



MEETING: SPECIAL MEETING OF THE
OVERVIEW AND SCRUTINY COMMITTEE
(PERFORMANCE AND CORPORATE SERVICES)

DATE: Wednesday 9 December 2009

TIME: 6.30 pm

VENUE: Town Hall, Southport

Member

Councillor
D. Hardy (Chair)
Byrom (Vice-Chair)
Bigley
Byrne (Spokesperson)
Fenton
Howe
McGinnity
Papworth (Spokesperson)
Storey
Weavers

Substitute

Councillor
Brady
Veidman
Platt
C. Mainey
Tonkiss
Shaw
Tweed
Roberts
Pearson
S. Mainey

COMMITTEE OFFICER: Ruth Appleby
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If you have any special needs that may require arrangements to facilitate your attendance at this meeting, please contact the Committee Officer named above, who will endeavour to assist.

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AGENDA

1. **Apologies for Absence**

2. **Declarations of Interest**

Members and Officers are requested to give notice of any personal or prejudicial interest and the nature of that interest, relating to any item on the agenda in accordance with the relevant Code of Conduct.

3. **Item "Called-In" - Southport Cultural Centre - Temporary Library Service** (Pages 5 - 29)

- A. Report of the Legal Director.
- B. Joint report of the Strategic Director of Regeneration and Environmental Services, the Finance and Information Services Director, the Leisure Director, and the Head of Regeneration and Technical Services, which was submitted to the Cabinet on 12 November 2009.
- C. Appropriate Minute from the meeting of the Cabinet held on 12 November 2009.
- D. Copy of the "Call-in" form.
- E. Copy of signed Rule 17.
- F. Copy of letter, 11 copies received.

4. **Exclusion of Press and Public**

To consider passing the following resolution:

That, under Section 100A(4) of the Local Government Act, 1972, the press and public be excluded from the meeting for the following item(s) of business on the grounds that it involves 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.

5. **Transformation Programme Update - Strategic Budget Review - 25 November 2009** (Pages 30 - 93)

- A. To consider the report of the Chief Executive which was considered by the Cabinet on 25 November 2009.
- B. To consider the appropriate Minute of the meeting of the Cabinet on 25 November 2009.
- C. To consider any issues which may have been "called-in".

6. **Transformation Programme Update - Strategic Budget Review - 3 December 2009**

(Pages 94 -
156)

- A. To consider the report of the Chief Executive which was considered by the Cabinet on 3 December 2009.
- B. To consider the appropriate Minute of the meeting of the Cabinet on 3 December 2009. (TO FOLLOW)
- C. To consider any issues which may have been “called-in”.



**Special Meeting of the Overview and Scrutiny Committee
(Performance & Corporate Services)**

Date: 9 December 2009

Report of: Legal Director

Relevant Cabinet Member(s): Councillor P. Dowd, Parry & Robertson

Contact for further information:

Debbie Campbell, Acting Head of Overview and Scrutiny (Ext. 2254)

**EXEMPT/ No.
CONFIDENTIAL:**

SUBJECT: ITEM CALLED IN:- Southport cultural Centre – Temporary Library Service

1.0 PURPOSE OF REPORT

- 1.1 To advise the Overview and Scrutiny Committee of the call in of the decision on the above item, the decision being set out in Minute No. 196 of the meeting of the Cabinet held on 12 November 2009.
- 1.2 To seek the views of the Overview and Scrutiny Committee. In the event of the Committee being concerned about the decision, the Overview and Scrutiny Committee must decide which of the following courses of action is to be taken in relation to this matter:
- a. referral of the matter back to the Cabinet (as the decision making body) for re-consideration, setting out in writing the nature of the Overview and Scrutiny Committee's concerns; the Cabinet must then reconsider the decision within a further 15 working days, amending the decision or not, before adopting a final decision;
- or
- b. referral of the matter to Council for the Council to decide whether it wishes to object to the decision. If the Council does not object to the decision which has been made then no further action is necessary and the decision

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will take immediate effect. If the Council does object then it must refer the matter back to the Cabinet (as the decision making body). The Cabinet must be convened to re-consider the decision within 5 working days of the Council's request and may chose whether to amend the decision or not before reaching a final decision.

- 1.3 If the Overview and Scrutiny Committee decides not to object to the decision then no further action is necessary and the decision will be effective.

