



MEETING: CABINET
DATE: Thursday 8th July, 2010
TIME: 10.00 am
VENUE: Town Hall, Bootle

Member

Councillor

Robertson (Chair)
Booth
Brodie - Browne
P. Dowd
Fairclough
Maher
Moncur
Parry
Porter
Tattersall

COMMITTEE OFFICER: Steve Pearce
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The Cabinet is responsible for making what are known as Key Decisions, which will be notified on the Forward Plan. Items marked with an * on the agenda involve Key Decisions
A key decision, as defined in the Council's Constitution, is: -

- any Executive decision that is not in the Annual Revenue Budget and Capital Programme approved by the Council and which requires a gross budget expenditure, saving or virement of more than £100,000 or more than 2% of a Departmental budget, whichever is the greater
- any Executive decision where the outcome will have a significant impact on a significant number of people living or working in two or more Wards

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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A G E N D A

Items marked with an * involve key decisions

<u>Item No.</u>	<u>Subject/Author(s)</u>	<u>Wards Affected</u>	
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.	Minutes Minutes of the meeting held on 10 June 2010		(Pages 7 - 20)
4.	General Fund Outturn 2009/10 Report of the Interim Head of Corporate Finance and ICT Strategy to follow	All Wards;	
5.	Capital Outturn 2009/10 Joint report of the Interim Head of Corporate Finance and ICT Strategy and the Strategic Directors	All Wards;	(Pages 21 - 28)
6.	The Prudential Code for Capital Finance in Local Authorities - Prudential Indicators Outturn 2009/10 Report of the Interim Head of Corporate Finance and ICT Strategy	All Wards;	(Pages 29 - 38)
7.	Annual Treasury Management Report 2009/10 Report of the Interim Head of Corporate Finance and ICT Strategy	All Wards;	(Pages 39 - 46)
8.	Bus / Taxi Framework Agreements - Update Report of the Operational Services Director	All Wards;	(Pages 47 - 54)
9.	Playbuilder Capital Grant : 2010/11 Report of the Strategic Director - Children, Schools and Families	All Wards;	(Pages 55 - 60)

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| 10. | Schools Access Initiative Funding 2010/11
Report of the Strategic Director - Children, Schools and Families | All Wards; | (Pages 61 - 64) |
| 11. | Provision of a 14-19 Diploma Delivery Unit at Stanley High School, Southport
Report of the Strategic Director - Communities | Cambridge; | (Pages 65 - 68) |
| 12. | Renewal of Minor Works Service Contracts and the Routine Maintenance of Bridges and Structures Contract
Report of the Environmental and Technical Services Director | All Wards; | (Pages 69 - 74) |
| 13. | Carbon Reduction Commitment Scheme
Joint report of the Neighbourhoods and Investment Programmes Director and the Interim Head of Corporate Finance and ICT Strategy | All Wards; | (Pages 75 - 86) |
| 14. | Liverpool City Region Board Membership 2010/11
Report of the Planning and Economic Development Director | All Wards; | (Pages 87 - 90) |
| * 15. | Dog Fouling And Enforcement
Report of the Leisure and Tourism Director | All Wards; | (Pages 91 - 106) |
| * 16. | Strategic Budget Review and Budget 2010/11 - Part 1
Report of the Chief Executive to follow | All Wards; | |
| 17. | Exclusion of 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 Paragraphs 1 and 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. | | |

**18. Strategic Budget Review and Budget
2010/11 - Part 2**

All Wards;

Report of the Chief Executive to follow

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THE "CALL IN" PERIOD FOR THIS SET OF MINUTES ENDS AT 12 NOON ON TUESDAY 22 JUNE 2010.

CABINET

MEETING HELD AT THE TOWN HALL, SOUTHPORT ON THURSDAY 10TH JUNE, 2010

PRESENT: Councillor Robertson (in the Chair)
Councillors Cllr Mike Booth, Brodie - Browne,
Cllr Peter Dowd, Fairclough, Maher, Moncur, Parry,
Porter and Tattersall

ALSO PRESENT: Councillors Cummins and Papworth

22. APOLOGIES FOR ABSENCE

No apologies for absence were received.

23. DECLARATIONS OF INTEREST

The following declarations of interest were received.

Member	Minute No.	Reason	Action
Councillor Porter	31 - Targeted Capital Fund - Additional Schemes 2010/11	Personal - she is the Chair of Governors of the Merefield Special School referred to in the report	Took part in the consideration of the item and voted thereon
Councillor Fairclough	41 - Joint European Support for Sustainable Investment in City Areas	Personal - His employer is referred to in the report	Took part in the consideration of the item and voted thereon
Councillor Fairclough	42 - REECH (Renewable Energy and Energy Efficiency in Housing)	Personal - He is the Chair of the South Sefton Development Trust, which is referred to in the report	Took part in the consideration of the item and voted thereon

24. MINUTES

RESOLVED:

That the Minutes of the Cabinet Meeting held on 20 May 2010 be confirmed as a correct record.

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25. RETIREMENT OF STRATEGIC DIRECTOR - COMMUNITIES

The Chair reported that this would be the last Cabinet Meeting, the Strategic Director - Communities, Alan Moore, would be attending prior to his retirement at the end of June 2010.

The Chair and Councillors P Dowd and Parry paid tribute to the sterling work undertaken by Alan for the Council and Borough of Sefton during the last -twenty years.

RESOLVED:

That the thanks and appreciation of the Council be extended to the Strategic Director - Communities, Alan Moore for the work he had undertaken for the Council and Borough of Sefton during the last twenty years and best wishes be extended to him for a happy and healthy retirement.

26. CORPORATE PARENTING WORKING GROUP REPORT

The Cabinet considered the report of the Overview and Scrutiny Committee (Children's Services) Working Group which undertook a scrutiny inquiry into Corporate Parenting in the Borough.

Councillor Cummins, Lead Member of the Working Group outlined the key findings and recommendations of the scrutiny inquiry and responded to questions from Cabinet Members.

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 booklet "If This were my Child", attached as Appendix 3, to the report;
- (2) in order to raise awareness of the Council's responsibilities as Corporate Parent, all Elected Members and appointed officers receive the "If This were my Child" booklet outlining their responsibilities, to be distributed by the Strategic Director - Children, Schools and Families;
- (3) the Strategic Director - Children, Schools and Families in consultation with the Children's Social Care Director, be requested to brief, by way of a presentation, all Elected Members and all officers;
- (4) all newly Elected Members and appointed officers receive a briefing, from the Strategic Director - Children, Schools and Families and the booklet "If This were my Child" as part of their induction;

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- (5) the Strategic Director - Children, Schools and Families be requested to draft a role Description for an Elected Member Champion for Corporate Parenting, to be agreed in consultation with the Corporate Parenting Board;
- (6) an Elected Member Champion for Corporate Parenting be nominated by the Overview and Scrutiny Management Board, once a Role Description has been agreed;
- (7) the Strategic Director - Children, Schools and Families, in consultation with the Children's Social Care Director, be requested to deliver a presentation in relation to the Corporate Parenting Strategy to all of the Council's Area Committees at each first meeting of the Municipal Year, 2010;
- (8) the Head of Corporate Finance and ICT Strategy, in consultation with the Strategic Director - Children, Schools and Families be requested to, when reporting any proposed budget cuts, determine their impact on the Council's Looked After Children;
- (9) in the future, Cabinet proposals/recommendations be considered, in relation to assessing the impact on the Council's Looked After Children, if appropriate;
- (10) the Strategic Director - Children, Schools and Families in consultation with the Children's Social Care Director, be requested to approach partner organisations to make a pledge in relation to what Looked After Children can expect from them and how they can contribute to Corporate Parenting;
- (11) the Strategic Director - Children, Schools and Families in consultation with the Children's Social Care Director, be requested to prepare a separate booklet specifically detailing the Council's expectations of partner organisations in delivering services for Looked After Children across Sefton;
- (12) the Strategic Director - Children, Schools and Families, in consultation with the Children's Social Care Director, be requested to design a booklet specifically for school staff detailing schools responsibilities in their Corporate Parent Role;
- (13) the Strategic Director - Children Schools and Families be requested to ask those schools with Looked After Children attending, to nominate a Teacher and Governor to have special responsibilities for them, the names of the nominated persons to be held by the Strategic Director - Children Schools and Families;
- (14) the Strategic Director - Children, Schools and Families be authorised to approach other Authorities in order to reach an

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agreement to share information on Looked After Children transferred into another Authority (Out of Borough Placements);

- (15) the Strategic Director - Children, Schools and Families, the Children's Social Care Director and appropriate officers assigned by them, take a more individual interest in Looked After Children regarding a profile being set up for each child, including examinations, mentoring and advocacy;
- (16) the Child and Adolescent Mental Health Services (CAMHS) be requested to make a presentation in relation to Looked After Children to a future Meeting of the Overview and Scrutiny Committee (Children's Services);
- (17) the Strategic Director - Children, Schools and Families, in consultation with the Children's Social Care Director, be requested to approach an appropriate representative from NHS Sefton requesting them to take a more active role in Looked After Children's psychological welfare, and that the possibility of a dedicated psychologist for each children's home be explored.
- (18) the Strategic Director - Children, Schools and Families, in consultation with the Children's Social Care Director, be requested to explore the possibility of a multi-agency after care safety net approach to be adopted when children leave care;
- (19) Council Departments and partner organisations be encouraged to offer work placements to Looked After Children on finishing their education; and
- (20) the Strategic Director - Children, Schools and Families be requested to submit a progress report on the implementation of the above mentioned issues to the Overview and Scrutiny Committee (Children's Services) in September 2010.

27. EQUALITIES WORKING GROUP REPORT

The Cabinet considered the report of the Overview and Scrutiny Committee (Performance and Corporate Services) Equalities Working Group which undertook a scrutiny inquiry into the equality of access to services provided to members of the public.

Councillor Papworth, Lead Member of the Working Group outlined the key findings and recommendations of the Scrutiny inquiry and responded to questions from Cabinet Members.

RESOLVED: That

- (1) the Sefton Equalities Partnership be commended for its achievements to date in progressing the Equality Framework for Local Government;

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- (2) the Strategic/Service Directors be recommended to:
 - (i) develop the mainstreaming of equality and diversity into the core business of departments; and
 - (ii) develop a more consistent approach to training in the application of Impact Assessments across all Council departments.
- (3) The Head of Procurement be recommended to amend the Procurement Equalities Questionnaire Form, as indicated in Appendix 10 to the report, in order to reduce unnecessary bureaucracy and simplify procedures for small businesses of 5 employees or less, wishing to tender for work with the Council; and
- (4) the Assistant Chief Executive be recommended to consider the inclusion of an Equalities Impact Statement on the Council's Committee Report template and the Sefton Equalities Partnership be requested to give guidance on the suggested content of such statement.

28. MEDIUM TERM FINANCIAL PLAN 2011/12 - 2013/14

Further to Minute No. 89 of the Council meeting held on 4 March 2010, the Cabinet considered the report of the Interim Head of Corporate Finance and Information Services which provided an update on the Medium Term Financial Plan (MTFP) 2011/12 to 2013/14, based on the current financial position of the Authority. The report indicated that the MTFP would provide a basis for determining the level of savings that would be required via the Transformation Programme for the next three financial years.

RESOLVED: That

- (1) the adoption of the planning assumptions for the MTFP be confirmed;
- (2) the treatment of Formula Grant and Area Based Grant as a single item in the MTFP be confirmed;
- (3) the indicative MTFP set out in Annex A of the report and including the projected budget deficits for 2011/12 - 2013/14 be noted; and
- (4) it be noted that the MTFP would need to be flexible to react to changes on Government funding and other planning assumptions.

29. WORKFORCE PLANNING

Further to Minute No. 301 of the meeting held on 4 March 2010, the Cabinet considered the report of the Director of Corporate Services on the

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progress made in relation to Workforce Planning and the next steps to be taken in relation to the progression of this activity.

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

RESOLVED: That

- (1) the report be noted; and
- (2) the Cabinet confirms satisfaction with the progress made to date.

30. HOUSING CAPITAL PROGRAMME 2010/11

Further to Minute No. 133 of the meeting of the Cabinet Member - Regeneration held on 9 June 2010, the Cabinet considered the report of the Neighbourhoods and Investment Programmes Director seeking approval to the Housing Capital Programme for 2010/11.

