

THE "CALL IN" PERIOD FOR THIS SET OF MINUTES ENDS AT 12 NOON ON TUESDAY 27 APRIL, 2010. MINUTE NOS. 331, 341, 350 AND 351 ARE NOT SUBJECT TO "CALL-IN"

CABINET

MEETING HELD AT THE TOWN HALL, BOOTLE ON THURSDAY 15TH APRIL, 2010

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

326. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Fairclough and Porter.

327. DECLARATIONS OF INTEREST

The following declarations of interest were received:

Member/Officer	Minute No.	Reason	Action
Councillor Maher	330 - Gardner Avenue Allotments	Personal - The partner of one of his distant relatives has a plot on the Allotment Site	Took part in the consideration of the item and voted thereon
Samantha Tunney - Assistant Chief Executive	331 - Constitution Senior Management Structure	Personal - affected by the proposals in the report	Remained in the room during the consideration of the item
Margaret Carney - Chief Executive	332 - Statutory Officers	Personal - affected by the proposals in the report	Left the room during the consideration of the item

328. MINUTES

RESOLVED:

That the Minutes of the Cabinet Meeting held on 4 March 2010 be confirmed as a correct record.

329. SOUTHPORT'S VISITOR ECONOMY STRATEGY

The Cabinet considered the report of the Leisure and Tourism Director which sought approval to the adoption of the Southport Visitor Economy Strategy as the delivery plan for the cross cutting visitor economy element of the Southport Investment Strategy.

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

RESOLVED:

That the recommendations and priorities contained within the Southport Visitor Economy Strategy be approved.

330. GARDNER AVENUE ALLOTMENTS

Further to Minute No. 25 of the meeting held on 12 June 2008, the Cabinet considered the report of the Interim Head of Corporate Legal Services which incorporated the Further Report of the Local Government Ombudsman following her investigation into two complaints arising from incidents at the Gardner Avenue Allotment Site, Bootle.

The Cabinet also considered correspondence submitted by the complainants "Mrs. B and Mr. C" referred to in the report from the Local Government Ombudsman.

RESOLVED: That

- (1) the report and correspondence be noted; and
- (2) having taken full account of the Further Report of the Local Government Ombudsman and in particular the remedies recommended by her, the previous decision taken by the Cabinet to not accept the action recommended by the Ombudsman on the two complaints be reaffirmed and Members remain of the view that it would be inappropriate to apologise or pay compensation to the complainants

331. CONSTITUTION - SENIOR MANAGEMENT STRUCTURE

The Cabinet considered the report of the Interim Head of Corporate Legal Services on proposed amendments to the Council Constitution to reflect the new Senior Management structure and the statutory requirements with regard to a designated Scrutiny Officer and the terms of reference of the Standards Committee.

RESOLVED:

That the Council be recommended to:

- (1) approve the amended Delegations to Officers and consequential minor changes to Portfolios, set out in the report;
- (2) the Assistant Chief Executive being appointed as the Council's "Scrutiny Officer" as required by Section 31 of the Local Democracy, Economic Development and Construction Act 2009; and
- (3) the terms of reference of the Standards Committee being amended pursuant to Section 202 of the Local Government and Public Involvement in Health Act 2007.

332. STATUTORY OFFICERS

Further to Minute No. 252 of the meeting held on 17 December 2009. the Cabinet considered the report of the Interim Head of Corporate Legal Services on the role of the Council's Finance Officer and the proposed interim arrangements to be put in place.

RESOLVED:

That the Chief Executive be formally appointed the Council's Section 151 Officer on an interim basis until such time as the Head of Corporate Finance and ICT Strategy is appointed and commences the duties of the post.

333. STATUTORY GUIDANCE ON THE DUTY TO RESPOND TO PETITIONS

The Cabinet considered a report on the statutory guidance on the duty implemented under the Local Democracy, Economic Development and Construction Act 2009 to respond to petitions and the proposed timetable for the implementation of this requirement by the deadline of 15 June 2010.