2.0 RECOMMENDATION

- 2.1 That the Committee determines whether it is concerned about the decision.
- 2.2 If the Committee is concerned about the decision, the Committee is required to indicate which of the options set out at paragraph 1.2 above it wishes to pursue.

3.0 DETAILS RELATING TO THE CALL IN

- 3.1 The report attached as appendices to this report were considered at the Cabinet meeting held on 12 November 2009 2009. Please note that Appendix 2 is background information to be used in association with the call in.
- 3.2 The decision of the Cabinet is contained at Minute No. 196 and is as follows:

RESOLVED: That

- (1) the services and staff at the Southport Central Library be relocated at the Churchtown, Birkdale and Ainsdale Branch Libraries at no additional cost, during the period of the redevelopment of the Southport Cultural Centre;
 - (2) the Leisure Director submit a report to the Cabinet on the feasibility of providing a temporary IT service for library users in the Southport One Stop Shop; and
 - (3) it be noted that the Chair of the Overview and Scrutiny Committee (Performance and Corporate Services) had 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 it cannot be reasonably deferred because of the limited time available to spend the external grant, and the need to ensure that there is no risk to the Council from having any grant clawed-back and having to meet any difference from the Council's own capital resources.
- 3.3 In the requisition for call in the following reason has been given:
 1. Inadequate consultation with stakeholders – especially current market traders who overwhelmingly support the use of part of the Market Hall as

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a temporary Southport Town Centre Library. Such inadequate consultation is contrary to Overview and Scrutiny Rule 16 of the Constitution.

2. The decision of the Cabinet appears not to have been taken in accordance with correct principles as specified in article 13.02(b) (“due consultation and the taking of professional advice from officers”) and (f) (“take account of all relevant matters”) of the constitution, the insofar as 3 of the 6 members who voted for the decision have been reported in the press as saying that one of the main reasons why they opposed using the Market as a temporary Library was that the cost was £500,000, whereas the actual figure as supplied by officers prior to the Cabinet was £370,000.
 3. Failing to provide a central library in Southport Town Centre for 3 years is against the Public Interest.
 4. The option of using Southport Market as a temporary library would benefit the Market Traders and the 150,000 plus annual users of Southport Library.
- 3.4 The following Members of the Council (who are not Members of the Cabinet) signed the requisition for call-in in accordance with the provisions of Overview and Scrutiny Committee Procedure Rules, Part 4 of the Councils Constitution.

Councillor Richard Hands
Councillor David Sumner
Councillor Mike booth

- 3.6 The Secretary of State in his Guidance recommends that Overview and Scrutiny Committees should only use the power to refer matters to the full Council if they consider that the decision is contrary to the policy framework or contrary to, or not wholly in accordance with, the budget.
- 3.7 In addition to the Call-in form 11 identical letters have been received from Southport Market Traders. A copy of the letter is attached and the names of those submitting the letters are:-

C. Adams;
L. Mathers;
S. Tragen;
J. Cobb;
T. Blackhurst;
E. Murray;
M. Newton;
E. Johnson;
C. Beech;
G. Shacklady; and
R. Hughes.

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REPORT TO: Cabinet

DATE: 12th November 2009

SUBJECT: Southport Cultural Centre – Temporary Library Service

WARDS AFFECTED: All Southport Wards

REPORT OF: Alan Moore, Strategic Director of Regeneration and Environmental Services,
Paul Edwards, Finance and ICT Director,
Graham Bayliss, Leisure Director, and
Mike McSorley, Head of Regeneration and Technical Services.

CONTACT OFFICER: Steve Deakin, Assistant Leisure Director (Operational Services)
Tel: 0151 934 2372
Andrew Dunsmore, Project Manager (Technical Services)
Tel: 0151 934 2766

**EXEMPT/
CONFIDENTIAL:** No

PURPOSE/SUMMARY:

To advise Cabinet of the estimated costs identified for the adaptation works required to a number of potentially suitable venues to facilitate a temporary library service in central Southport, should the redevelopment of the Cultural Centre be approved.

REASON WHY DECISION REQUIRED:

- 1) A preferred option needs to be adopted so necessary arrangements can be made to provide a library service in central Southport.
- 2) Funding for the provision of the temporary service will need to be identified, dependent on which option is selected.

RECOMMENDATION(S):

Cabinet is requested, subject to the necessary negotiations and approvals being obtained:-

- 1) To identify its preferred option as to how a temporary Library service should be provided in central Southport during the proposed development of the Cultural Centre.
- 2) To identify how the preferred option is to be funded.
- 3) To consider the risks of clawback from external funders and the potential of increased capital costs to the Council in providing a continuous library service at its present location until the temporary venue is available.