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

RESOLVED:

That the Council be recommended to approve the Housing Capital Programme for 2010/11 as detailed at Annex A of the report, which requires the utilisation of £2.225m One Vision Housing capital receipts as a funding resource, together with other capital funding.

31. SURE START EARLY YEARS AND CHILDCARE GRANT - QUALITY AND ACCESS 2010/2011 EXTENDED SCHOOLS CAPITAL ALLOCATION 2010/2011

Further to Minute No. 6 of the meeting of the Cabinet Member - Children's Services held on 1 June 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 2010/11 and the extended Schools Capital Grant Allocation 2010/11.

RESOLVED: That

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

32. TARGETED CAPITAL FUND - ADDITIONAL SCHEMES 2010/11

Further to Minute No. 7 of the meeting of the Cabinet Member - Children's Services, held on 1 June 2010, the Cabinet considered the report of the

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Strategic Director - Children, Schools and Families seeking approval to the implementation of schemes to be funded from the Targeted Capital Funding Allocation 2010/11.

RESOLVED: That

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

33. GENERAL CAPITAL SCHEMES AT VARIOUS SCHOOLS

Further to Minute No. 5 of the meeting of the Cabinet Member - Children's Services, held on 1 June 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 specific capital resources.

RESOLVED: That

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

34. CHILDREN'S PERSONAL SOCIAL SERVICES CAPITAL ALLOCATION 2010/11

Further to Minute No. 8 of the meeting of the Cabinet Member - Children's Services, held on 1 June 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 Children's Personal Social Services Capital Allocation 2010/11.

RESOLVED: That

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

35. CHRIST CHURCH C. E. PRIMARY SCHOOL, BOOTLE - CAPITAL SCHEME

The Cabinet considered the report of the Strategic Director - Children, Schools and Families seeking approval to the extension of the contract for the Primary Capital Scheme at Christ Church C.E. Primary School, Bootle.

RESOLVED: That

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- (1) approval be given to the extension of the contract at Christ Church C.E. Primary School as detailed in the report; and
- (2) the line in the Children, Schools and Families Capital Programme be increased to include the additional works to be funded from the school's Devolved Formula Capital and Extended Schools Grant.

36. CHARGING FOR SPECIALIST TRANSPORT SERVICE

Further to Minute No. 134 of the meeting held on 1 October 2009 and Minute No. 5 of the meeting of the Cabinet Member - Health and Social Care held on 26 May 2010, the Cabinet considered the report of the Adult Social Care Director on the outcome of the review of the introduction of the flat rate charge on all service users who have transport arranged by the Council's Specialist Transport Service.

RESOLVED: That

- (1) the report be noted; and
- (2) a further update be submitted to the Cabinet in six months time.

37. BUS / TAXI - FRAMEWORK AGREEMENTS

The Cabinet considered the report of the Operational Services Director which sought approval to the extension of the current Bus Route Framework agreement for a period of twelve months.

RESOLVED:

That consideration of the issues raised in the report be deferred to enable officers to submit a further report to the next Cabinet Meeting on the reasons for the delay in the procurement of a new combined Bus and Taxi Routes Contract; the possibility of reducing the period of time for the proposed extension of the current Bus Route Framework agreement and the possibility of renegotiating the terms of the extended agreement.

38. KEW HOUSING AND EMPLOYMENT SITE SOUTHPORT - PROGRESS UPDATE

Further to Minute No. 177 of the meeting held on 29 October 2009, the Cabinet considered the joint report of the Strategic Director - Communities and the Environmental and Technical Services Director which provided an update on the progress on the Kew development, Town Lane, Southport with particular regard to site investigation work, recent consultations with local residents and the legal agreement with Barratt Developments Plc.

RESOLVED: That

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- (1) the Interim Head of Corporate Legal Services be authorised to enter into a further advanced legal agreement with Barratt Developments Plc;
- (2) the Interim Head of Corporate Legal Services be authorised to take proceedings as necessary against the grazers recently served with a Notice to Quit and the loss of income to the Council of £3,394 per annum as a result of this, be noted; and
- (3) the progress being made on other matters set out in the report be noted.

39. SEX ESTABLISHMENT LICENCE - SEXUAL ENTERTAINMENT VENUE

Further to Minute No. 10 of the meeting of the Licensing and Regulatory Committee held on 7 June 2010, the Cabinet considered the joint report of the Environmental and Technical Services and the Interim Head of Legal Services seeking approval to the adoption of the statutory provisions with regard to the licensing of sexual entertainment venues within the Borough.

RESOLVED:

That the Council be recommended to:

- (1) approve the adoption of Schedule 3 of the Local Government (Miscellaneous Provisions) Act, 1982, as amended by Section 27 of the Policing and Crime Act 2009;
- (2) adopt the recommended delegation of functions relating to the establishment of a Licensing (Sexual Entertainment Venues) Sub-Committee;
- (3) authorise the Licensing and Regulatory Committee to delegate its functions under Schedule 3 of the Local Government (Miscellaneous Provisions) Act, 1982, as amended by Section 27 of the Policing and Crime Act 2009 to Licensing (Sexual Entertainment Venues) Sub-Committees each consisting of three members of the Licensing and Regulatory Committee;
- (4) authorises the Assistant Chief Executive to determine the composition (i.e. membership) of any Licensing (Sexual Entertainment Venues) Sub-Committee from within the membership of the Licensing and Regulatory Committee for the purposes of convening meetings of the Licensing (Sexual Entertainment Venues) Sub-Committees; and
- (5) amend Part 3 of the Council Constitution - Responsibility for Functions (Delegations to Regulatory and Non-Executive Committees) to take account of the resolution above.

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40. THORNTON SWITCH ISLAND LINK SCHEME

Further to Minute No. 152 of the meeting of the Cabinet Member - Technical Services held on 10 March 2010, the Cabinet considered the report of the Planning and Economic Development Director which provided details of the notification from the Department for Transport (DfT) that a review of the Regional Funding Programmes was taking place in line with the new Government's intention to reconsider all spending plans and, at this stage, the DfT was unable to confirm any continued intention to fund any schemes with Programme Entry seeking conditions or Full Approval, which included the proposed Thornton to Switch Island Link Road.

The report set out the implications of this announcement upon the Council and options for consideration.

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

RESOLVED: That

- (1) Minute 152 of the meeting of the Cabinet Member - Technical Services held on 10 March 2010, which authorised the Assistant Director (Transportation and Spatial Planning) to submit the planning application for the Thornton to Switch Island Link Road Scheme and provide appropriate support through consideration by Sefton, be reaffirmed;
- (2) further to the outcome of the Planning Application, a report be submitted to a future Cabinet meeting on the progress of the Department for Transport Major Transport Scheme Funding review;
- (3) the drafting of the Compulsory Purchase Order/Side Roads Order be completed but not submitted to the Cabinet;
- (4) the voluntary acquisition of land already undergoing legal procedures be completed. Further progress on land acquisition to be placed on hold subject to the outcome of the planning application and funding review; 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 Procedures 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 key stages in the delivery of the scheme had been planned over the coming weeks. A decision is required as to whether to proceed or not to limit financial liabilities relating to the consultant/legal fees etc.

41. HAWTHORNE ROAD CORRIDOR IMPROVEMENTS MARSH LANE TO PROVINCE ROAD - ACCEPTANCE OF TENDER

The Cabinet considered the report of the Planning and Economic Development Director on the tenders received for the Hawthorne Road Corridor Improvements from Marsh Lane to Province Road.

RESOLVED: That

- (1) the lowest compliant tender submitted by Wrenco Ltd. of Maghull in the sum of £335,938.79 be accepted;
- (2) the Interim Head of Corporate Legal Services be requested to prepare a formal contract with the successful tenderer; and
- (3) approval be given to the budgetary provision for the Hawthorne Road scheme being increased by £307,000 which shall be funded from Section 106 contributions.

42. JOINT EUROPEAN SUPPORT FOR SUSTAINABLE INVESTMENT IN CITY AREAS

Further to Minute No. 7 of the meeting of the Cabinet Member - Regeneration held on 9 June 2010, the Cabinet considered the report of the Planning and Economic Development Director which provided an update on the launch by the Northwest Urban Development Fund of the Joint European Support for Sustainable Investment in City Areas (JESSICA) initiative, which is a new £100m fund to help support urban development projects in the North West.

The report also set out the proposed sub-regional working level arrangements to progress the development of an Urban Development Fund (UDF) for Merseyside and the potential projects in Sefton to be included in the programme.

RESOLVED: That

- (1) the report be noted;
- (2) it be noted that the Sefton projects submitted in Annex A of the report could be included in the programme for funding opportunities; and
- (3) further progress reports on the initiative be submitted and in particular details of any financial and legal implications as a result of JESSICA/UDF proposals.

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43. REECH (RENEWABLE ENERGY AND ENERGY EFFICIENCY IN HOUSING)

Further to Minute No. 241 of the meeting held on 17 December 2009 and Minute No. 6 of the meeting of the Cabinet Member - Regeneration held on 9 June 2010, the Cabinet considered a report of the Planning and Economic Development Director which provided an update on the submission of a Renewable Energy and Energy Efficiency in Housing (REECH) programme bid to the North West Development Agency, together with details of the proposed structures and procedures for the delivery of the REECH programme.

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

RESOLVED: That

- (1) the submission of the REECH Programme bid be noted;
- (2) approval be given to the establishment of a REECH Steering Group as outlined in paragraph 3 of the report;
- (3) the Cabinet Member - Regeneration be appointed as the Chair of the REECH Steering Group; and
- (4) subject to the REECH Programme bid being successful and a final offer been made by the Regional Development Agency, a further report be submitted to the Cabinet with a view to accepting that offer, such report to include any financial and operational implications; and
- (5) subject to (4) above, approval be given to the inclusion of the REECH Programme in the Capital Programme for 2010/11.

44. MOOR PARK CONSERVATION AREA ARTICLE 4(2) DIRECTION

Further to Minute No. 72 of the Council Meeting held on 14 January 2010, and Minute No. 17 of the meeting of the Planning Committee held on 2 June 2010, the Cabinet considered the report of the Planning and Economic Development Director which sought approval to the confirmation without modification of the Moor Park Article 4(2) Direction following the recent public consultation exercise.

RESOLVED:

That the Council be recommended to confirm the Moor Park Article 4(2) Direction without modification.

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45. 40 LANCASTER ROAD BIRKDALE - URGENT WORKS NOTICE

The Cabinet considered the report of the Planning and Economic Development Director on the recent severe fire damage caused to the property 40 Lancaster Road, Birkdale which was a Grade II Listed Building and sought approval to include provision in the capital programme in the event that the Council is required to carry out works to the property in default, subsequent to the serving of an Urgent Works Notice.

RESOLVED:

That, subject to the views of the Strategic Asset Management Group, approval be given to provision being made within the Capital Programme in the event that the Council be required to carry out works to the property 40 Lancaster Road, Birkdale in default, subsequent to the serving of an Urgent Works Notice.

46. PROVISION OF GRANT FUNDING FOR CAPPING LAYER AND GAS PROTECTION AT THE TANNERY SITE

Further to Minute No. 8 of the meeting of the Cabinet Member - Regeneration held on 9 June 2010, the Cabinet considered the report of the Neighbourhoods and Investment Programme Director which sought approval to provide 'gap' funding for a capping layer and gas protection measures to Bellway Homes Limited for the development of new housing for sale and rent at the Tannery site, Bootle, using funding from the Council's Housing Market Renewal Programme.

The Cabinet also considered a letter from a local resident on the issues raised in the report.

RESOLVED: That

- (1) the letter from the local resident be noted; and
- (2) approval be given to a grant of £225,334 being made available to Bellway Homes Limited, subject to completion of the necessary Grant Agreement and Building Licence for a capping layer and associated works at the Tannery site, Hawthorne Road, Bootle.

47. 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.

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48. 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

49. REMEDIATION CONTRACT AND WORKS - TANNERY AND PENPOLL SITES

Further to Minute No. 16 of the meeting of the Cabinet Member - Regeneration held on 9 June 2010, the Cabinet considered the report of the Neighbourhoods and Investment Programmes Director which provided details of the unforeseen and consequent increased costs for the remediation of land at the Tannery and Penpoll sites in Hawthorne Road, Bootle.