RESOLVED: That

- (1) the new statutory duty to respond to petitions be noted;
- (2) the Chief Executive, in consultation with the political group leaders, be authorised to submit a petitions scheme to the Council meeting on 13 May 2010 for implementation by 15 June 2010;
- (3) consequential amendments to the Council's Constitution be submitted to the Council meeting on 13 May 2010 for consideration;

- (4) a further report on the implementation of e-petitions by 15 December 2010 be brought to a future meeting of the Cabinet; and
- (5) it be noted that the proposal was a Key Decision but, unfortunately, had not been included in the Council's Forward Plan of Key Decisions. Consequently, the Chair of the Overview and Scrutiny Committee (Performance and Corporate Services) had been consulted under Rule 15 of the Access to Information Procedure Rules of the Constitution, to the decision being made by the Cabinet as a matter of urgency on the basis that it was impracticable to defer the decision until the commencement of the next Forward Plan because the guidance published by the Government on 30 March 2010 requires a petition scheme to be submitted to and approved by the Council and for the scheme to be in place by 15 June 2010.

334. FORMBY - REQUEST TO INCLUDE IN POSTAL ADDRESS

Further to Minute No. 82 of the meeting of the Formby Area Committee held on 18 March 2010, the Cabinet considered the report of the Assistant Chief Executive on a request from a Formby resident seeking the support of the Council to an application to Royal Mail to include the town name of Formby within the address for properties in the defined postcode area of Liverpool L37.

RESOLVED:

That the request made by Mr. N. Shore of 37 Holmwood Drive, Formby, L37 1PG, to include the town name "Formby" in the address for properties within the defined area listed in Annex A to the report be supported.

335. BASIC NEED ALLOCATION 2010/11 - PROPOSED SCHEMES

Further to Minute No. 130 of the meeting of the Cabinet Member - Children's Services held on 13 April 2010, the Cabinet considered the report of the Strategic Director - Children, Schools and Families seeking approval to the implementation of schemes to be funded from the Basic Need Allocation for 2010/11.

RESOLVED: That

- (1) the schemes detailed in the report be approved; and
- (2) the schemes be included in the Children, Schools and Families Capital Programme 2010/11.

336. EXTENDED SCHOOLS CAPITAL ALLOCATION 2010/11

Further to Minute No. 134 of the meeting of the Cabinet Member - Children's Services held on 13 April 2010, the Cabinet considered the report of the Strategic Director - Children, Schools and Families seeking

approval to the implementation of schemes to be funded from the Extended Schools Capital Grant Allocation for 2010/11.

RESOLVED: That

- (1) the schemes detailed in the report be approved; and
- (2) the schemes be included in the Children, Schools and Families Capital Programme 2010/11.

337. SURE START EARLY YEARS AND CHILDCARE GRANT - QUALITY AND ACCESS 2009/10 - 2010/11

Further to Minute No. 133 of the meeting of the Cabinet Member - Children's Services held on 13 April 2010, the Cabinet considered the report of the Strategic Director - Children, Schools and Families seeking approval to the implementation of schemes to be funded from the Sure Start Early Years and Childcare Grant - Quality and Access Funding Allocation for 2010/11. The report also provided an update on the expenditure on schemes from the funding allocation for 2009/10.

RESOLVED: That

- (1) the revised distribution of funding for schemes in the 2009/10 programme be noted;
- (2) the schemes detailed in the report be approved; and
- (3) the schemes be included in the Children, Schools and Families Capital Programme 2010/11.

338. MODERNISATION FUNDING 2010/11 - PROPOSED SCHEME

Further to Minute No. 132 of the meeting of the Cabinet Member - Children's Services held on 13 April 2010, the Cabinet considered the report of the Strategic Director - Children, Schools and Families seeking approval to the implementation of a three phase development scheme at Kew Woods Primary School, Southport to be funded from the Modernisation Allocation, the School's Devolved Formula Capital Allocation and the School's Access Initiative.