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KEY DECISION: Yes

FORWARD PLAN: Yes

IMPLEMENTATION DATE: Following the expiry of the call-in period for the minutes of this meeting.

ALTERNATIVE OPTIONS:

Previously detailed in the report to Cabinet on 3rd September 2009

IMPLICATIONS:

Budget/Policy Framework:

Financial:

Depending upon which option Cabinet choose there will be additional capital and revenue implications, as detailed in the options to be considered at paragraph 2.8. Accordingly no figures can be entered into the table below.

	2006/ 2007 £	2007/ 2008 £	2008/ 2009 £	2009/ 2010 £
<u>CAPITAL EXPENDITURE</u>				
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	When?			
How will the service be funded post expiry?				

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Legal:

Risk Assessment:

If the creation of a temporary library causes a delay to the Cultural Centre scheme this would place a significant risk on the Council of potentially not being able to spend the Sea Change and NWDA grant by 31st March 2011 and therefore be unable to claim the total £8m grant available. If this occurred, the Council would have made contractual commitments to the full scheme at this cost and any lost grant would have to be found from the Council's own resources.

If nothing is done, the buildings could close with the consequent loss of service, one of which is statutory. The Council could be at risk of prosecution for not maintaining its listed buildings.

The condition of the buildings gives rise to some concerns over health and safety not just for users but also for people on the public highway.

Asset Management:

The three buildings at the heart of this project will be substantially refurbished with consequential reductions in maintenance and energy costs

CONSULTATION UNDERTAKEN/VIEWS

Southport Area Committee members
FD207 - the comments of the Finance and Information Services Director have been incorporated into this report.
Head of Technical Services

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	√		

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

- 1.1 The potential £15.3 million development of the Southport Cultural Centre, which consists of Southport Library, Atkinson Art Gallery and Southport Arts Centre, is a central plank within the economic regeneration of Southport and, subject to grant approvals, is due to commence with the closure of the buildings in December 2009.
- 1.2 At the meeting of Cabinet Member Leisure and Tourism (CML&T) of 15th July 2009, a report was received regarding the temporary closure of Southport Library including the potential costs of relocating a library service to another location and the possibility and consequences of redistributing library services to other libraries in Churchtown, Birkdale and Ainsdale and not to provide a library service in central Southport.
- 1.3 Cabinet Member Leisure & Tourism resolved – Minute 32:
 - (1) the temporary closure of Southport Library be agreed on the basis that the Leisure Director make continued efforts to find a suitable town centre location for the library prior to closure.

Cabinet, at its meeting on 3rd September received an update on the difficulties that officers had experienced in trying to identify a cost-effective site for a temporary library service. The report also gave estimates of the cost of the temporary service (£350k) for the 30 months of closure.

2. OPTIONS FOR PROVISION OF TEMPORARY LIBRARY SERVICE

- 2.1 For many months efforts have been made to identify a suitable site for a temporary library service and after the consideration of many sites, provision has now been narrowed down to seven options (ideally officers believe that an acceptable library service would require at least 450 square metres of space and have access to the Internet). It will be noted that each option has varying degrees of capital costs for necessary adaptations associated with them; **these costs would seriously impair the ability to deliver the quality and expectations of a prestigious Cultural Centre should they be required to be met from within the anticipated £15.3m budget for the scheme.**
- 2.2 Other than to provide the library service from the other Southport branch libraries, officers are advised by the Planning Director that each option will require planning permission for a change of use from retail development, a process that can take 8 weeks from the date of the application.
- 2.3 Leases of non-Council owned properties will be subject to negotiation and the tendering / letting of contracts for adaptation works and construction periods will all take varying amounts of time. These, together with the time to obtain planning permission, present a significant risk to the Council by potentially delaying the commencement of the main Cultural Centre contract and jeopardising the ability to spend the £8m of external grant funding by 31 March 2011 that could incur “Clawback”

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of funding by Sea Change & NWDA. Should these occur the Council would be required to fund any monies reclaimed through clawback.