RESOLVED:

That the increased costs and estimated outturn costs in relation to the remediation contract for the Tannery and Penpoll sites in Hawthorne Road, Bootle, which can be met from within approved Housing Market Renewal budgets, be noted.

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REPORT TO: Cabinet

DATE: 8 July 2010

SUBJECT: Capital Outturn 2009/2010

WARDS AFFECTED: All

REPORT OF: John Farrell
Interim Head of Corporate
Finance & Information
Services

Alan Moore
Strategic Director
Communities

Charlie Barker
Strategic Director
Social Care & Wellbeing

Peter Morgan
Strategic Director of
Children's Services

CONTACT OFFICER: Mike Martin – Strategic Finance Manager
Ext. 3506

**EXEMPT/
CONFIDENTIAL:** No

PURPOSE/SUMMARY: To provide Members with details of the Council's overall capital spending in 2009/10.
REASON WHY DECISION REQUIRED: As part of the budget monitoring procedures for the Council's Capital Programme.
RECOMMENDATION (S): Cabinet is asked to note the contents of this report.

KEY DECISION: No

FORWARD PLAN: Not appropriate.

IMPLEMENTATION DATE: Following the call-in period after Cabinet on the 8 July 2010.

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ALTERNATIVE OPTIONS: Not applicable.

IMPLICATIONS:

Budget/Policy Framework: Not appropriate.

Financial: There are no additional financial implications as a result of this report.

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

Legal: Not appropriate

Risk Assessment: Not appropriate

Asset Management: Not appropriate

CONSULTATION UNDERTAKEN/VIEWS

ALL DEPARTMENTS WERE CONSULTED IN THE PREPARATION OF THIS REPORT

CORPORATE OBJECTIVE MONITORING:

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

LIST OF BACKGROUND PAPERS RELIED UPON IN THE PREPARATION OF THIS REPORT
None

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BACKGROUND:

1. This report gives details of the Council's overall capital spending in 2009/2010 and reasons for major variations in expenditure on individual schemes.
2. **2009/2010 Expenditure**
 - 2.1. The Authority's capital expenditure for the year was £74.098m, comprising £62.262m in respect of the service based Capital Programme and £11.836m for Government Funded and Other Programmes. A summary is attached at Annex A.
 - 2.2. The service based Capital Programme, £62.262m, shows a net rephasing of expenditure of £8.615m (12.15%) when compared to the revised estimate of £70.877m. Members are asked to note that the term rephasing is used in the context of the capital programme as, generally, "underspendings" on projects in a given financial year represent unexpected delays in works and therefore expenditure will usually slip into subsequent years. On the other hand "overspendings" can represent actual cost increases that need to be met from available capital, and potentially revenue, resources or delays in the generation of capital receipts planned to fund the scheme.
 - 2.3. The main reasons explaining the major variations on the 2009/2010 capital programme are detailed below:
 - a) **Children's Services (Rephasing of £3.548m)**
 - i) **Devolved Formula Capital Schemes (£0.503m).** This funding is devolved to schools, which have a three-year time period in which to utilise the money. Members will recall that schools were given 40% of their 2010/11 DFC allowance in 2009/10 as part of the fiscal stimulus introduced by Government. Many schemes are already planned to take place in the summer holidays and some schools will make contributions to major schemes planned within the financial year.
 - ii) **Play Naturally (£0.221m).** The Crosby Coastal Park Play Area scheme has recently started on site with the balance of funding, with the exception of retention, expended within the financial year. The Playbus for Parenting 2000 is due for delivery in June/July after which the balance of the allocated funding will be expended.

- iii) **Primary Capital Programme (£0.375m).** All eleven schemes are progressing well with the majority on site and completion is expected by summer 2010. The scheme at Our Lady of Walsingham has been delayed whilst decisions were made on the capacity of the single-sited school but this is now due to start on site in August. The major rebuild scheme at Aintree Davenhill is making good progress after a delayed start and is due for completion by December 2010.
 - iv) **14 – 19 Diploma Rooms (£1.29m).** A total of nineteen schemes are being progressed under this programme with five completed, eight on site and the remaining six due to start on site during the summer holiday period. All funding, with the exception of retentions, will be expended within the financial year.
 - v) **Early Years and Childcare Grant (£0.895m).** The bidding process, by nursery providers in the private, independent and voluntary sector, for grant funding has been completed and allocations have been finalised. All schemes will be progressed and monitored over the next few months and it is anticipated that the balance of funding will be expended by 31 March 2011.
- b) **Leisure and Tourism (Rephasing of £2.505m).**
- i) **Maghull Leisure Centre (£0.324m).** Slippage on the scheme has occurred for a number of reasons. Information is still awaited from the main contractor in support of the final account and monies are being retained until this is made available. The demolition of the former Deyes Lane pool was deferred until 2010/11 to allow this work to be carried out in conjunction with Children's Services on the redevelopment of the site. Finally, signage and minor external works to the Leisure Centre are still to be addressed.
 - ii) **Southport Sports Park (£0.382m).** This project is subject to a bid to the Football Foundation and has been linked by them to the Building Schools for the Future programme. The scheme can only progress once a decision on the bid is received from the Football Foundation.

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- iii) **Botanic Gardens Museum, Roof and Lift (£0.375m).** This scheme is closely linked to the Southport Cultural Centre project and, as reported previously, work was put on hold pending progress on the Cultural Centre scheme. Now that the Cultural Centre is a 'live' scheme, consideration will be given as to how best to utilise the Botanic Gardens Museum buildings. Indeed, any alternative use will still require capital funding to put the building in an appropriate condition. A bid to the Heritage Lottery Fund is being considered.
- iv) **Southport Crematorium Flue Gas Filtration Work (£0.760m).** This scheme is now substantially complete and payment will be released as soon as the accounts are finalised.

c) **Regeneration (Rephasing of £1.078m)**

- i) **South Sefton Investment Centre (£0.101m)**

The final retention payment was due at the end of the Defect Correction period, which ended in December 2009. The capital programme allowed for this expenditure to be defrayed during 2009/10. However, the defect correction certificate was not issued until April 2010, due to some issues with the heating system within the building. This has delayed the release of retention until 2010/11.
- ii) **Stepclever Property Project (£0.170m)**

The underspend on this project in 2009/10 is as a result of delays in being able to bring forward projects suitable for the development as incubation business space. These delays are due to the continued recession in the development industry, in particular projects requiring financial support from the banks. Confidence appears now to be returning to the industry and there are now a number of projects that are being brought forward for approval during 2010/11 that should enable the programmed expenditure to be brought back on target.
- iii) **Older Persons Housing Strategy (£0.300m)**

This scheme meets the Council's commitment to increasing the "Extra Care" housing provision. Apart from one scheme coming to fruition during 2009/10 (accounting for up to £200k), the majority of the budget line has not spent due to anticipated partnership schemes taking longer to come on stream. The provision has therefore been slipped to 2011/12, as it is considered unlikely to spend during 2010/11.

d) **Technical Services (Rephasing of £0.940m).**

- i) **Integrated Transport Programme (£0.766m).** The slippage in 2009/10 was due to spend profile changes, where works planned for 2009/10 will now be delivered in 2010/11, in respect of a number of schemes including:- Pear Tree junction; Southport Parking Signage; UTC upgrades; and Local Safety Small schemes.

2.4 In addition to the above service based capital expenditure, the capital programme also includes a number of Central Government funded programmes, which are managed by independent partnership boards. In 2009/10, total capital expenditure of £11.836m was incurred in respect of The Safer and Stronger Communities Fund (£0.080m) and Housing Market Renewal (£11.756m).

3. **2010/2011 Capital Programme**

The Strategic Asset Management Group will continue to closely monitor the programme with a view to ensuring that both a high level of in year capital spend is achieved and that NO capital resources are lost.

4. **Recommendations**

Cabinet is asked to note the contents of this report.

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ANNEX A

Summary of Capital Expenditure 2009/2010

<u>Service Based Programme</u>	<u>Revised Estimate</u>	<u>Actual</u>	<u>Rephasing</u>
	<u>£'000</u>	<u>£'000</u>	<u>£'000</u>
Children's Services	31,433.35	27,885.30	3,548.05
Corporate Services	7,040.00	7,482.78	-442.78
Environmental	1,032.01	637.04	394.97
Health and Social Care	4,317.47	3,900.46	417.01
Housing - HRA	178.04	0.32	177.72
Leisure and Tourism	10,907.21	8,401.87	2,505.34
Regeneration	6,348.64	5,271.05	1,077.59
Technical Services	8,620.62	7,680.87	939.75
Capitalisation – Maintenance Projects	1,000.00	1,002.46	-2.46
Total Service Based Capital Expenditure	70,877.34	62,262.15	8,615.19
<u>Government Funded & Other Programmes</u>			
Government Funded Programmes		11,835.61	
Total Capital Expenditure		74,097.76	

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REPORT TO: Cabinet

DATE: 8th July 2010

SUBJECT: The Prudential Code for Capital Finance in Local Authorities – Prudential Indicators Outturn 2009/10

WARDS AFFECTED: All

REPORT OF: John Farrell
Interim Head of Corporate Finance and Information Services
0151 934 4096

CONTACT OFFICER: Jeff Kenah
0151 934 4104

EXEMPT/ CONFIDENTIAL: No

PURPOSE/SUMMARY:

To inform members of the outturn position for Prudential Indicators for 2009/10.

REASON WHY DECISION REQUIRED:

To comply with the CIPFA Prudential Code for Capital Finance in Local Authorities.

RECOMMENDATION(S):

Cabinet is asked to note the contents of this report.

KEY DECISION: No.

FORWARD PLAN: No.

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

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ALTERNATIVE OPTIONS:

There are no alternative options. The Council under The Local Authorities (Capital Finance and Accounting) (England) Regulations 2003 is required to have regards to the CIPFA Prudential Code for Capital Finance in Local Authorities.

IMPLICATIONS:

Budget/Policy Framework: Compliance with Prudential Indicators and the reporting of outturn will enable the financial implications of capital investment to be contained within approved revenue budgets.

Financial: There are no additional Financial implications as a result of the report.

<u>CAPITAL EXPENDITURE</u>	2009/ 2010 £	2010/ 2011 £	2011/ 2012 £	2012/ 2013 £
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: To comply with The Local Authorities (Capital Finance and Accounting) (England) Regulations 2003.

Risk Assessment: Operation within the Prudential Indicators will minimise the risk of any additional revenue budget pressures resulting from capital financing decisions.

Asset Management: None.

CONSULTATION UNDERTAKEN/VIEWS

None.

CORPORATE OBJECTIVE MONITORING:

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

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

The CIPFA Prudential Code for Capital Finance in Local Authorities.

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BACKGROUND:

1. Introduction

1.1. The CIPFA Prudential Code for Capital Finance in Local Authorities (The Prudential Code) was introduced following the Local Government Act 2003. The Prudential Code details a number of measures/limits/parameters (Prudential Indicators) that, to comply with legislation, must be set in respect of each financial year to ensure that the Council is acting prudently and that its capital expenditure proposals are affordable. Original Prudential Indicators for 2009/10 were approved in February 2009 and revised during the year as part of the budget process.

1.2. A requirement of the Prudential Code is the reporting to Cabinet of the outturn position of Prudential Indicators following the end of financial year. In accordance with this requirement, this report outlines the 2009/10 outturn for the following Prudential Indicators:-

- (i) Capital Expenditure (Section 2);
- (ii) Financing Costs/Net Revenue Stream (Section 3);
- (iii) Capital Financing Requirement (Section 4);
- (iv) Borrowing Limits (Section 5);
- (v) Treasury Management Indicators (Section 6).

2. Prudential Indicator – Capital Expenditure

2.1. The original and revised estimates for 2009/10 capital expenditure are presented below, together with the actual capital expenditure calculated on an accruals basis for the financial year.

Capital Expenditure 2009/10			
	Original Estimate £'000	Revised Estimate £'000	Actual £'000
Children's Services	21,197	31,433	27,885
Housing General Fund	18,928	17,904	18,460
Technical Services	7,831	8,621	8,733
Other Services	21,673	23,879	18,944
Total	69,629	81,837	74,022

2.2. Variations between original estimates, revised estimates and actual capital expenditure in 2009/10 have arisen as a result of planned changes of the capital programme and related re-phasing of expenditure on capital projects. A report elsewhere on today's agenda details actual

capital expenditure in 2009/10 together with explanations for variations from revised estimates.