RESOLVED: That

- (1) the scheme be approved; and
- (2) the scheme be included in the Children, Schools and Families Capital Programme 2010/11.

339. FOREFIELD JUNIOR SCHOOL, CROSBY - PROPOSED CAPITAL SCHEME

Further to Minute No. 131 of the meeting of the Cabinet Member - Children's Services held on 13 April 2010, the Cabinet considered the report of the Strategic Director - Children, Schools and Families seeking approval to the implementation of an improvement scheme at Forefield Junior School, Crosby to be funded from the school's reserves.

RESOLVED: That

- (1) the scheme be approved; and
- (2) the scheme be included in the Children, Schools and Families Capital Programme 2010/11.

340. RIMROSE HOPE CE PRIMARY SCHOOL, SEAFORTH - TENDERS FOR LANDSCAPING WORKS

The Cabinet considered the report of the Strategic Director - Communities on the tenders received for the provision of landscaping works at the new Rimrose Hope CE Primary School, Seaforth.

RESOLVED: That

- (1) the lowest valid tender submitted by J. Armor Ltd of Melling in the sum of £216,422.00 be accepted; and
- (2) the Interim Head of Corporate Legal Services be requested to enter into a formal contract with the successful tenderer.

341. PROPOSED REPLACEMENT NETHERTON ACTIVITY CENTRE

The Cabinet considered the report of the Strategic Director - Communities on the second stage tender submissions received for the construction of a replacement Netherton Activity Centre.

RESOLVED: That

- (1) the Strategic Director - Communities be authorised, in conjunction with Capita Symonds Ltd., to provisionally appoint Conlon Construction Limited of Preston as the preferred contractor for the project and for the Environmental and Technical Services Director to establish a target cost for the project; and
- (2) it be noted that the Chair of the Overview and Scrutiny Committee (Performance and Corporate Services) has given his consent, under Rule 17 of the Scrutiny Procedure Rules, for this decision to be treated as urgent and not subject to "call in" on the basis that any delay in the implementation of the decision will prevent the

commencement of the intensive pre-contract cost agreement process which in turn will prevent the commencement and completion of works in accordance with the required Programme.

342. SOUTHPORT CULTURAL CENTRE - AWARD OF THE SECOND STAGE TENDER

This item was deferred for consideration at the next meeting of the Cabinet.

343. KING'S GARDENS, SOUTHPORT

Further to Minute No. 159 of the meeting of the Southport Area Committee held on 31 March 2010, the Cabinet considered the report of the Planning and Economic Development Director on the use of Section 106 resources to provide the match funding required by the Heritage Lottery Fund for the Kings Gardens Improvements Scheme.

RESOLVED: That

- (1) the decision of the Southport Area Committee on the allocation of future Section 106 resources to provide the funding match required by the Heritage Lottery Fund for the Kings Gardens Scheme be noted;
- (2) the Kings Garden Scheme be included in the Capital Programme with the Council's contribution being underwritten until sufficient Section 106 resources are generated;
- (3) Officers prepare the stage 2 submission to the Heritage Lottery Fund on the basis of the revised terms set out in the report; and
- (4) it be noted that the proposal was a Key Decision but, unfortunately, had not been included in the Council's Forward Plan of Key Decisions. Consequently, the Chair of the Overview and Scrutiny Committee (Performance and Corporate Services) had been consulted under Rule 15 of the Access to Information Procedure Rules of the Constitution, to the decision being made by the Cabinet as a matter of urgency on the basis that it was impracticable to defer the decision until the commencement of the next Forward Plan because of the requirement by the Heritage Lottery Fund to receive confirmation of a commitment to allocate future Section 106 resources as funding match in support of its consideration of a stage 2 submission for grant.

344. JOINT STRATEGIC HOUSING LAND AVAILABILITY ASSESSMENT 2008 - FINAL REPORT

Further to Minute No. 115 of the meeting of the Cabinet Member - Regeneration held on 17 March 2010, the Cabinet considered the report of the Planning and Economic Development Director on the key findings of

the Joint Strategic Housing Land Availability Assessment Study 2008 which was one of a number of key evidence gathering studies that was being undertaken to inform the Core Strategy process and to guide advice and decisions on individual housing proposals and planning applications.