- 2.4 Members must be mindful that £15.3m budget for the Cultural Centre is not the actual build refurbishment budget. From this figure are to be deducted professional fees, levy costs to client/decanting/storage relocation et al. A more accurate figure for project work would be in the order of £11.8m; this is without the associated costs attributable to a temporary library.
- 2.5 The current budgets for premises associated costs for the Arts Centre, Atkinson Art Gallery and the Southport Library total some £211,000 of which the library's component is £54,550. Should the library be relocated into one of the venue options below, some or all of these budgets could be used to offset the annual running costs of Members' preferred option.
- 2.6 To ascertain the type of temporary service the public of Southport would want delivered a survey of Southport library customers was undertaken in September 2009. There were 826 responses returned. The survey asked which services customers used, and which two they considered to be the most important to provide in a temporary library. A lending service was the most important (88%), followed by a reference and information service, access to the Internet, and a local history service.
- 2.7 A visual survey has been undertaken for each location identified below and estimates obtained for the building works required at each location together with basic ICT costs. More extensive work would be needed to obtain more detailed and accurate costs. ICT is required for all library services and the ICT costs include connection to Sefton's network, laying fibre, digging ducts where necessary and installation of PCs into the building, predominantly for staff to use to access the library management system.
- 2.8 Based on the estimates, and the results of the survey, an analysis of individual sites now follows (Options not in any order of priority):-

Space available = square metres

	Location / space available	Capital Costs	Revenue Costs	Adaptation work required
Option 1	Yorkshire Bank Eastbank Street 272 m2			Under Offer as of 22 nd October, therefore No longer available
Option 2	Rosebys King Street 1300 m2	£205,000	£195,000 per annum (£487,000 over 2½ yrs)	Sub division of space. Minor improvements Partial rewiring IT installation
Service Implications			This is dependent on whether the space is shared with other services. However, it	

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			<p>is estimated there would be space for a full lending service, medium sized reference and information service, access to the internet and a family history service. Some of the local history material would need to be stored off site, and therefore a full local history service would not be provided. Story and rhyme times could take place, as well as children's activities and adult reader events and activities</p> <p>If there are no other services, there is scope for a limited arts exhibition and activities programme. There is some storage available, either for the library or art gallery.</p>	
Option 3	Sainsbury Local EastBank Street 377m2	£80,000	£175,000 per annum (£437,500 over 2½ yrs)	Minor electrics Heating adjustment General decoration (No access granted) Issue of release clause
Service Implications			<p>There would be a medium sized lending service, and a small collection of reference material. There would be no public access to the internet, or the local history collection. Story times and rhyme times could take place but with</p>	

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			<p>restricted numbers, and a limited number of children's activities and adult reading groups.</p> <p>The Landlords want to include a release clause in the lease that would require the Council to vacate the premises should a permanent tenant be secured.</p>	
Option 4	<p>Christ Church Hall Lord Street</p> <p>140 m2</p>	£83,000	£85,000 per annum (£212,500 over 2½ yrs)	<p>Temporary security to murals, shelving, lighting rewire Power installation Heating adjustment Security Rent still to be negotiated</p>
Service Implications			<p>There would be a small lending service, and a very small collection of reference material. There would be no public access to the internet, or the local history collection. Story times and rhyme times could possibly take place but with restricted numbers.</p> <p>Although the library would have its own space, the premises would be shared with other uses of the Church Hall and adjoining Church. The amount of space for shelving is restricted. There is potential for clash of uses e.g. when a funeral / wedding is taking place. There is public access to toilets and a cafe.</p>	

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<p>Option 5</p>	<p>The Market Southport</p> <p>918 m2</p>	<p>£536,000</p>	<p>£83,000 per annum No rent (£207,500 over 2½ yrs)</p>	<p>Sub divide existing floor footprint Full rewire Potential Building Regulation issue Replacement of heating New floor finish New decoration Phased works</p>
<p>Service Implications</p>			<p>There would be an almost full lending service, medium sized reference and information service, access to the internet (fewer PCs than now). Due to the environmental conditions, including fat particles in the air from the café, there is unlikely to be a local history service. This would need to re-locate to Formby Library. Story and rhyme times could take place, as well as children's activities and adult reader events and activities.</p> <p>Members will be aware of plans to redevelop the market and its use as a temporary library would obviously delay redevelopment until the completion of the Cultural Centre. However, it is estimated that there would be a footfall of around 150,000 library users, should the market be used, that could be advantageous and attractive to the</p>	