- 2.3. Actual capital expenditure in the year is within budget and it has therefore been possible to finance the capital programme from within available approved resources. No additional unbudgeted financial implications due to additional borrowings have arisen as a result of the overall capital expenditure incurred in 2009/10.

3. **Prudential Indicator – Financing Costs/Net Revenue Stream**

- 3.1. This indicator measures the financing costs of capital expenditure as a proportion of the net resource expenditure of the General Fund. The original and revised estimates together with the actual outturn for 2009/10 are presented below. The lower ratio is due to the lower borrowing costs incurred in the year, due to the lower capital spend as well as the decision to internally borrow i.e. reduce cash balances that earn a low rate of interest rather than borrow at a high rate of interest.

Financing Costs/Net Revenue Stream			
	<u>2009/2010 Original Estimate</u>	<u>2009/2010 Revised Estimate</u>	<u>2009/2010 Actual</u>
General Fund	5.3%	5.3%	4.9%

4. **Prudential Indicator – Capital Financing Requirement**

- 4.1. The Capital Financing Requirement indicator reflects the Authority's underlying need to borrow for capital purposes. This is based on historic capital financing decisions and the borrowing requirement arising from the financing of actual capital expenditure incurred in 2009/10. The original and revised estimates of the Capital Financing Requirement as at 31/03/10 together with the actual Capital Financing Requirement as at that date are shown below:

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Capital Financing Requirement			
	<u>31/03/10</u> <u>Original</u> <u>Estimate</u> <u>£'000</u>	<u>31/03/10</u> <u>Revised</u> <u>Estimate</u> <u>£'000</u>	<u>31/03/10</u> <u>Actual</u> <u>£'000</u>
General Fund	190,000	189,300	190,160

- 4.2. The level of actual Total Capital Financing Requirement as at 31 March 2010 when compared to the original estimate is in line with expectation.
- 4.3. The Capital Financing Requirement now includes the Crosby Leisure Centre PFI scheme which has now been included on the balance sheet in line with new accounting guidelines (as contained within Statement of Recommended Accounting Practice – Code of Practice on Local Authority Accounting in the United Kingdom 2009). The revised Capital Financing Requirement at 31/10/2010 included an estimate for the value of the PFI scheme of £6.0m as supplied by SECTOR, our Treasury Management Consultants. A formal valuation of the scheme was undertaken by Capita Symonds at 31/03/2010 which valued the asset at £7.116m, which has caused the variation of the actual CFR at 31/03/2010 to the revised estimate.
- 4.4. CIPFA's Prudential Code for Capital Finance in Local Authorities includes the following statement as a key factor of prudence:

“In order to ensure that over the medium term net borrowing will only be for a capital purpose, the local authority should ensure that net external borrowing does not, except in the short term, exceed the total of the capital financing requirement in the preceding year plus the estimates of any additional capital financing requirement for the current and next two financial years”.

- 4.5. In the report to Cabinet in February 2009, it was stated that the Authority would comply with this requirement in 2009/10. During the financial year, net external borrowing did not exceed the total of the Capital Financing Requirement.

5. **Prudential Indicator – Borrowing Limits**

- 5.1. External borrowing undertaken by the Council arises as a consequence of all the financial transactions of the authority, both capital and revenue, and not simply those arising from capital spending. During 2009/10, the Council managed its Treasury position in terms of its external borrowings and investments in accordance with its approved Treasury Management

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Strategy and established an Operational Boundary and Authorised Limit to manage the level of external debt. These items are described below.

5.2. The Operational Boundary

5.2.1. The Operational Boundary sets a limit on the total amount of long term borrowing that the Council can enter into. It reflects the Authority's current commitments, existing capital expenditure plans, and is consistent with its approved Treasury Management Policy Statement and practices.

5.2.2. The original and revised estimates set for the Operational Boundary for 2009/10 are detailed below:

Operational Boundary			
	<u>Original Estimate</u> £'000	<u>Revised Estimate</u> £'000	<u>Actual</u> £'000
External borrowing	173,000	166,000	117,600
Other long term liabilities	7,500	7,500	7,002
Total	180,500	173,500	124,602

5.2.3 The lower than anticipated borrowing is due to not borrowing for the capital programme as forecast, as noted in above in 3.1. Added to this £14.635m of loans were repaid in the year.

5.3. The Authorised Limit

5.3.1. The Authorised Limit sets a limit on the amount of external borrowing (both short and long term) that the Council enters into. It uses the Operational Boundary as its base but also includes additional headroom to allow, for example, for exceptional cash movements.

5.3.2. The original and revised estimate for the Authorised Limit for 2009/10 approved by the Council are detailed below.

Authorised Limit			
	<u>Original Estimate</u> £'000	<u>Revised Estimate</u> £'000	<u>Actual</u> £'000
External borrowing	188,000	181,000	117,600
Other long term liabilities	7,500	7,500	7,002
Total	195,500	188,500	124,602

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5.4. Actual External Debt

5.4.1. The Council's actual external debt at 31 March 2010 was £124.602m, comprising £117.600m external borrowing and £7.002m other long term liabilities (Mersey Residuary Body Debt). The external borrowing above includes £5,665m in respect of the Crosby Leisure Centre PFI scheme (as noted in 4.3 above). The equivalent figure for 31 March 2009 is £134.009m, consisting of £126.570 external borrowing and £7.439m other long term liabilities (Mersey Residuary Body Debt). Actual external debt at 31 March 2010 is within the revised Prudential Indicators set for both the Operational Boundary and Authorised Limit.

5.4.2. The level of the Council's actual external debt has also been monitored throughout the financial year and for information this has remained within both of the Prudential Indicators set.

6. Prudential Indicator – Treasury Management

6.1. The results of the Council's Treasury Management activities in 2009/10 are detailed in the Annual Treasury Management Report included elsewhere on today's agenda. The report incorporates the following Prudential Indicators that were approved for the 2009/10 financial year:

6.1.1. Interest Rate Exposure

- i) An upper limit of debt outstanding less investments held at fixed interest rates of 160% of the value total debt outstanding less total investments.

ACTUALS AT 31/03/10 120.1% FIXED INTEREST RATE

- ii) An upper limit of debt outstanding less investments held at variable interest rates of 15% of the value of total debt outstanding less total investments.

ACTUALS AT 31/03/10 -20.1% VARIABLE INTEREST RATE

Hence all of the above are within the limit set.

6.1.2. Debt Maturity Profile

This is a profile measuring the amount of borrowing that is fixed rate maturing in each period as a percentage of total borrowing that is fixed rate.

Fixed Rate Debt Maturity	Upper Limit %	Lower Limit %	Actual 31/03/2010 %
Under 12 months	35	0	0.00

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12 months and within 24 months	40	0	0.15
24 months and within 5 years	40	0	9.63
5 years and within 10 years	40	0	0.72
10 years and above	90	25	89.5

6.1.3 The 10 year and above band is nearing it's ceiling due to the low level of borrowing in recent years, allied with the repayment of debt as it fell due in 2009/10.

6.1.4. **Non Specified Investments**

An upper limit on the value of non-specified investments of 80% of total investments was set for 2009/10. Non specified investments are defined as over 1 year but less than 5 years.

ACTUALS AT 31/03/10 0.00% OF TOTAL INVESTMENTS

6.2.1. The indicators have been monitored throughout the year and for information the actual figures at 31 March 2010 are shown. No breaches of the indicators have occurred.

7. **Recommendations**

7.1. Cabinet is asked to note the contents of this report.

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Agenda Item 7

REPORT TO: Cabinet

DATE: 8th July 2010

SUBJECT: Annual Treasury Management Report 2009/10

WARDS AFFECTED: All

REPORT OF: John Farrell
Interim Head of Corporate Finance and
Information Services
0151 934 4096

CONTACT OFFICER: Jeff Kenah
0151 934 4104

EXEMPT/CONFIDENTIAL: No

PURPOSE/SUMMARY:

To inform members of Treasury Management Activities undertaken in 2009/10.

REASON WHY DECISION REQUIRED:

To comply with the requirements of the Council's Treasury Management Policy Statement.

RECOMMENDATION(S):

Cabinet is requested to note the Annual Treasury Management Report 2009/10

KEY DECISION: No

FORWARD PLAN: No

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

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ALTERNATIVE OPTIONS:

The Cabinet could decide not to comply with the CIPFA Code of Practice on Treasury Management, which recommends both production of and reporting on Treasury Management Policy and Strategy Documents. It is felt that non-compliance with the Code would significantly increase the risks associated with the activity and would not be complying with best practice.

IMPLICATIONS:

Budget/Policy Framework: Compliance with the Policy and Strategy Documents, incorporating appropriate reporting, will enable the Council to secure the most favourable terms for raising funds, maximise returns on investments whilst at all time minimising the level of risk to which it is exposed.

Financial: There are no additional Financial implications as a result of the report.

<u>CAPITAL EXPENDITURE</u>	2009/ 2010 £	2010/ 2011 £	2011/ 2012 £	2012/ 2013 £
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?			

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Legal: None.

Risk Assessment: Compliance with the Policy and Strategy Documents minimise the level of risk to which the Council is exposed.

Asset Management: None.

CONSULTATION UNDERTAKEN/VIEWS

Discussion with the Council's Treasury Management Advisor – Sector Treasury 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		√	

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

None.

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BACKGROUND:

1. Introduction

- 1.1. The Treasury Management Policy and Strategy Statements are agreed annually by the Council as part of the budget process. A requirement of the Policy Statement is the reporting to Cabinet of the results of the Council's treasury management activities in the previous year. Treasury management in this context is defined as:

'The management of the authority's cash flows, its banking, money market and capital market transactions; the effective control of the risks associated with those activities; and the pursuit of optimum performance consistent with those risks.'

- 1.2. In accordance with the above this report outlines the results of treasury management activities undertaken in 2009/10 covering the following issues:

- borrowing strategy and practice
- the Council's current Debt Portfolio
- compliance with Treasury Limits
- compliance with Prudential Indicators
- investment strategy and practice.

- 1.3. The results of treasury management activities in 2009/10 are also reflected in the net expenditure on Capital Financing Costs included within the Council's Revenue Budget. The 2009/10 outcome for Capital Financing Costs is presented within a separate report elsewhere on today's agenda.

2. Borrowing Strategy and Practice

- 2.1. In 2009/10 repayments of £14.635m were made to The Public Works Loan Board (PWLB). The repayments comprised £0.933m in respect of the repayment of the principal element of annuity loans, and £13.702m in respect of the repayment of the principal element of maturity loans.

- 2.2. The Council employs Sector Treasury Services (Sector) for advice on treasury issues. Taking account of their advice, market conditions, the Council's cash flow position and requirements to finance capital expenditure in the year no new long term borrowings were undertaken. However, a number of short term borrowings were undertaken with other public bodies as follows:

AMOUNT	RATE	DATE	DURATION
£15m	0.38%	19/11/2009	1 month
£5m	0.45%	18/03/2010	3 months
£5m	0.45%	19/03/2010	3 months

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- 2.3. The Council's external debt activity in the year is summarised in the following table:

		£'000
	Opening PWLB Debt 01/04/2008	126,570
Less	Repayment Principal Loans	(14,635)
	Closing PWLB Debt 31/03/2010	111,935

3. Current Debt Portfolio

- 3.1. The Council's current debt portfolio, taking account of the transactions detailed in paragraph 2, can be summarised as follows:

DEBT PORTFOLIO		
	<u>2008/09</u>	<u>2009/10</u>
Average Interest Rate Payable on Debt in Year	4.93%	4.91%
<u>Debt Outstanding</u>	<u>31 March 2009</u>	<u>31 March 2010</u>
	<u>£'000</u>	<u>£'000</u>
<u>Fixed Rate Funding</u>		
PWLB	126,570	111,935
Other – Sefton Bonds	16	16
Total Debt	<u>126,586</u>	<u>111,951</u>

- 3.2. The movement in debt reflects the financing decisions taken in paragraph 2, the effect of which has been to reduce the average interest rate payable in 2009/10.

