlined the conclusions and recommendations set out in the report.

The Cabinet also considered the content of Minute No. 56 of the meeting of the Licensing and Regulatory Committee held on 23 November 2009 relating to the content of the Working Group report.

This was a Key Decision and was included in the Council's Forward Plan of Key Decisions.

RESOLVED:

That the recommendations set out in Paragraph 9 of the report be approved and be referred to all Area Committees for information.

**234. PERICLES REVENUES AND BENEFITS SYSTEM REPLACEMENT**

Further to Minute No. 79 of the meeting of the Cabinet Member - Corporate Services held on 9 December 2009, the Cabinet considered the report of the Finance and Information Services Director on the outcome of the procurement exercise to replace the Pericles Revenues and Benefits System.

This was a Key Decision and was included in the Council's Forward Plan of Key Decisions.

RESOLVED: That

- (1) the report be noted;
- (2) approval be given to the selection of Northgate Information Solutions as the preferred supplier;
- (3) it be noted that the contract for the new Revenues and Benefits System will be between arvato Government System (Sefton) Ltd. and Northgate Information Solutions; and
- (4) costings be presented to the Cabinet Member - Corporate Services in January 2010.

**235. MEDIUM TERM FINANCIAL PLAN 2010/11 TO 2012/13 - UPDATE**

The Cabinet considered the report of the Chief Executive which provided an update on the Medium Term Financial Plan for 2010/11 to 2012/13. The report highlighted the emerging spending pressures, the base assumptions used to determine the budget gap for the above period and the current approved capital schemes which had yet to be contractually committed.

RESOLVED: That

- (1) the amended Budget Gaps for 2010/11, 2011/12 and 2012/13 be noted;
- (2) the assumption for the level of pay award provision be amended to 0.5% in 2010/11 and 1% in the following two years;
- (3) the "Other Services Growth" set out in Appendix B of the report be deleted from the Medium Term Financial Plan at this stage;
- (4) the provision for unavoidable demand be increased to £6.685m in 2010/11, £4.608m in 2011/12 and £3.851m in 2012/13, as detailed in paragraph 4.1.2 of the report;

- (5) the following uncommitted schemes set out in Appendix C of the report be deleted from the Capital Programme:
1. Pine Grove Depot
  2. Hawthorne Road Carriageway Maintenance
  3. Disaster Recovery Business Continuity
  4. Roof Repairs to Libraries
  5. Demolition Fund
  6. Development Fund
- (6) the Strategic Director of Regeneration and Environmental Services submit a report to the Cabinet on the current position relating to the Southport Commerce Park – Phase 3 scheme referred to in Appendix C of the report. The report to provide details of the outcome of the bid for external funding and the marketing proposals.
- (7) the remaining schemes in Appendix C of the report be retained in the Capital Programme
- (8) the current assumption of a 3% Council Tax increase for 2010/11 be noted and it be considered further in the new year; and
- (9) the Council be requested to approve the above mentioned amendments to the Medium Term Financial Plan for 2010/11 to 2012/13.

(In accordance with Rule 18.5 of the Council and Committee Procedure Rules, the following Councillors requested that their votes against the following resolutions, referred to above be recorded, namely:

Resolution 5 (2) Deletion of Hawthorne Road Carriageway Maintenance Scheme:  
Councillors P Dowd, Fairclough and Maher

Resolution 7 – Retention of the Netherton Activity Centre Scheme:  
Councillors Brodie-Browne, Lord Fearn, Robertson and Tattersall

Resolution 7 – Retention of the Southport Market Refurbishment Scheme:  
Councillors Brodie-Browne, Lord Fearn, Robertson and Tattersall

Resolution 7 – Retention of the Botanic Gardens Museum – Roof and Lift Scheme:  
Councillors P Dowd, Fairclough, Griffiths, Maher and Parry

Resolution 7 – Retention of the IT Strategy – Health and Social Care Scheme:  
Councillors Brodie-Browne, Lord Fearn, Robertson and Tattersall

Resolution 7 – Retention of the Energy Efficiency Scheme:  
Councillors Griffiths, Parry and Porter)

**236. SOUTHPORT CULTURAL CENTRE - TEMPORARY LIBRARY SERVICE**

The Cabinet considered the content of Minute No. 29 of the meeting of the Overview and Scrutiny Committee (Performance and Corporate Services) held on 9 December 2009. The Committee had considered a "call-in" request in respect of the Southport Cultural Centre - Temporary Library Service pursuant to Minute No. 196 of the Cabinet Meeting held on 12 November 2009 and resolved:

That the Cabinet be advised that this Committee considers:

- (1) that the timetable and funding for the refurbishment of the Southport Cultural Centre should not be jeopardised in any way; and
- (2) that Party Groups should be invited to include financial proposals for a temporary Southport town centre library in their budgets at the appropriate time, should they wish to do so.