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			<p>remaining stallholders. Business rates are already budgeted for and rental payments will be paid to the Authority.</p> <p>However, it would require considerable work to the lighting and heating levels, particularly for activities where people are sitting for a considerable length of time.</p>	
Option 6	Lease new large Mobile Library		No rent or rates £98,000 per annum (£245,000 over 2½ yrs)	<p>Small service offered</p> <p>Need to find parking location (possibly Tulketh Street Car Park)</p>
Service Implications			A large mobile library would provide a small lending service, no reference or local history service. It could provide a public access PC to the catalogue but no People's Network. There would be a very small children's collection in a limited amount of space. There would be no seating for customers.	
Option 7	Use existing Branch Libraries in Southport		No additional costs	

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Service Implications			<p>Whilst there is a clear determination to provide a temporary library service within central Southport, due to the cost implications of other options, members may wish to re-consider this option.</p> <p>If a service was not provided within central Southport, services and staff could be relocated at Churchtown, Birkdale and Ainsdale Libraries, increasing the number of opening hours and services available within these branches. The local history service could be relocated to Formby library, with a small family history service available.</p> <p>95% of Southport residents would still live within two miles of a library and this provision could be provided at no extra cost to the Authority</p>	
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2.9 Out of the 7 options considered, one is no longer available, and there are 3 that do not require negotiation on rent etc. by an agent. There is now some concern over the Sainsbury Local option, as it is understood the landlords require a break clause in the event they acquire a permanent tenant.

2.10 On 23rd October, a number of Southport Members toured the potential venues in order to gain a perspective of each site and its suitability as a temporary library. Members expressed interest in utilising the existing Market Hall site, and Officers were asked to work up this option in greater detail for further consideration by 28th October. A further meeting was held with Southport Members prior to the Area Committee meeting on 28th October at which further detail on the Market option was presented. Having considered the further information, Southport Members did not reach a consensus on the Market option.

- 2.11 Given that Southport Members expressed an interest in utilising the Market Hall as an option, if this is to be considered further, Cabinet should note the additional information presented to the Southport Area Committee members which addressed the following issues:-

i) What is the impact on the Cultural Centre?

The Cultural Centre is estimated to cost £15.3m funded by £8m of external grant with the balance being met by the Council's capital resources. One of the conditions of the grant is that it must be spent by 31st March 2011. It is therefore critical that the creation of a temporary library does not delay the Cultural Centre scheme as this would place a significant risk on the Council of potentially not being able to spend £8m by 31st March 2011 and therefore be unable to claim all of the grant available. If this occurred, the Council would have contractual commitments to the full scheme at this cost and any lost grant would have to be found from its own resources.

The cost of providing a temporary library is not included in the £15.3m cost estimate. It is not possible to include them within the approved funding for the Cultural Centre scheme as this would reduce the amount available for the planned works/refurbishment and this could impact on the business plan and result in a possible reduction in the grant. The temporary library costs will need to be funded from elsewhere and could be funded from the monies already in the Council's capital programme, such as the market refurbishment project, or will need to be added to the cost of the scheme with the need to increase the MTFP budget gap accordingly.

The programme for delivering the temporary library in the market building, assuming a decision at the next Cabinet, is to have it operational in July 2010. This may seem a long time but the location of the library in the Market building will require planning and building regulations approval before works can begin and the works themselves will take up to four months to complete.

Prior to the completion of the alternative site, the library would have to stay in its current location during the initial part of the Cultural Centre scheme when work will be focussed on the theatre areas. However, this would potentially increase on the cost of the Cultural Centre project (ensuring fire alarms and electrical/heating systems are segregated in the Library area for example) but these cannot be quantified until a contractor is appointed.

There will also be some disruption to the library service as it will be adjacent to a building site and there will need to be short periods of closure to enable the intrusive building surveys, which are necessary for the Cultural Centre scheme to be carried out. Again this cannot be developed further until a contractor is appointed although every effort will be made to keep the disruption to a minimum (by working out of hours and at weekends for example). The only alternative would be to close the library for a couple of months until the temporary facility is ready. Should the appointed Contractor not be able to work around the retained library, this option is one that Members may have to reconsider later.

ii) What is the impact on the Market Refurbishment Scheme?

Locating the temporary library in the market building will mean that the refurbishment of the market will need to be deferred until the Cultural Centre scheme is completed and the library has returned to its permanent location. This is programmed to be in

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September 2012. Subject to the availability of appropriate funding, the Market refurbishment could then proceed as planned subject to there being sufficient funds available.