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

RESOLVED:

That the key findings of the Strategic Housing Land Availability Assessment Study be endorsed.

345. RETAINED RETAIL CONSULTANTS - APPOINTMENT OF NEW CONSULTANTS FOR THE PERIOD TO THE END OF 2014/15

Further to Minute No. 208 of the meeting of the Planning Committee held on 7 April 2010, the Cabinet considered the report of the Planning and Economic Development Director on the selection process undertaken for the appointment of the Council's retained retail consultants.

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

RESOLVED: That

- (1) WYG be appointed as retained retail consultants to the Council for the period 2010/11 to 2014/15; and
- (2) it be noted that the proposal was a Key Decision but, unfortunately, had not been included in the Council's Forward Plan of Key Decisions. Consequently, the Chair of the Overview and Scrutiny Committee (Performance and Corporate Services) had been consulted under Rule 15 of the Access to Information Procedure Rules of the Constitution, to the decision being made by the Cabinet as a matter of urgency on the basis that it was impracticable to defer the decision until the commencement of the next Forward Plan because of the need to have continuity of advice on retail matters with regard to planning applications and enquiries.

346. SEFTON LOCAL DEVELOPMENT SCHEME 2010

Further to Minute No.209 of the meeting of the Planning Committee held on 7 April 2010, the Cabinet considered the report of the Planning and Economic Development Director which set out the details of the purpose and proposed content of Sefton's fifth Local Development Scheme (LDS) and sought approval for the submission of the draft document to the Government Office North West. The LDS is effectively a project plan which sets out the documents which would be part of the Council's spatial plan, together with a timetable for preparing them. It identifies key resources which would be required to prepare the documents, and is

designed to give the public up-to-date information on the dates by which these plans would be prepared.

RESOLVED: That

- (1) approval be given to the submission of the draft Local Development Scheme to the Government Office North West; and
- (2) the Planning and Economic Development Director be authorised to make any changes required as a result of discussion with the Government Office and any minor editorial or presentational changes.

347. RESPONSE TO COUNCIL MOTION - 10:10 CARBON CAMPAIGN

The Cabinet considered the report of the Neighbourhoods and Investment Programmes Director on the Notice of Motion approved by the Council on 14 January 2010 on the feasibility of the Council signing up to the UK 10:10 carbon saving campaign.

In accordance with the resolution of the Council, the Overview and Scrutiny Committee (Regeneration and Environmental Services) at its meeting held on 9 March 2010 had considered the Notice of Motion and requested that the possible resource implications of reaching the desired 10% carbon savings within the next twelve months be submitted to the Cabinet and these details were set out in the report.

RESOLVED: That

- (1) the principles of the 10:10 carbon saving campaign be accepted;
- (2) the Neighbourhoods and Investment Programmes Director submit a report on the Carbon Reduction Management Plan to a future meeting of the Cabinet; and
- (3) the Neighbourhoods and Investment Programmes Director produce a report on a carbon strategy detailing the responsibilities of individual Cabinet Members and Departments for consideration at a future meeting of the Cabinet following discussions on the draft carbon strategy at a Members Briefing Session to be held on a date to be determined.

348. ADDITIONAL PITCH PROVISION FOR GYPSIES AND TRAVELLERS IN SEFTON

Further to Minute No. 113 of the meeting of the Cabinet Member - Regeneration held on 17 March 2010, the Cabinet considered the joint report of the Neighbourhoods and Investment Programmes Director and the Planning and Economic Development Director on the requirement for the Council to secure additional pitch provision for gypsies and travellers

and set out details of the methodology for site appraisal and selection; the process and likely timescale for site appraisal and submission of an application for gypsy and traveller site grant.