RESOLVED:

That Minute No. 29 of the meeting of the Overview and Scrutiny Committee (Performance and Corporate Services) held on 9 December 2009 be noted at this stage.

**237. SOUTHPORT INDOOR MARKET**

Further to Minute No. 31 of the meeting held on 14 May 2009, the Cabinet considered the report of the Strategic Director of Regeneration and Environmental Services which provided an update on the progress with the development of the refurbishment proposals for the Southport Indoor Market. The report also sought approval to the project being progressed to the tender stage and to the implementation of temporary arrangements to the market traders during the construction process.

RESOLVED: That

- (1) approval be given to the further development of the Indoor Market Refurbishment Scheme to enable Officers to invite tenders for the scheme;
- (2) the comments from the Market Consultant on the development of the design in the Business Case for the project be noted;
- (3) the project be phased to enable traders to continue trading during the period of the refurbishment works; and

- (4) the Legal Director be authorised to negotiate the termination of existing licences and negotiate new licences for the improved facility.

(In accordance with Rule 18.5 of the Council and Committee Procedure Rules, the following Councillors requested that their vote against the above resolutions be recorded, namely:

Councillors Brodie-Browne, Lord Fearn, Robertson and Tattersall.

### **238. SOUTHPORT CULTURAL CENTRE - ARTS AND CULTURAL SERVICES INTERIM SERVICE PROPOSALS**

Further to Minute No. 195 of the Meeting held on 12 November 2009, the Cabinet considered the joint report of the Leisure Director and Personnel Director on the proposals for the delivery of interim arts and cultural services during the period of the development of the Southport Cultural Centre.

This was a Key Decision and was included in the Council's Forward Plan of Key Decisions.

RESOLVED: That

- (1) approval be given to the retention of the Arts and Cultural Services net budget, allocated to the Service in 2009/10, together with any annual budget uplifts as would have otherwise been applied, until the end of the financial year 2011/12;
- (2) the proposals for an interim service as outlined in the report be approved;
- (3) the Arts and Cultural Service staff be deployed to provide the interim service described in the report;
- (4) the intention to conduct an analysis of the work patterns of casual workers and to take the appropriate steps relative to the closure of the Arts Centre that are consistent with any employment rights they may have accrued, be noted; and
- (5) the intention to undertake a full staffing review of Arts and Cultural Services in 2011 in readiness for the new Cultural Centre becoming operational in September 2012 be noted.

### **239. SPLASH WORLD - REVIEW OF FULL FINANCIAL YEAR OF OPERATION**

The Cabinet considered the report of the Leisure Director which provided an update on the financial performance of the Splash World Leisure Pool after a full financial year of operation during the period 1 April 2008 to 31 March 2009.

This was a Key Decision and was included in the Council's Forward Plan of Key Decisions.

RESOLVED: That

- (1) it be noted that the increased Splash World utility costs have been built into the Council's Medium Term Financial Plan (MTFP) from 2010/11;
- (2) it be noted that the improved performance of the Council's other Leisure Centres had allowed the additional costs of Dunes/Splash World to be partially offset in 2008/09, reducing the additional costs from £369,000 to £252,000; and
- (3) the withdrawal of the sinking fund in 2008/09 as a budget saving, and the requirement to facilitate prudential borrowing for up to £1m in 2013/14 to undertake a refurbishment of Splash World be noted.

#### **240. TREE PLANTING CONTRACT 2009/10 - RECEIPT OF TENDERS**

Further to Minute No. 65 of the meeting of the Cabinet Member - Leisure and Tourism held on 2 December 2009, the Cabinet considered the report of the Leisure Director, which provided details of the tenders, received for the Tree Planting Contract 2009/10 and sought approval to the inclusion of the scheme in the Capital Programme.

This was a Key Decision and was included in the Council's Forward Plan of Key Decisions.

RESOLVED:

That approval be given to the inclusion of £195,000 for the Tree Planting Contract in the Leisure and Tourism Capital Programme 2009/10.