Members are aware that the Council has given certain commitments to the market traders and any change will need to be carefully communicated if this is what Cabinet decide to do.

iii) What are the conversion costs for relocating the library to the market hall?

Capita Symonds have provided an estimate for the conversion costs of £536,000 made up as follows:

Works -	£400k
Contingency -	£10k
Design, Planning & Inspection fees	£60k
IT conversion -	£21k
Client Fit Out -	<u>£15k</u>
Total -	<u>£536k</u>

A significant element of the cost is due to the different requirements of the library compared with the current market provision and the fact that the current Market building is in significant need of refurbishment. It must be stressed that this is only an estimate at this stage and Capita have not had the opportunity to undertake a full feasibility study and there will no doubt be some variations. The costs and programme will be refined as part of the scheme development process.

iv) How much of the costs would be abortive?

The Council's current approved capital programme includes £3.2m for the refurbishment of the market hall. Capita Symonds have been asked to assess how much of conversion costs for a temporary library would be "sunk" costs that would ultimately reduce the cost of the full refurbishment of the market. They have responded that most elements of the cost for a temporary library will be abortive. This is because of the different requirements of a library and a market in terms of the internal alterations, floor coverings, heating, lighting, fit out etc.

Capita have estimated that only about £50,000 will not be abortive works at this stage. This would suggest, therefore, the abortive costs of locating the temporary library within the Market Hall would be circa £486,000. However, this is still under review because it is possible that some of the temporary partitioning could be reused if it is ultimately decided to refurbish the market with the traders still in situ and the detailed design will aim to minimise abortive costs. Further work is being undertaken by Capita and officers to refine the costs and a verbal update will be given at this meeting.

3. PROJECT AND FUNDING RISKS

- 3.1 Planning permission would be required for change of use and building regulation approval for works. Timescale for planning is 8 weeks from say mid November, which means that planning approval would not be received until mid January 2010.
- 3.2 Actual work to any potential temporary venue varies from 4 weeks to 8 weeks except for the market, which because of the level of work required would take up to 5 months

providing there were no unforeseen building issues. It would then take 2 weeks to pack up and move the library to its temporary location

- 3.3 If the library service remains in its present building whilst all the works are completed to the temporary accommodation, the impact on the Cultural Centre main contract would clearly be that the contractor would not be given full possession of the site until possibly June/July. Such a scenario would naturally reduce the period for spending the grants by the end of March 2011, which is so important to NWDA and Sea Change, by up to 6 months.
- 3.4 In simple terms, a contractual spend level of £8m over an 8/9 months period within the footprint of a listed building will be difficult, if not impossible to achieve. As previously stated, if all external funding is not expended by the 31st March 2011, any underspend would be clawed back by the funding partners, leaving the Council with additional Capital costs.
- 3.5 Therefore, it is advisable for Cabinet to consider whether there is a possible temporary cessation of the library service from January 2010 until the accommodation for a temporary service is available.

4. FINANCIAL IMPLICATIONS

- 4.1 As Members can see, there are a range of options for the provision of a library service for Southport during the potential development of the Cultural Centre, with a range of costs and services that could be provided.
- 4.2 If Cabinet decide to fund any Capital works from within the Southport Cultural Centre budget, it would seriously jeopardise the project team's ability to deliver a development that would meet the funding partners required outputs.
- 4.3 The full year revenue funding available from the present Arts Centre, Art gallery and library premises budgets is £211,000 and this could be used to meet the revenue costs of the preferred option.
- 4.4 Any capital or revenue costs in excess of the sums identified would need to be found from other budgets. Members will be aware that any additional capital or revenue budgets approved for this scheme will add to the current financial deficit on the Medium Term Financial Plan unless they are funded from the reprioritisation of existing capital programme schemes.

5. CONCLUSION

- 5.1 There is significant public and Member support for the provision of a temporary library service in central Southport, should the library close for the redevelopment of the Cultural Centre.
- 5.2 After many months of negotiations and the obtaining of cost estimates, a range of options is presented to Members for their consideration.
- 5.3 There is concern that any significant delays in the Southport Cultural Centre programme will adversely affect the ability to expend the external funding within the

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timescales permitted, which could result in clawback of grant which could lead to the Council incurring additional Capital costs.