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

RESOLVED: That

- (1) the report and the need to secure additional pitch provision (transit and permanent) for Gypsies and Travellers be noted;
- (2) the methodology for site appraisal and selection be approved;
- (3) the Neighbourhoods and Investment Programmes Director be authorised in consultation with the Planning and Economic Development Director, to make minor changes to the scoring framework if early consultations with key partners/stakeholders show that this is necessary;
- (4) a further report be submitted to a subsequent Cabinet meeting regarding potential sites.

349. ENFORCED SALES PROCEDURE AND PROPERTY AT 24 LANDER ROAD, LITHERLAND

Further to Minute No. 121 of the meeting of the Cabinet Member - Regeneration held on 14 April 2010, the Cabinet considered the report of the Neighbourhoods and Investment Programmes Director seeking approval to the implementation of a new Enforced Sales Procedure and to the use of the procedure in respect of the property 24 Lander Road, Litherland.

RESOLVED: That

- (1) approval be given to the use of Enforced Sale powers and the Policy and Procedures as set out in the report;
- (2) approval be given to the use of the Enforced Sales Procedure in respect of the property at 24 Lander Road, Litherland; and
- (3) the Council be recommended to give approval to the amendment of the Constitution to enable the Cabinet Member - Regeneration to have delegated powers to authorise the use of the Enforced Sales Procedure.

350. DELEGATION OF POWERS IN RESPECT OF THE DISCRETION TO GRANT EQUITY RE-LOCATION LOANS IN THE HOUSING MARKET RENEWAL AREA

The Cabinet considered the report of the Neighbourhoods and Investment Programmes Director seeking delegated powers and duties in relation to the provision of loans to facilitate re-housing as part of the Newheartlands Housing Market Renewal Programme.

RESOLVED:

That the Council be recommended to give approval to the amendment of Part 3 of the Constitution (Responsibility for Functions) by the inclusion of the following text:

REGENERATION

Neighbourhoods and Investment Programmes Director

Power to deal with all matters relating to the provision of loans to facilitate re-housing as part of the Newheartlands Housing Market Renewal Programme, subject to:

- (1) an approved budget for such financial assistance being available; and
- (2) power to amend the criteria used when making awards of financial assistance provided that such decisions and the grounds for them are reported promptly to the Cabinet Member - Regeneration.

351. COMPULSORY PURCHASE ORDER - BEDFORD AND QUEENS ROAD AND KLONDYKE AREA OF BOOTLE.

Further to Minute Nos. 83 and 84 of the meeting held on 6 August 2009, the Cabinet considered the joint report of the Neighbourhoods and Investment Programmes Director and the Planning and Economic Development Director on the change of title of the Compulsory Purchase Orders issued for Bedford Road/Queens Road Phase 3 and Klondyke Phase 1B as part of the Housing Market Renewal programme.

RESOLVED:

That the report be noted.

352. FORMER PEOPLES SHOWROOM - REPLACEMENT FOR ST JOHN AND ST JAMES CHURCH, KLONDYKE.

Further to Minute No. 122 of the meeting of the Cabinet Member - Regeneration held on 14 April 2010, the Cabinet considered the report of the Neighbourhoods and Investment Programmes Director on proposals to dispose of part of the former Peoples Showroom site in Linacre Lane,

Bootle to the Liverpool Diocesan Board of Finance, to develop a new place of worship and community facility; and to use Housing Market Renewal funding to make a grant to the Liverpool Diocesan Board of Finance towards the community and landscape elements of the building.

RESOLVED: That

- (1) approval be given to the granting of a two year Development Lease to the Liverpool Diocesan Board of Finance for the former Peoples Showroom building, to enable the building to be refurbished to use as a place of worship and community facility;
- (2) the Neighbourhoods and Investment Programmes Director be granted delegated authority to agree the terms for the long-term disposal of the site to the Liverpool Diocesan Board of Finance, upon successful completion of the works under the Development Lease; and
- (3) approval be given to the contribution of £200,000 from the Housing Market Renewal Programme 2010/11 to the Liverpool Diocesan Board of Finance towards the cost of refurbishing the building for community use and associated landscaping, subject to a legal obligation on the church to provide the agreed level of funding for the project.