#### **241. POTENTIAL FUNDING OPPORTUNITY 1 - ENERGY EFFICIENCY AND RENEWABLE ENERGIES IN SOCIAL AND LOW INCOME HOUSING**

The Cabinet considered the joint report of the Strategic Director of Regeneration and Environmental Services and the Planning and Economic Regeneration Director which provided details of the resources made available under the North West Operational Plan for improving energy efficiency and the installation of renewable energies in social and low income housing in Merseyside, and sought approval to Sefton Council being the accountable body for a sub-regional project.

RESOLVED: That

- (1) the Expression of Interest submitted to the North West Regional Development Agency be noted; and

- (2) support be given in principle to Sefton Council being the accountable body for this sub-regional bid, subject to sufficient external funding being made available for the management of the project.

**242. POTENTIAL FUNDING OPPORTUNITY 2 - LOW CARBON COMMUNITIES CHALLENGE 2010 / 2012**

The Cabinet considered the joint report of the Strategic Director of Regeneration and Environmental Services and the Planning and Economic Regeneration Director which provided details of the resources being made available under the Low Carbon Communities Challenge Programme, and the request submitted by Formby Parish Council for Sefton Council to assist them in the development and delivery of a successful bid, for which the Parish Council would be the accountable body.

RESOLVED: That

- (1) approval be given to Sefton Council Officers assisting Formby Parish Council in the development of the bid, and then, if successful with the delivery of the project; and
- (2) further reports on the development of the project be submitted to the Cabinet.

**243. HIGHTOWN SEA DEFENCES - PHASE 2 PROCUREMENT STRATEGY**

Further to Minute No. 96 of the Cabinet Meeting held on 6 August 2009, the Head of Regeneration and Technical Services submitted a report on the proposed method of procurement for the appointment of contractors for Phase 2 of the Hightown Sea Defences project.

RESOLVED:

That approval be given to the proposed method of procurement for the selection of a contractor for the project as set out in the report.

**244. WATERCOURSE MAINTENANCE AND FLOODING WORKING GROUP - ADDRESSING THE RECOMMENDATIONS**

Further to Minute No. 136 of the Cabinet Meeting held on 1 October 2009, the Cabinet considered the report of the Head of Regeneration and Technical Services on the proposed action to be taken to implement the recommendations set out in the report by the Watercourse Maintenance and Flooding Working Group established by the Overview and Scrutiny Committee (Regeneration and Environmental Services).



RESOLVED:

That approval be given to the proposed action set out in Section 3 of the report to address the recommendations of the Watercourse Maintenance and Flooding Working Group.

**245. FUNDING FOR TRANSPORT ASSET MANAGEMENT**

Further to Minute No. 103 of the meeting of the Cabinet Member - Technical Services held on 16 December 2009, the Cabinet considered the report of the Planning and Economic Regeneration Director on the capital funding received from the Department for Transport for the development of a Transport Assessment Management Plan.

RESOLVED:

That approval be given to the inclusion of the capital funding of £69,100 from the Department for Transport in the Transportation Capital Programme 2009/10.

**246. REVIEW OF THE HMRI PLANNING FRAMEWORK**

Further to Minute No. 79 of the meeting of the Cabinet Member - Regeneration held on 16 December 2009, the Cabinet considered the report of the Planning and Economic Regeneration Director which provided details of the current planning framework for the Housing Market Renewal Investment area.

RESOLVED:

That it be confirmed that the existing planning framework is still appropriate and supportive of the Council's strategy for the Housing Market Renewal Investment area.

**247. THORNTON SWITCH ISLAND LINK LAYOUT APPROVAL AND PUBLIC EXHIBITION PROPOSAL**

Further to Minute No. 101 of the meeting of the Cabinet Member - Technical Services held on 16 December 2009, the Cabinet considered the report of the Planning and Economic Regeneration Director which provided details of the progress made on the development of the Thornton Switch Island Link Scheme and sought approval to the proposed scheme layout, the proposals for a public exhibition in advance of the planning application and the initial approaches to landowners to open discussions about land acquisition.

This was a Key Decision and was included in the Council's Forward Plan of Key Decisions.

RESOLVED: That

- (1) the progress made on the development of the Thornton to Switch Island Link be noted;
- (2) the proposed scheme layout be approved;
- (3) the proposal for a public exhibition of the scheme plans to be held in advance of the submission of the planning application be approved; and
- (4) approval be given for initial discussions to be held with landowners about land acquisition for the scheme.