6. RECOMMENDATIONS

Cabinet is requested, subject to the necessary negotiations and approvals being obtained:-

1. To identify its preferred venue from which to operate the temporary library service in central Southport during the proposed development of the Cultural Centre.
2. To identify how the relocation and operation of the service is to be funded.
3. To consider the risks of clawback from external funders and the potential of increased capital costs to the Council in providing a continuous library service at its present location until the temporary venue is available.

EXTRACT

CABINET MEETING HELD AT THE TOWN HALL, BOOTLE ON THURSDAY 12TH NOVEMBER, 2009

196. SOUTHPORT CULTURAL CENTRE - TEMPORARY LIBRARY SERVICE

The Cabinet considered the joint report of the Strategic Director of Regeneration and Environmental Services, the Finance and Information Services Director, Leisure Director and Head of Regeneration and Technical Services which provided details of the estimated costs identified for the adaptation works required to a number of potentially suitable venues to facilitate a temporary library service in central Southport, during the period of the redevelopment of the Southport Cultural Centre.

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

In response to a question from Members of the Cabinet, the Legal Director reported that there was no provision within the Council Constitution for the Cabinet to overturn the decision taken by the Chair of the Overview and Scrutiny Committee (Performance and Corporate Services) under Rule 17 of the Scrutiny Procedure Rules for this decision to be treated as urgent and not subject to call in.

The Cabinet discussed the viability of the options set out in the report and it was accepted that the only options which could be practically implemented were the adaptation works to the Southport Market Hall and the use of the existing branch libraries in Southport. A vote was taken on the option to operate the 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.

Following further discussion, it was

RESOLVED: That

- (1) the services and staff at the Southport Central Library be relocated at the Churchtown, Birkdale and Ainsdale Branch Libraries at no

Agenda Item 3

additional cost, during the period of the redevelopment of the Southport Cultural Centre;

- (2) the Leisure Director submit a report to the Cabinet on the feasibility of providing a temporary IT service for library users in the Southport One Stop Shop; and
- (3) it be noted that the Chair of the Overview and Scrutiny Committee (Performance and Corporate Services) had 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 it cannot be reasonably deferred because of the limited time available to spend the external grant, and the need to ensure that there is no risk to the Council from having any grant clawed-back and having to meet any difference from the Council’s own capital resources.

"CALL-IN PROCEDURE"

DECISION TO BE "CALLED IN"

COMMITTEE	CABINET
DATE OF MEETING	12 NOVEMBER 2009
MINUTE NO.	196
SUBJECT	SOUTHPORT CULTURAL CENTRE - TEMPORARY LIBRARY SERVICE

REASONS FOR MATTER TO BE "CALLED IN"

1. Inadequate consultation with stakeholders – especially current Market traders who overwhelmingly support the use of part of the Market Hall as a temporary Southport Town Centre Library. Such inadequate consultation is contrary to Overview & Scrutiny Rule 16 of the Constitution.
2. The decision of the Cabinet appears not to have been taken in accordance with correct principles as specified in Article 13.02 (b) ("due consultation and the taking of professional advice from officers") and (f) ("take account of all relevant matters") of the Constitution, the insofar as 3 of the 6 members who voted for the decision have been reported in the press as saying that one of the main reasons why they opposed using the Market as a temporary Library was that the cost was £500,000, whereas the actual figure as supplied by officers prior to Cabinet was £370,000.
3. Failing to provide a central Library in Southport Town Centre for 3 years is against the Public Interest.
4. The option of using Southport Market as a temporary Library would benefit the Market Traders and the 150,000 plus annual users of Southport Library.

"CALLED IN" BY COUNCILLORS

1.	Cllr Richard Hands
2.	Cllr David Sumner
3.	Cllr Mike Booth

DATE.....23 November 2009

This form must be received by the Committee Section by **12 noon** on the "Call in" date specified on the Minutes.

The call-in procedure does not apply to (i) decisions of the Planning Committee; Licensing and Regulatory Committee; Standards Committee; Appeals Committee; Appointments Committee; Scrutiny and Review Committee; and Urgent Business Committee; (ii) decisions requiring immediate action (circumstances which do not permit operation of the 5 day "call-in"); (iii) decisions where a recommendation is made to another Cabinet Member/Committee/Cabinet/the Council.

call-in

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CONSTITUTION (SCRUTINY PROCEDURE RULES) : RULE 17

This memorandum is to confirm that I have been consulted on behalf of the Leader of the Council and that I have given my consent under Rule 17 of the Overview and Scrutiny Procedure Rules in the Constitution to the following issue not being subject to call-in:

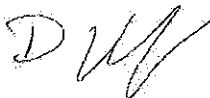
Southport Cultural Centre – Temporary Library Service

on the basis that the decision cannot be reasonably deferred because of the limited time for being able to spend the external grant, the call-in period is asked to be waived in order to progress the scheme to ensure that there is no risk to the Council from having any grant clawed-back and having to meet any difference from the Council's own capital resources.