353. VEHICLE/PLANT REPLACEMENTS 2009/2012

Further to Minute No. 113 of the meeting of the Cabinet Member - Environmental held on 7 April 2010, the Cabinet considered the report of the Operational Services Director on the results of the recent tendering exercise as part of the Annual Vehicle/Plant Replacement Programme.

RESOLVED:

That approval be given to:

- (1) the acceptance of the lowest tenders which comply with the specification for each category of vehicle and plant;
- (2) the procurement of the replacement vehicles and plant, as listed in Annex One of the report; and
- (3) the sum of £1,084,497 to be included in the capital programme to purchase the required vehicles, with tender reference T305, a 17 seat minibus, being purchased outright via external funding and the balance of the vehicles being purchased via an operating lease arranged by the Interim Head of Corporate Finance and ICT Strategy.

354. DRY MATERIALS RECYCLING CONTRACT – INTERIM AGREEMENT

The Cabinet considered the report of the Operational Services Director on the implications of Cheshire Recycling Ltd., trading as AbitibiBowater Recycling Europe entering administration on 11 February 2010.

RESOLVED:

That approval be given to an Interim Agreement for the continuing provision of a recycling collection service being established with Palm Recycling Ltd. pending the implementation of longer term formal arrangements for future recycling collection service provision.

355. 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.

356. EXCLUSION OF PRESS AND PUBLIC

RESOLVED:

That under section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following item of business on the grounds that it would involve the likely disclosure of exempt information as defined in Paragraph 3 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.

357. SOUTH SEFTON HOUSING MARKET RENEWAL – PROGRAMME OUTTURN 2009/10 AND FORWARD PROGRAMME 2010/11

Further to Minute No. 124 of the meeting of the Cabinet Member - Regeneration held on 14 April 2010, the Cabinet considered the report of the Neighbourhoods and Investment Programmes Director which provided details of the out-turn of the South Sefton Housing Market Renewal Programme for 2009/10 and sought approval to the Council contribution to the proposed programme for the funding period 2010/11.

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

RESOLVED: That

- (1) the expenditure and output targets achieved by the Housing Market Renewal Department during 2009/10 be noted;
- (2) the Housing Market Renewal Investment allocation for 2010/11 of £9.350 million and the required level of Council contribution of £2.60 million be noted;
- (3) the Housing Market Renewal Programme allocation for 2010/11 be approved; and
- (4) the Neighbourhoods and Investment Programmes Director in consultation with the Interim Head of Corporate Legal Services be given delegated authority to complete the Deed of Variation in respect of the Homes and Communities Agency Funding for 2010/11; and
- (5) the Housing Market Renewal Team be thanked for their sterling efforts in managing the Housing Market Renewal Programme in 2009/10

358. SOUTHPORT INDOOR MARKET

Further to Minute No. 237 of the meeting held on 17 December 2009, the Cabinet considered the report of the Strategic Director - Communities 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 a list of prospective contractors to be invited to submit tenders for the scheme.

RESOLVED: That

- (1) the list of prospective Contractors for the Market Refurbishment Scheme be approved and Officers be requested to invite tenders for the scheme;
- (2) the comments from the Market Consultant on the development of the design on the Business Case be noted;
- (3) the issues relating to the increased letting ratio and potential increased rent yield from the Market Consultant's revised Business Case be noted and the proposed increased in trader incentives be supported;
- (4) the comments in relation to the sensitivity analysis with respect of the Market Consultant's occupancy assumptions be noted;
- (5) approval be given to VAT being levied on market rentals;

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- (6) that the Fit Out of the Market Stalls be funded by the Council through prudential borrowing on the understanding that the Capital Costs are recovered through the rental charges;
- (7) Officers submit a report to a future meeting of the Cabinet on the options for the future management of the Market and the final tender prices and projections for the financial aspects of the project.