**248. 50 - 64 STANLEY ROAD, BOOTLE**

Further to Minute No. 85 of the meeting of the Cabinet Member - Regeneration held on 16 December 2009, the Cabinet considered the report of the Housing Market Renewal Director which sought approval to grant a 250 year lease to the Keepmoat Property Ltd, part of the Keepmoat Group for the sale of 50-64 Stanley Road, Bootle and to jointly fund the construction of twelve apartments for social rent and the 5694 sq. ft. of retail space.

RESOLVED: That

- (1) approval be given to the granting of a Development Licence to the Keepmoat Property Ltd. for the site of 50-64 Stanley Road, Bootle in order to carry out the development of twelve apartments for social rent, and 5694 sq. ft. of retail space;
- (2) approval be given to the granting of a 250 year ground lease for the site at 50-64 Stanley Road to Keepmoat Property Ltd. upon the successful completion of the scheme; and
- (3) approval be given to the use of £885,152 of Housing Market Renewal grant funding in order to jointly fund the construction of the scheme.

**249. CABINET MEMBER REPORTS**

The Cabinet received reports from the Cabinet Members for Children's Services, Communities, Corporate Services, Environmental, Health and Social Care, Leisure and Tourism, Performance and Governance, Regeneration and Technical Services.

RESOLVED:

That the Cabinet Member reports be noted.

**250. EXCLUSION OF THE PRESS AND PUBLIC**

RESOLVED: That

- (1) under Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following items of business on the grounds that they would involve the likely disclosure of exempt information as defined in Paragraph 1 of Part 1 of Schedule 12A to the Act. The Public Interest Test has been applied and favours exclusion of the information from the press and public; and
- (2) the representatives of the Trade Unions be permitted to remain in the meeting during the consideration of Minute 251 below.

**251. STRATEGIC BUDGET REVIEW - UPDATE**

Further to Minute No. 228 of the meeting held on 3 December 2009, the Cabinet considered the report of the Chief Executive which provided an update on progress made in relation to the Strategic Budget Review (SBR) and sought views on the progression of further SBR options.

During the discussion on this item, a vote was taken on a proposal for the sum of £370,000 to be allocated to the Capital Programme for the provision of a temporary library service in the Southport Market Hall and in accordance with Rule 18.5 of the Council and Committee Procedure Rules, the following Councillors requested that their vote for and against the proposal be recorded, namely:

For the proposal (4) - Councillors Brodie-Browne, Lord Fearn, Robertson and Tattersall

Against the proposal (6) - Councillors P. Dowd, Fairclough, Griffiths, Maher, Parry and Porter.

RESOLVED: That

- (1) the progress made on the Strategic Budget Review be noted;
- (2) the options within Tables 3 and 4 of Appendix A of the report be developed for further consideration and a further report be submitted to the Cabinet on the progress of the options;
- (3) the options numbered 33 to 40, 42 to 43, 45 to 49 and 52 to 55 within Table 5 of Appendix A, and option 72 within Table 6 of Appendix A of the report be recommended to the Council, at its meeting to be held on 14 January 2010, for implementation;
- (4) the options numbered 41, 50, 51, 56 and 62 to 64 within Table 5 of Appendix A, and option 76 within Table 6 of Appendix A of the

report be deferred, pending the submission of further details on the schemes to the Cabinet;

- (5) the options numbered 44, 57 to 61 within Table 5 of Appendix A, and the options numbered 66 to 71 and 73 to 75 within Table 6 of Appendix A of the report be not implemented; and
- (6) option 65 within Table 6 of Appendix A to the report be not implemented but a report on the details of the current twinning activity be submitted to the Cabinet for consideration.

(In accordance with Rule 18.5 of the Council and Committee Procedure Rules, the following Councillors requested that their votes against the following resolutions referred to above be recorded, namely:

Resolution 3 - Implementation of Options 36 and 55:  
Councillors P. Dowd, Fairclough and Maher

Resolution 5 - Implementation of Options 59 and 60:  
Councillors Griffiths, Parry and Porter)

## **252. STATUTORY OFFICERS**

The Cabinet considered the report of the Legal Director which provided details of the role of the Council's Finance Officer and the proposed interim arrangements to be put into place.

RESOLVED:

That the Chief Executive be formally appointed the Council's Section 151 Officer on an interim basis for a period not exceeding three months.