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4. Compliance with Treasury Limits

4.1. The following Treasury Limits were approved by Council during the 2009/10 Budget Setting process:

TREASURY LIMITS 2009/10		
	LIMIT	ACTUAL
The Overall or Authorised Borrowing Limit	£195.5m	£1111.95m
The amount of the Overall Borrowing Limit which may be outstanding by way of short term borrowing.	£15.0m	£15.0m
The proportion of External Borrowing which is subject to variable rate interest.	15%	Nil

4.2. During the financial year the Council operated within these limits. As can be seen from the table in paragraph 3.1 above the Authority is within the overall borrowing limit, total fixed rate funding debt at 31 March 2010 being £1111.951m.

5. Compliance with Prudential Indicators

5.1. The following Prudential Indicators were approved for the 2009/10 financial year:

i) **Interest Rate Exposure Indicators**

a) an upper limit of debt outstanding less investments held at fixed interest rates of 160% of the value of total debt outstanding less total investments;

ACTUAL AT 31/03/2010 -FIXED INTEREST RATE 120.1%

b) an upper limit of debt outstanding less investments held at variable interest rates of 15% of the value of total debt outstanding less total investments.

ACTUAL AT 31/03/2010 - VARIABLE INTEREST RATE - 20.1%

Hence all of the above are within the limit set.

ii) **Non Specified Investment Indicator**

An upper limit on the value of non-specified investments of 40% of total investments. Non specified investments are defined as over 1 year but less than 5 years;

ACTUAL AT 31/03/2009 – NON HELD.

iii) **Debt Maturity Indicator**

A profile measuring the amount of borrowing that is fixed rate that will mature in each period as a percentage of total borrowing that is fixed rate:

DEBT MATURITY PROFILE			
	<u>Upper Limit</u>	<u>Lower Limit</u>	<u>Actual 31/03/2009</u>
Under 12 months	35.00%	0.00%	0.00%
12 months and within 24 months	40.00%	0.00%	0.15%
24 months and within 5 years	40.00%	0.00%	9.63%
5 years and within 10 years	40.00%	0.00%	0.72%
10 years and above	90.00%	25.00%	89.50%

5.2. The indicators have been monitored throughout the year and for information the actual figures at 31 March 2010 are shown. No breaches of the indicators have occurred.

5.3 The 10 year and above band is nearing it's ceiling due to the low level of borrowing in recent years, allied with the repayment of debt as it fell due in 2009/10.

6. **Investment Strategy and Practice**

6.1. The Council invests all available cash balances, which includes school balances and the insurance fund, following a policy of obtaining maximum returns whilst minimising risks.

i) **Externally Managed Investments**

No externally managed funds are held.

ii) **Internally Managed Investments**

The Council's available funds averaged £72.43m and were managed with advice from Sector.

In 2009/10 a return of 1.88% was achieved. This is more than the benchmark 7 day LIBID figure of 0.42% and is considered to be an

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acceptable return. The key objective is to firstly secure security, liquidity and then yield.

6.2. The level of the Council's investments is summarised in the following table:

<u>Investments</u>	<u>31 March 2009</u>	<u>31 March 2010</u>
	£m	£m
Internally Managed Investments	49.05	31.25
Externally Managed Funds	<u>0.00</u>	<u>0.00</u>
Total Investment of Cash Balances	<u>49.05</u>	<u>31.25</u>

7. **Recommendation**

7.1. Cabinet is recommended to note the Annual Treasury Management Report for 2009/10.

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REPORT TO: Cabinet

DATE: 8th July 2010

SUBJECT: Bus / Taxi Framework Agreements - Update

WARDS AFFECTED: All

REPORT OF: J G Black
Operational Services Director
Tel: 0151 288 6311

CONTACT OFFICERS: Andrew Walker
Assistant Director - Operational Services
Tel: 0151 288 6159

Garry Lewis
Head of Specialist Transport
Tel: 0151 934 4601

**EXEMPT/
CONFIDENTIAL:** No

PURPOSE/SUMMARY:

Members considered an original report on 10th June 2010 seeking to obtain approval to extend the current Bus Route framework agreement for an additional 12 months. Further information was requested by Members before a decision was made. This report provides the additional information and seeks to obtain approval to extend the current Bus Route framework for an additional 12 months.

REASON WHY DECISION REQUIRED:

To provide an ongoing contractual agreement for the transportation of vulnerable residents by external bus companies until 31st August 2011, at which time a new framework agreement for a combined bus and taxi contract can be tendered.

RECOMMENDATION(S):

That Cabinet:

1. Note the progress made towards route optimisation for both bus and taxi routes in Sefton, and the timetable for combining both Bus and Taxi contracts with effect from September 2011.
2. Agree to the extension of the current Bus Route framework agreement for a period of 12 months with effect from 1st September 2011.
3. Agree to a formal tendering procedure being undertaken to procure a new combined Bus and Taxi contract to operate from 1st September 2011.

KEY DECISION: No

FORWARD PLAN: No

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

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ALTERNATIVE OPTIONS: None – undertaking a formal re-tendering process would not, at this time, allow for any savings arising from the forthcoming 'route optimisation' software purchase to be incorporated within the process. In addition, the re-tendering exercise could take up to 6 months to undertake, during which time transport is still required on a daily basis.

IMPLICATIONS:

Budget/Policy Framework: None

Financial:

<u>CAPITAL EXPENDITURE</u>	2007/ 2008 £	2008/ 2009 £	2009/ 2010 £	2010/ 2011 £
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?				

Legal: An extension period of up to 24 months is allowed for within the existing Bus Route framework agreement.

Risk Assessment: Not applicable.

Asset Management: Not Applicable.

CONSULTATION UNDERTAKEN/VIEWS

Central Purchasing

FD407 - The interim Head of Corporate Finance & Information Services was consulted and has no comments about the Bus / Taxi Framework Agreements Report.

CORPORATE OBJECTIVE MONITORING:

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

LIST OF BACKGROUND PAPERS RELIED UPON IN THE PREPARATION OF THIS REPORT
N/A

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Background

1. In 2003 the Government produced a series of Best Value guidelines for specialist transport services. In response to this, it was proposed that a Specialist Transport Unit be created in Sefton to co-ordinate and commission all transport services for Health & Social Care and Childrens Services.
2. In April 2005 the Specialist Transport Unit was created from the existing Health & Social Care Transport Operation and a Head of Service was appointed to develop the operation and maximise its usage. The initial functions of the Unit included the incorporation of Childrens Services SEN operations, changes to day-care times to facilitate improved vehicle utilisation, the development and introduction of contracts with the Taxi and Private Hire companies and Bus companies.
3. To maximise the usage of both vehicles and staff, additional activities and partnership opportunities were also considered, including links with the Ambulance Service, PCT transport requirements and 'Dial a Ride'. However, the demand profile at that time provided limited opportunities to further develop the services offered by the Specialist Transport Unit.
4. In April 2006 the Head of Service left his post, followed by the then Deputy Head of Service in August 2006. Management of the Specialist Transport Unit was transferred to the Assistant Finance Director and two Principal Managers were appointed, responsible for Operations and Policy respectively.
5. In April 2009 it was recommended that an Officer with specialist knowledge of transport operations be appointed. The current Head of Service was appointed in September 2009 on a fixed term twelve month contract with a remit to develop and update a range of transport policies and services, and develop Service Level Agreements with commissioning Departments and partners.
6. The Specialist Transport Unit was required to provide safe, appropriate and cost effective transport services for the Childrens Services and Health & Social Care Departments. It was therefore necessary to develop and amend the service provision to reflect the changing needs of users whilst ensuring that all statutory services were delivered at the minimum cost.
7. Statistical data compiled over the three year period prior to the appointment of the new Head of Service showed that the number of service users had remained relatively stable. However, by applying industry-standard usage formulae it can be seen that the transport requirements of the cross section of users has increased by 8%. For this reason, whilst the numbers of users has remained steady, transport costs have risen due to the type of transport required by those users.
8. The following table shows the total number of service users in September from 2007 to 2009:

	SEN	SS	Post 16	Other	TOTAL
Sept 2007	638	838	65	43	1584
Sept 2008	657	896	12	56	1621
Sept 2009	643	890	48	37	1618

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9. The following table shows the breakdown of these service users using 'Equivalent Travel Units'. These units have been calculated to give a true picture of relative activity levels and usage. For the purposes of these unit calculations, one wheelchair user is equivalent to four non-wheelchair users, and one taxi / private hire user is equivalent to between three and five non-wheelchair users. Transport activity does vary on a daily basis, but in general terms, there were some 300 routes per day, and activity had increased by over 8% between September 2008 and September 2009.

	Non-Wheelchair Users	Wheelchair users	Taxi & Private Hire usage	Total	Equivalent Travel Unit Total
Sept 2008	1251	212	158	1621	2731
Sept 2009	1175	247	196	1618	2947

Resources

10. In 2009/10 the Specialist Transport Unit had 32 vehicles of varying sizes and ages. These covered 26 routes on a daily basis, utilising 45 drivers and 220 passenger assistants.
11. The Unit also subcontracted 86 buses and between 150 and 190 taxi and Private Hire vehicles due to changing requirements of users. In addition, the sub contractors also supplied some 40 passenger assistants.

Database/Management System

12. The original system used to operate the Specialist Transport Unit's services, in terms of data capture, was called 'Logical Transport'. Between 2005 and 2007 efforts were made to customise this system to enable information to be shared accordingly as required between agencies. It became apparent by the summer of 2007 that this system would be unable to provide the complex and over-arching information required, upon which decisions could be made as to how best meet the needs of all users.
13. In August 2007 an in-house Microsoft Access database was created to store the necessary information and in Summer 2008 a decision was taken to purchase a bespoke and specialist transport management system. This would not only provide the necessary management information, but would also be able to develop route optimisation procedures to enable transport costs to be kept to a minimum.
14. By September 2009, when the new Head of Service commenced, detailed research had been undertaken with both a wide range of specialist suppliers and other specialist transport providers. Tenders were evaluated from September 2009 to January 2010, and it was agreed by Cabinet in March 2010 to purchase a new transport management system known as Cleric.
15. A restructure of the Specialist Transport Unit is currently being undertaken to ensure that all staffing resources are compatible with the new system and will allow it to be utilised to its full capacity. In essence, there will be a clear distinction between service operations and policy/programming. This will allow management to make

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best use of all available resources within the Specialist Transport Unit. It will also provide a saving against current staffing costs.

Bus Contracts

16. The current Bus Route framework agreement was set up in 2005 and is scheduled to end on August 31st 2010, however, there is a facility within the contract to extend for a period up to two years.
17. The new transport IT system currently being purchased will be able to produce the most efficient routing, to allow considerable savings to be made, via a 'route optimisation' module. The system is expected to be installed during July 2010, with data population also commencing at this time. In house training is commencing with the chosen suppliers on 9th July 2010.
18. However, the route optimisation process will not be completed in time to undertake a formal OJEU process for the procurement of a new Bus Framework agreement in time for the 31st August 2010 deadline.
19. However, it should also be noted that the current Taxi Framework Contract expires on 31st August 2011. Since both the original Bus and Taxi contracts were awarded there has been significant changes in the transport suppliers market. New 'multi purpose' vehicles have been brought onto the market, and transport companies have invested heavily to be in a position to provide vehicles which cater for single or small user groups, up to larger coach-type vehicles. There is no longer a specific need to split bus and taxi travel contracts as transport companies will now be able to tender for a single combined contract.
20. By extending the existing Bus Framework agreement to coincide with the end of the existing Taxi Framework agreement, an opportunity exists to merge both agreements and tender for one single comprehensive specialist transport agreement.
21. After extensive consultation with the new IT system suppliers, and following the service restructure to meet the requirements of the system, it is envisaged that the first phase of service rationalisation of the current routing of both in-house and external provision will be carried out during November 2010, after which time it will be possible to reduce the numbers of vehicles being used, and thereby reduce costs.
22. By January 2011 it is envisaged that the optimal routing model will have been developed, allowing a comprehensive OJEU tendering process to be undertaken for a combined Bus / Taxi Framework agreement in time for implementation on September 1st 2011.
23. The external expenditure on buses in 2009/10 was £2.07million. The external expenditure on Taxi / Private Hire increased from £919k to £974k between September 2008 and September 2009, an increase of £55k or 6%. However, during this period the number of routes increased from 158 to 196, a growth of some 24%. Having consulted with a range of existing IT system users, and undertaken initial mapping and scoping exercises, it is predicted that savings of some 15 – 25% could and should be achievable in Sefton across both service areas.