Comments (if appropriate):-

This is the third of four reports in connection with the Cultural Centre scheme. Southport Members have requested that during the construction period of the scheme a temporary replacement for Southport library must be found in the town centre. This report presents a range of options from which Cabinet are requested to decide one. Each option has cost implications and varying timescales for delivery and, therefore, the potential to delay the commencement of works and expenditure and put the Council at risk of not expending sufficiently to draw down the full £8m of external funding with any difference adding to the amount the Council will need to fund from the £15.3m budget.

I understand that a report on the circumstances of the use of Rule 17 will be submitted to the Council in due course.



Signed:

Chair of Overview and Scrutiny Committee (XXXX)

9 November 2009

Date:

NB: In the absence of the Chair of the relevant Overview and Scrutiny Committee, the agreement of the Vice Chair or the Chief Executive or his nominee will be obtained.

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Mrs M Carney
Chief Executive Sefton MBC
Town Hall
Lord Street
SOUTHPORT
PR8 1DA

17th November 2009

Dear Margaret Carney,

We as traders in the Southport Market can support and do not oppose the temporary accommodation of the library in the Market Hall with additional investment provided that:

- a - the council mindful of footfall through the market allows access to the market from the temporary library
- b- does not do anything that is inconsistent with the council's long-term ambitions and plans for the market and the surrounding area
- c- makes serious and prompt efforts to encourage patronage of the market during and throughout any changes, acting in a prompt and commercially sensitive way
- d- in accommodating the library recognises the council's under-investment in the Market Hall and ensures that works done, where possible, enhance the long-term viability of the building.

We are aware that what the library needs is space and what we need are customers.

We would though remind the council of the need to encourage independent traders and starter businesses and register our concern, whatever the ultimate decision of the council, that there is paramount need not to price out existing and future tenants through new rent structures and hikes. We would also put on record our concern that some rent proposals suggested by Quarterbridge may be beyond existing stallholders ability to meet, and could possibly lead to a further reduction of stall holders.

Above all we are anxious as the people whose livelihoods are on the line, that the council, in a spirit of partnership, improve consultation with us throughout any changes. We are prepared to help out the people and the council; we expect them to help us out in this difficult economic and trading climate

Yours sincerely,

Name _____

Name of Stall _____

CABINET

199. TRANSFORMATION PROGRAMME UPDATE - STRATEGIC BUDGET REVIEW

Further to Minute No. 189 of the meeting held on 29 October 2009, the Cabinet considered the report of the Chief Executive which provided an update on progress made in relation to the Voluntary Early Retirement / Voluntary Redundancy (VER/VR) exercise and the progress of the Strategic Budget Review options.

The Cabinet also considered a note produced by Unison in response to issues set out in the report and the Chief Executive and Personnel Director responded to questions from Cabinet Members on the content of the note. The Chief Executive indicated that the issues set out in the note would be considered during the Strategic Budget Review

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

RESOLVED: That

- (1) the progress made in developing the Transformation Programme and the Strategic Budget Review be noted;
- (2) all Phase 1 VER/VR Expressions of Interest be formally progressed with a termination date of 31 March 2010;
- (3) action be taken where staff have asked for an earlier termination date, subject to mutual agreement on the waiving of Notice. Payment will not be made in lieu of Notice;
- (4) the Phase 2 VER/VR Expressions of Interest be formally progressed in the most expeditious manner;
- (5) further Expressions of Interest in VER/VR be sought from all staff emphasising that there will be no enhancement of redundancy or pension terms in the future;
- (6) it be accepted that compulsory redundancies would be required, as part of a range of measures, to bridge the budget gap in 2010/11 and future years, and Officers be instructed to expedite the actions necessary to identify any staff members at risk of compulsory redundancy who are in the 50-55 year old age bracket, by 1 April 2010; and
- (7) a special Cabinet meeting be held on 3 December 2009, commencing at 10.00 a.m. in Bootle Town Hall, in order to progress these issues in a timely manner.

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