Additional Information requested by Cabinet – 10/06/10

24. 'The reasons for the delay in the procurement of a new combined Bus and Taxi Route Contract' – A new four year taxi agreement was implemented with effect from

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1st September 2009. This agreement has a two year 'break clause' allowing the contract to be re-evaluated or re-tendered with effect from 31st August 2011. The Bus Framework expires on 31st August 2010, with the possibility to extend for up to two years. Therefore, the first available opportunity to combine the two Framework agreements into a single contract is with effect from 1st September 2011.

25. 'The possibility of reducing the period of time for the proposed extension of the current Bus Route Framework Agreement' – It will take some months after the implementation of the new IT software package to develop the necessary route optimisation processes. It will also take a number of months after this process is developed to undertake a full OJEU tender process. In addition, the current Taxi Framework only allows for a break in the contract at 31st August 2011. It is therefore proposed that 1st September 2011 does indeed provide the only opportunity to merge both contracts, and therefore the current Bus Framework agreement will need to be extended to this point.
26. 'The possibility of renegotiating the terms of the extended agreement' – The original Bus Framework agreement, and the costs associated with it, were set up in 2005, using 2005 rates of pay and costs. There was no annual or periodic review built into the contract. As a consequence the vast majority of routes are still operating at the same 2005 rates. Any renegotiation of the current rates with the current supplier would have to take into account changes in labour and fuel rates in the last five years, plus the cost of capital employed and vehicle depreciation rates based on a 12 month tariff rather than a longer contract. It is therefore economically advantageous to retain the existing contact terms whilst extending the current contract for the appropriate period.
27. It should also be noted that the management of the Specialist Transport Unit has recently been transferred to the new Operational Services Department. With the appointment of a senior management structure within the Department, and a clear and concise focus on a number of operational and front line services operated by the Council, it is expected that the Specialist Transport Unit will benefit greatly from it's new location. Plans are underway to transfer the management teams to a central depot location where the Unit will further benefit from strong and focussed management and supervision.

Recommendations:

1. Members note the progress made towards route optimisation for both bus and taxi routes in Sefton, and the timetable for combining both Bus and Taxi contracts with effect from September 2011.
2. Members agree to the extension of the current Bus Route framework agreement for a period of 12 months with effect from 1st September 2011.
3. Members agree to a formal tendering procedure being undertaken to procure a new combined Bus and Taxi contract to operate from 1st September 2011.

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REPORT TO: CABINET MEMBER – CHILDREN’S SERVICES
CABINET

DATE: 22 JUNE 2010
8 JULY 2010

SUBJECT: PLAYBUILDER CAPITAL GRANT: 2010/11

WARDS AFFECTED: ALL WARDS

REPORT OF: PETER MORGAN
STRATEGIC DIRECTOR - CHILDREN, SCHOOLS & FAMILIES

CONTACT OFFICER: CHRIS DALZIEL (0151 934 3337)

**EXEMPT/
CONFIDENTIAL:** NO

PURPOSE/SUMMARY:

The purpose of this report is to seek approval for proposed schemes, to be funded from the Playbuilder Grant.

REASON WHY DECISION REQUIRED:

The Cabinet Member, Children, Schools & Families, has delegated powers to approve the proposed schemes and to refer them to Cabinet for inclusion in the Children, Schools & families Capital Programme 2010/11.

RECOMMENDATION(S):

The Cabinet Member, Children’s Services is recommended to:

- i) approve the proposed schemes;
- ii) refer the funding to Cabinet for inclusion in the Children, Schools & Families Capital Programme 2010/11;
- iii) consider whether to refer the revenue allocation of £11,500 for the repairs and maintenance of the three play areas on Council owned land to Cabinet with a request for this amount to be referred to the budget setting process for 2011/12;
- iv) request the Leisure and Tourism Director to progress the schemes on Council-owned land as detailed in this report.

KEY DECISION: No.

FORWARD PLAN: Not appropriate.

IMPLEMENTATION DATE: Following the expiry of the “call-in” period for the Minutes of the Cabinet meeting.

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ALTERNATIVE OPTIONS:

Not appropriate.

IMPLICATIONS:

Budget/Policy Framework: None.

Financial: There are no financial implications for the Council's general resources as all funding is from the 2010/11 Fair Play Playbuilder Grant of £440,174. There are however revenue implications associated with the repair and maintenance of developments on Council owned land as noted at section 4 of the report.

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

Legal: There are no legal implications directly associated with this report.

Risk Assessment: The capital investment may be of reduced long-term benefit to the community if revenue funding is not available for ongoing repair and maintenance of the proposed play areas.

Asset Management: Not appropriate.

CONSULTATION UNDERTAKEN/VIEWS

FD 393 - The Head of Corporate Finance & Information Services has been consulted and has no comments on this report.

As detailed in this report.

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	✓		

LINKS TO ENSURING INTEGRATION:

The proposals will all contribute towards the Every Child Matters agenda and in particular towards the CYPP targets of:-

- ❖ Reduce health inequalities.
- ❖ Create and maintain an environment where people feel safe.
- ❖ Implement the Integrated Youth Support Service to maximise opportunities for young people in Sefton and support transition to adult life.
- ❖ Create a culture and an environment where people can make a positive contribution to their community.

IMPACT UPON CHILDREN, SCHOOLS & FAMILIES TARGETS AND PRIORITIES:

The proposals will also contribute towards the LAA targets of:-

- ❖ Improved health and reduced inequalities.
- ❖ Looked After Children.
- ❖ The health of children and young people.
- ❖ Making a positive contribution.
- ❖ Changing perceptions.
- ❖ Crime.
- ❖ Community involvement.

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

Report to Cabinet Member, Children's Services and Cabinet – 28/30 October 2008 – Fair Play Playbuilder Grant.
 Report to Cabinet Member, Leisure & Tourism and Cabinet - 5/27 November 2008 – Fair Play Playbuilder Programme: Design and Procurement Proposals 2008/09.
 Report to Cabinet Member, Children, Schools & Families and Cabinet – 25 August/3 September 2009 – Playbuilder Capital Grant: 2009/10.
 Report to Cabinet - 17 December 2010 – Medium Term Financial Plan 2010/11 to 2012/13

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PLAYBUILDER CAPITAL GRANT: 2010/11

1. Background

- 1.1 Sefton MBC has received a £440,174 capital grant in 2010/11 as part of the ongoing Playbuilder programme. Members will recall that six schemes were developed in 2008/09 and a further eight schemes in 2009/10.

2. Planning and Preparation for Year 2

- 2.1 Sefton's Play Partnership has invited expressions of interest from all interested parties including Play Partnership Members, Elected Members and Parish Councils. Thirteen expressions of interest have been received, as detailed below, and these were reviewed by the Playbuilder Sub-group, which is part of the Play Strategy Group in Sefton, on 26 May 2010, to consider the bids against criteria in line with the conditions of the grant.

Maghull Town Council - 3 proposals at Glenn Park, Dodds Park and Balls Wood
Aintree Village Parish Council – Harrow Drive
Lydiate Parish Council – Sandy Lane
Netherton Park Neighbourhood Centre
One Vision Housing
Liverpool Biennial of Contemporary Art
5 Leisure Services sites:

- Moorside Park, Crosby
- Deansgate Lane Park, Formby
- Hesketh Park, Southport
- Brook Vale Park, Crosby
- Crossens Community Park, Southport

- 2.2 Sefton are required to develop eight new play proposals in 2010/11 and each proposal will receive £55,201 in grant funding.

3. Proposals

- 3.1 The following schemes were considered to best meet the criteria and the Cabinet Member, Children, Schools and Families is recommended to approve these schemes.

Maghull Town Council - Glenn Park
Maghull Town Council – Dodds Park
Aintree Village Parish Council – Harrow Drive
Lydiate Parish Council – Sandy Lane
Netherton Park Neighbourhood Centre
Sefton Leisure Services – Moorside Park, Crosby
Sefton Leisure Services – Deansgate Lane Park, Formby
Sefton Leisure Services – Crossens Community Park, Southport

4. Ongoing Repair & Maintenance

- 4.1 The repair and maintenance of schemes not in the ownership of Sefton MBC will be the responsibility of the bidders who submitted the Expression of Interest. All such bidders have confirmed their ability to comply with this condition of funding.

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- 4.2 For the Council to progress the Year 3 Play Builder schemes on its own land, as described in this report, it will have to take responsibility for their repair and maintenance. This is likely to be in the region of £11,500 for the three proposed sites. This sum cannot be found from existing budgets within Children Schools and Families or Leisure Services.
- 4.3 The Cabinet Member may wish to refer the £11,500 required for repair and maintenance of the three proposed Council-owned sites, to Cabinet with a request for this amount to be referred to the budget setting process for 2011/12.
- 4.4 If the revenue allocation for repairs and maintenance is not approved the Cabinet Member should be aware that the play areas will have a finite life-span, (unless the opportunity arises to decommission other play areas elsewhere, thereby freeing up funding). If and when equipment becomes vandalised or deteriorates due to excessive use, it may have to be decommissioned. The original investment would therefore have had reduced long-term benefit for the community.
- 4.5 The Cabinet Member will be aware that requests for revenue funding, arising from Phase 1 (£25,400) and Phase 2 (£18,500), to be considered in the budget setting process were referred to Cabinet on 17 December 2009 as possible items for inclusion in the Medium Term Financial Plan in 2011/12 but neither were approved at that time. This has already created a potential shortfall of £43,900.

5. **Recommendations**

- 5.1 The Cabinet Member, Children's services is recommended to:
- i) approve the proposed schemes;
 - ii) refer the funding to Cabinet for inclusion in the Children, Schools & Families Capital Programme 2010/11;
 - iii) consider whether to refer the revenue allocation of £11,500 for the repairs and maintenance of the three play areas on Council owned land to Cabinet with a request for this amount to be referred to the budget setting process for 2011/12;
 - iv) request the Leisure and Tourism Director to progress the schemes on Council-owned land as detailed in this report.

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REPORT TO: CABINET MEMBER, CHILDREN'S SERVICES
CABINET

DATE: 22 JUNE 2010
8 JULY 2010

SUBJECT: SCHOOLS ACCESS INITIATIVE FUNDING 2010/11

WARDS AFFECTED: ALL WARDS

REPORT OF: PETER MORGAN
STRATEGIC DIRECTOR - CHILDREN, SCHOOLS & FAMILIES

CONTACT OFFICER: CHRIS DALZIEL (0151 934 3337)

**EXEMPT/
CONFIDENTIAL:** NO

PURPOSE/SUMMARY:

The purpose of this report is to seek approval for the allocation of Schools Access Initiative funding.

REASON WHY DECISION REQUIRED:

The Cabinet Member has delegated powers to approve the allocation of funding within the 2010/11 Children, Schools & Families Capital Programme.

RECOMMENDATION(S):

The Cabinet Member is recommended to:-

- i) approve the allocation of Schools Access Initiative funding as detailed in this report;
- ii) refer the allocation to Cabinet for inclusion in the 2010/11 Children, Schools & Families Capital Programme.

KEY DECISION: No.

FORWARD PLAN: Not appropriate.

IMPLEMENTATION DATE: Following the expiry of the "call-in" period for the Minutes of the Cabinet meeting.

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ALTERNATIVE OPTIONS:

Not appropriate.

IMPLICATIONS:

Budget/Policy Framework: None.

Financial: There are no financial implications for the Council's general resources as all funding is from specific resources (Schools Access Initiative allocation 2010/11). The total cost of schemes detailed in the report is £132,513 and if the schemes are approved then a balance of £170,277 will remain to support further schemes.

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

Legal: Not appropriate.

Risk Assessment: There are no financial risks associated with this report as all funding is from specific resources.

Asset Management: The proposed allocation of funding is in line with the Children, Schools & Families Asset Management Plan.

CONSULTATION UNDERTAKEN/VIEWS

FD 397 - The Head of Corporate Finance & Information Services has been consulted and has no comments on this report.

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	✓		

LINKS TO ENSURING INTEGRATION:

The proposed scheme detailed in this report will link to ensuring integration by contributing towards the following priorities of the CYPP.

- ❖ Create and maintain an environment where people feel safe.
- ❖ Create highly effective, inclusive learning environments for all age groups where learners can enjoy and achieve.

IMPACT UPON CHILDREN, SCHOOLS & FAMILIES TARGETS AND PRIORITIES:

The proposed scheme will have a positive impact on the CYPP targets detailed above and the following LAA targets.

- ❖ Educational achievement and training.
- ❖ The health of children and young people.
- ❖ Changing perceptions.
- ❖ Statutory Education Targets.

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

Report to Cabinet Member, Children, Schools & Families – 19 January/4 February 2010 – Schools Access Initiative: Proposed Scheme.
 Report to Cabinet Member, Children, Schools & Families – 13/15 April 2010 – Modernisation Funding: Proposed Scheme at Kew Woods Primary School.

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SCHOOLS ACCESS

1. Background

- 1.1 Sefton MBC has received a Schools Access Initiative capital allocation of £400,790 in 2010/11. Taking into account schemes already approved there remains a balance of £302,790 to support new projects.
- 1.2 The Schools Access Initiative funding provides support for capital projects to improve access to education in mainstream schools for pupils with disabilities and special educational needs.

2. Proposed Schemes

- 2.1 It is proposed to install a lift at Waterloo Primary School to provide access to the upper floor where several of the classrooms are based. A disabled toilet will also be provided on the first floor for use by pupils or staff with physical disabilities. The estimated cost of this proposal is £69,348.
- 2.2 Members will recall that Summerhill Primary School, Maghull, has been designated as a school suitable for children with physical disabilities and the school accommodates a number of such children. A physiotherapy room and hygiene room have been added and it is proposed to make other, relatively minor changes, to make the outdoor environment more accessible to all. The proposal is to increase the door width of a number of rooms and external entrances to make them DDA compliant and to construct a timber ramp to the summer house. Further work will include the construction of a 2m wide pathway for wheelchair access to two of the school's garden areas. The estimated cost of this proposal is £33,165.
- 2.3 It is also proposed to allocate £30,000 to provide improved access to the National Curriculum for pupils at a number of schools across the Borough. This will include provision of specialist furniture such as desks and rise and fall tables and also ICT equipment. Funding may also provide hoists or other specialist facilities for pupils to enable them to attend mainstream schools and promote inclusion within Sefton.

3. Finance

- 3.1 The total estimated cost of the schemes detailed in this report is £132,513. If these schemes are approved then a balance of £170,277 will remain to support further schemes.

4. Recommendations

- 4.1 The Cabinet Member is recommended to:-
- i) approve the allocation of Schools Access Initiative funding as detailed in this report;
 - ii) refer the allocation to Cabinet for inclusion in the 2010/11 Children, Schools & Families Capital Programme.

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REPORT TO: Cabinet

DATE: 8 July 2010

SUBJECT: Provision of a 14-19 Diploma Delivery Unit at Stanley High School, Southport

WARDS AFFECTED: Cambridge

REPORT OF: Bill Milburn
Strategic Director for Communities

CONTACT OFFICER: David Kay
Architecture and Buildings Manager
Tel No. 0151 934 4527

**EXEMPT/
CONFIDENTIAL:** No

PURPOSE/SUMMARY:

This report is to advise Members of tenders received in respect a proposed Diploma Delivery Unit at Stanley High School, Southport.

REASON WHY DECISION REQUIRED:

To enable acceptance of tenders and to thereby allow the timetable for implementation and expenditure to be met.

RECOMMENDATION(S):

It is recommended that:

- (i) Cabinet approves the increase of £40,000.00 in the Capital Programme provision for the 14-19 Diploma Delivery Unit at Stanley High School, funded from School Reserves.
- (ii) Cabinet approves acceptance of the lowest tender received.
- (iii) Subject to (i) above the Legal Director be requested to enter into a formal contract with the successful tenderer.

KEY DECISION: No

FORWARD PLAN: Not Appropriate

IMPLEMENTATION DATE: Immediately following expiry of the call in period

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ALTERNATIVE OPTIONS:

All alternative options have been considered and have been discounted.

IMPLICATIONS:

Budget/Policy Framework:

Funding provision of £367,000.00 (TCF 14-19 Diploma £152,00.00 and Devolved Formula Capital £215,000.00) is contained within the Children's Services Capital Programme for this project. In addition the school has agreed to contribute £40,000.00 from school reserves.

Financial

Tenders for the main contract works have been invited and are due to be received on 29 June 2010.

Details of the tenders received and the overall financial implications will be reported to Members on the day of the meeting.

<u>CAPITAL EXPENDITURE</u>	2010/ 2011 £	2011/ 2012 £	2012/ 2013 £	2013/ 2014 £
Gross Increase in Capital Expenditure	£40,000.00			
Funded by:				
Sefton Capital Resources				
Specific Capital Resources School Reserves	£40,000.00			
<u>REVENUE IMPLICATIONS</u>				
Gross Increase in Revenue Expenditure				
Funded by:				
Sefton funded Resources				
Funded from External Resources				
Does the External Funding have an expiry date? Y/N	N/A			
How will the service be funded post expiry?	N/A			

Legal: Not appropriate

Risk Assessment: Not appropriate

Asset Management: Not Applicable

CONSULTATION UNDERTAKEN / VIEWS

FD455- The Head of Corporate Finance & Information Services has been consulted and has no comments on this report

CORPORATE OBJECTIVE MONITORING:

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

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

Children's Services Capital Programme.

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1.0 BACKGROUND

- 1.1 Officers from Children's Services Capital and 14-19 Teams have worked with all Secondary School Head Teachers in the development of a Sefton wide approach for fit for purpose 14-19 Diploma accommodation.

Stanley High School has been identified to receive a funding allocation towards the provision of a 14-19 diploma unit and subsequently engaged Capita Symonds to develop and tender the scheme.

The scheme includes internal alterations, provision of a link access corridor, new heating plant and specialist equipment.

2.0 TENDER ACTION

- 2.1 Tenders to carry out the works have been invited from suitably qualified and experienced contractors, as follows (in alphabetical order):

J Armor	Liverpool
Davies Maintenance	Burscough
D Henderson	Southport
Mellford Construction Ltd	Southport
Rigby Building Contractors	Southport
Thomas Winstanley	Rainford

- 2.2 Tenders will be received on 29th June 2010 and details of the tenders received will be reported to Members on the day of the meeting.

- 2.3 Tenders received will be subject to technical and arithmetical checking. Acceptance of a tender will be subject to such checking.

3.0 FINANCIAL IMPLICATIONS

The overall financial implications of the tenders received will be reported to Members on the day of the meeting.

4.0 RECOMMENDATIONS

It is recommended that:

- (i) Cabinet approves the increase of £40,000.00 in the Capital Programme provision for the 14-19 Diploma Delivery Unit at Stanley High School, funded from School Reserves.
- (ii) Cabinet approves acceptance of the lowest tender received.
- (iii) Subject to (i) above the Legal Director be requested to enter into a formal contract with the successful tenderer.

Alan Moore
Strategic Director for Communities and Deputy Chief Executive

Agenda Item 12

REPORT TO: CABINET MEMBER : TECHNICAL SERVICES
CABINET

DATE: 30th JUNE 2010
8TH JULY 2010

SUBJECT: RENEWAL OF MINOR WORKS SERVICE CONTRACTS
AND THE ROUTINE MAINTENANCE OF BRIDGES AND
STRUCTURES CONTRACT

WARDS AFFECTED: ALL

REPORT OF: PETER MOORE, ENVIRONMENTAL AND TECHNICAL
SERVICES DIRECTOR

CONTACT OFFICER: STEPHEN BIRCH SMBC
PAUL SCOTT SMBC
PAUL GROGAN CAPITA SYMONDS

EXEMPT/CONFIDENTIAL: NO

PURPOSE/SUMMARY:

1. To advise members on the proposals for the renewal of the Service Contract No. 6 for Minor Highway Works and the Contract for the Routine Maintenance of Bridges and Structures.
2. To seek approval from Members to extend the existing service contracts with Wrenco (Contractors) Ltd., Westshield Limited (Service Contract 6) and Wrenco (Contractors) Ltd (Bridges & Structures) until new contractual arrangements are in place, for a period not exceeding 12 months.

REASON WHY DECISION REQUIRED:

Both the existing Service Contract No. 6 and the Contract for the Routine Maintenance of Bridges and Structures are due to end on 31 July 2010. A renewal of all minor works / service contracts and procurement methods is in progress, with the aim of being in place on 1st April 2011. To enable the continued implementation of urgent bridge and structure maintenance, LTP highways schemes, other Sefton funded schemes and works for third party clients within required time scales, it is proposed that the existing contracts are extended for the interim period. This period not to exceed a maximum of 12 months to allow for any delay in awarding the new contracts.

RECOMMENDATION(S):

It is recommended that the Cabinet Member:

- a) Notes the contents of the report and supports the recommendations for Cabinet.

It is recommended that the Cabinet:

1. Notes the proposals for the renewal of the stated contracts which may include minor amendments.
2. Approves the extension of the existing Service Contract No. 6 and the Contract for the Routine Maintenance of Bridges and Structures for a period not exceeding 12 months in order to provide continuity for works implementation until the new contractual arrangements are in place.
3. Waives Contract Procedure Rule No. 4 as regards Invitation to Tender to allow the extension of the contracts.

KEY DECISION: NO

FORWARD PLAN: NOT APPLICABLE

IMPLEMENTATION DATE: 1st AUGUST 2010

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ALTERNATIVE OPTIONS: The alternative is that the existing contracts are not extended. In this scenario, each element of work would be subject to a separate tendering exercise. This would lead to delays in commencing work and unacceptable additional costs for procurement.

IMPLICATIONS:

Budget/Policy Framework: None.

Financial: The existing rates within the Service Contract 6 and Routine Maintenance of Bridges and structures Contract may be increased as appropriate in accordance with DTI indices and conditions of contract. All works undertaken within the terms of these contracts are within approved budgets.

Legal: Since the value of the extensions to the contracts may exceed £150,000 in value, it will be necessary to seek authority to waive Contracts Procedure Rule No. 4 as regards the invitation of tenders.

Risk Assessment: NO SIGNIFICANT RISKS ASSOCIATED WITH THIS REPORT. Each scheme is awarded on an individual basis, within an approved budget, so there is no long term contractual obligation.

Asset Management: NOT APPLICABLE

CONSULTATION UNDERTAKEN/VIEWS

FD 446 The Head of Corporate Finance & Information Services has been consulted and has no comments on this report.

CORPORATE OBJECTIVE MONITORING:

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

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

Cabinet Member :Technical Services Report 25 September 2002
 Cabinet Member :Technical Services Report 13 July 2006 – SC6
 Cabinet Member :Technical Services Report 13 July 2006 - RMBS

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1.0 BACKGROUND

- 1.1 Two contracts were put out to tender and awarded to run from August 2006:
- a) Minor Highway Works Contract No. 6 (approx. value £750,000 per year) to run from 1st August 2006 to 31st July 2010
 - b) Routine Maintenance of Bridges and Structures Contract (approx. value £100,000 per year) also to run from 1st August 2006 to 31st July 2010.

The contracts operate on a Target Cost basis for reimbursement to the contractor. The principles for this form of contract procurement are in line with recent guidance from the Centre for Construction Innovation. The contracts also include Key Performance Indicators to monitor specific elements of the contractor's performance and to encourage a process of continued improvement during the course of the contract period.

- 1.2 A review of the current contracts has been undertaken to determine whether any amendments should be made to the contracts should they be extended. The review considered details of the contract clauses and the details of the payment mechanism. Some minor amendments are recommended and these are noted in section 1.3 below. It should be noted that the current contracts are operating successfully and provide good value for money and performance.

- 1.3 Recommended amendments:

Current Contract	Recommended amendment	Reason for amendment
Period of maintenance liability for contractor is 4 weeks	Period of maintenance liability for contractor to be 52 weeks	Typo error. 52 weeks is period being used.
2 week period for contractor to remedy defects starts at end of maintenance liability period.	Change start of 2 week period to when defect is notified	Speeds up rectification of defects
Contractors share range commonly known as pain/gain mechanism apportions the financial liability to the Council and Contractor for difference between actual cost and target cost	Review share range and change if appropriate	To apportion the financial liability to the Council's advantage.
No retention	Introduce retention	Originally no retention used due to length of contract and long term relationship with contractor. For extension, contract period would be short.
Bill of Quantity rates have been increased in line with construction indices during the period of the contract (as noted in the contract)	Freeze rates at current level.	Reduces outturn costs to the Council

The above proposals are designed to provide better value for money to the Council and improved performance. These proposals are subject to agreement with the existing contractors. None the less the contracts can be extended in their current form or with partial amendment.

- 1.4 Contract Procedure Rule 4 details the procedures to follow when the contractors to be involved are determined by a reply to a public notice. In this instance the names of the contractors are known and no involvement by other contractors is required. Therefore no public notice is required and Contract Procedure Rule 4 should be waived.
- 1.5 The process of delivery for all minor works/ service contracts is being reviewed and this may result in a different suite of contracts commencing on 1st April 2011. For this future stage, a selection process will be used to choose appropriate contractors and it is intended to promote the use of local contractors who utilise local labour solutions.
- 1.6 To enable the continued implementation of bridge and structure maintenance, LTP schemes and works for third party clients within required timescales, it is proposed that the existing contracts are extended for the interim period (not exceeding 12 months) until the new contracts are brought into effect.

The continued operation of the existing contract provides an efficient way of delivering minor works with reduced lead in times and procurement costs.

2.0 RECOMMENDATIONS

- 2.1 That the Cabinet Member notes the contents of the report and supports the recommendations for Cabinet.
- 2.2 That the Cabinet notes the proposals for the renewal of the stated contracts which may include minor amendments.
- 2.3 That the Cabinet approve the extension of the existing Service Contracts for a period not exceeding 12 months to provide continuity for works implementation until the new contractual arrangements are in place.
- 2.4 That Contract Procedure Rule No. 4 as regards Invitations to Tender is waived to allow the extension of the contracts.

PETER MOORE, ENVIRONMENTAL AND TECHNICAL SERVICES DIRECTOR

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Agenda Item 13

REPORT TO: Cabinet Member - Environmental
Cabinet Member - Regeneration
Cabinet
Council

DATE: 30 June 2010
7 July 2010
8 July 2010
8 July 2010

SUBJECT: Carbon Reduction Commitment Scheme

**WARDS
AFFECTED:** None

REPORT OF: Alan Lunt - Neighbourhoods and Investment Programmes
Director
John Farrell - Interim Head of Corporate Finance & ICT
Strategy

**CONTACT
OFFICER:** Ian Weller - Energy Team Manager Ext 4221
Kevin McBlain – Financial Management Ext 4049

**EXEMPT/
CONFIDENTIAL:** No

PURPOSE/SUMMARY:

To seek policy decisions on the operation of the Carbon Reduction Scheme, which became legislation from 1 April 2010.

REASON WHY DECISION REQUIRED:

Cabinet has delegated authority to deal with such matters.

RECOMMENDATION(S):

That Cabinet Member – Environmental

1. Notes the report and the intention to bring further reports as the scheme unfolds.

That Cabinet Member - Regeneration

1. Notes the report and the intention to bring further reports as the scheme unfolds.
2. Recommends Cabinet to change the Council's constitution to allow delegated responsibility for operation of the scheme to fall to the Head of Corporate Finance and ICT Strategy or, if a different person, the Officer

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acting in a section 151 capacity.

That Cabinet :

1. Agrees to recommend to full Council, a change to the Council's Constitution, delegating authority to the Head of Corporate Finance and ICT Strategy or, if a different person, the Officer acting in a Section 151 capacity, to act as the CRC Responsible person, to enable trading of Carbon Allowances using General Fund resources, and to sign off all future Carbon declarations and claims made through the Scheme to the Department for Energy and Climate Change.
2. Agrees for the first year of Carbon trading (2011/12), to adopt the approach of funding corporately, any penalty or reward arising from the CRC scheme, with a view to allowing Officers time to consider future options for the distribution of penalties and rewards. These would be the subject of a further report to Members at the appropriate time.
3. Agrees to allow Officers scope to explore the skills and support required to enable future market trading of Carbon Allowances.

That the Council:

1. Subject to a recommendation from Cabinet, agrees to change the constitution, delegating authority to the Head of Corporate Finance and ICT Strategy or, if a different person, the Officer acting in a Section 151 capacity, to act as the CRC Responsible person, to enable trading of Carbon Allowances using General Fund resources, and to sign off all future Carbon declarations and claims made through the scheme, to the Department for Energy.

KEY DECISION: No

FORWARD PLAN: No

IMPLEMENTATION DATE: Immediately following the expiry of the 'call in' period for the minutes of this meeting.

ALTERNATIVE OPTIONS: The Council has no option in joining the scheme, having met the Government's entry criteria, and no legal option to designating a named 'CRC Responsible Person'.

IMPLICATIONS:

Not working towards cutting the Council's Carbon Emissions through the CRC Scheme, could lead to the Council facing severe financial and legal penalties, on an increasing scale as the scheme progresses.

Budget/Policy Framework:

Financial: The Council's MTFP already includes £50k to address what is currently considered to be the maximum penalty we could incur in 2011/12 when the scheme's trading regime commences.

<u>CAPITAL EXPENDITURE</u>	2010 2011 £	2011/ 2012 £	2012/ 2013 £	2013/ 2014 £
Gross Increase in Capital Expenditure				
Funded by:				
Sefton Capital Resources				
Specific Capital Resources				
<u>REVENUE IMPLICATIONS</u>				
Gross Increase in Revenue Expenditure		50k		
Funded by:				
Sefton funded Resources		50k		
Funded from External Resources				
Does the External Funding have an expiry date? Y/N	When?			
How will the service be funded post expiry?				

Legal:

The scheme imposes statutory obligations on the Council.

Risk Assessment:

There are Financial risks associated with failure to reduce our stated Carbon Emissions, in the form of penalties, as well as risks associated with the trading of carbon allowances through the scheme. Other financial and civil penalties also exist for general non-compliance of the scheme regulations.

There are however, also rewards available through the scheme for good performance but

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these are dependent upon the Council's measurable reductions in Carbon emissions and its standing in a national League Table.

Asset Management:

There will be implications in due course, particularly in relation to the Council's Accommodation Strategy..

CONSULTATION UNDERTAKEN/VIEWS
Legal and Admin Services
Children Schools and Families
Finance Department FD443 – The Interim Head of Corporate Finance and ICT Strategy has been consulted and his comments have been incorporated into this report
Neighbourhoods and Investment Programmes Department

CORPORATE OBJECTIVE MONITORING:

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

LIST OF BACKGROUND PAPERS RELIED UPON IN THE PREPARATION OF THIS REPORT
 Report to Cabinet of 4 February 2010; Carbon Reduction Commitment Energy Efficiency Scheme (CRC).

1. INTRODUCTION

- 1.1 Members may recall a detailed report brought to Cabinet on 4 February 2010, outlining the workings of the Carbon Reduction Commitment Energy Efficiency Scheme (CRC), which became legislation on 1 April 2010.
- 1.2 This further report now seeks to get approval for a constitutional change which is required to enable the Council to operate the Scheme within the law, and to discuss briefly, the treatment of potential 'Penalties' or 'Rewards' arising from it, and to update Members on developments.

2. COMPLIANCE

- 2.1 As mentioned above, the CRC became law from 1 April 2010, and all Organisations who fall under the legislation, must now formally register electronically with the Department for Energy and Climate Change (DECC), for entry into the scheme no later than 01 September 2010 and at the same time, make a first declaration of estimated Carbon emissions for the 2010/11 financial year.
- 2.2 Statute requires that the initial registration and declaration, and all future declarations and reports required to be made under the Scheme, must be co-ordinated and signed off by the 'CRC Responsible Person' (see appendix A detailing the proposed framework). In the Council, this will be the responsible Officer for Finance, and therefore the Head of Corporate Finance and ICT Strategy or Officer acting in a Section 151 capacity, who will need to be given delegated authority to perform this duty.

3. PENALTIES AND REWARDS

- 3.1 The CRC Scheme is intended to work as an incentive to Public and Private Sector Organisations to invest in energy saving initiatives and thereby reduce their Carbon footprint and associated energy costs.
- 3.2 As detailed in the earlier report to Members on 4 February 2010, the Scheme contains a 'Penalty' and 'Reward' structure, whereby 'declared' and 'actual' Carbon emissions are compared, and following consideration of the Council's actions on energy saving measures in the year ('Metrics'), a National League Table will be drawn up.
- 3.3 The proceeds from the purchase of Carbon Allowances are then to be pooled, and redistributed through the ranking system in the CRC League Table. Those who perform well will receive their Carbon Allowance payments back, plus an added reward, whilst those who do less well may end up with a shortfall on their account. It should be noted that rewards and penalties are subject to annual

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floors and ceilings, with +/-10% in 2011/12 rising to +/-20% in 2012/13 up to +/-50% in 2015/16. Placing in the 'League' Table, however, may be just as much dependent on the performance of others within the scheme, as from our own direct efforts to reduce carbon emissions.

- 3.4 Members will be asked in the future, to consider how the Statutory CRC rewards/penalties should be apportioned within the authority and whether a localised reward and penalty structure should exist in Sefton, allocated to both the Corporate sites and functions (including street lighting), i.e those which are managed under central management, and to those sites which are not managed directly by the Council, for example schools, but which fall within the CRC Scheme.
- 3.5 Officers on the CRC Working Group have discussed some options, which may be worthy of consideration, but these will need time to develop and bring back to Members in the future.

4. A 2010/11 POSSIBLE OPTION WITH REGARD TO PENALTIES AND REWARDS

- 4.1 Officers propose, that for the first year of CRC trading (2011/12), the Council agrees to take no action to distribute penalties or rewards across energy users, and therefore keep and fund them corporately. This is considered as an initial step, to give time for Officers to develop other options for a possible localised system of dealing with penalties and rewards. Further options would then be brought in a later report to Members towards the end of 2011.
- 4.2 Delaying the introduction of a localised system for distributing penalties and rewards gives the Council the opportunity to concentrate on the early practicalities of the statutory scheme, and to focus resources accordingly towards any future finance and carbon saving support that will be required as the scheme accelerates.

5. FUTURE ISSUES

- 5.1 Officers are currently evaluating the levels of resources (both revenue and capital), which are available towards any energy saving measures, and are very mindful that limited resources will need to be used wisely in future to ensure minimum spend for maximum payback from energy measures. Priorities will need to be carefully established as the CRC ratchets-up, and the penalties arising from the scheme rise each year as explained above.
- 5.2 The Carbon data arising from the scheme will be a valuable tool in the future, to enable a clear evaluation of energy performance across the Council's assets.

Such data will enable informed decisions to be made on issues to do with future accommodation usage, and the determination of priority spending on energy schemes through the Accommodation Working Group, Technical Services Client and the Strategic Asset Management Group.

- 5.3 Similarly, the Building Schools for the Future team will need to be mindful of the potential scope for energy saving measures in new buildings, all supported and advised by the Corporate Energy Team.
- 5.4 The Energy Team are currently planning to roll out the use of Smart Meters to improve automated reading of energy consumption. As well as improving the immediacy and accuracy of available data, this investment will assist in efforts to improve the Council's standing in the National League Table.
- 5.5 The Energy Team works with all Council sites to discuss energy issues and to assist with support and advice where carbon and water emissions are not reducing, and indeed the CRC will enable failing sites to be identified and considered for future energy saving measures. However, this is done on a priority basis due to limited staff resource.
- 5.6 Schools are the major carbon producing Council assets, and so a visit and report to the Schools Forum has taken place in June and the Energy Division Manager and the Council's Corporate Finance Department have provided an update on the CRC scheme to schools, who up to now only have a limited knowledge of its existence and operation based on previous communications as the CRC has developed.
- 5.7 Other opportunities may exist to spread knowledge of the CRC system, and these will be considered by the Council's CRC Responsible Officer.

6 FINANCIAL ISSUES

- 6.1 In respect of the Carbon Trading itself, the Council is required to purchase Carbon Allowances in advance, soon after 1 April 2011. The cost of this purchase is likely to be in the region of £450k-£500k, based on initial CO2 estimates for 2010/11, which are required to be registered with DECC by 1 September 2010. The Council's 'actual' CO2 declaration for 2010/11 will be made in July 2011 and the National League Table and distribution of Penalties and/or Rewards will be made in October 2011. At this stage, the Council will receive its money back, adjusted depending on its performance.
- 6.2 Members should note that the floor and ceiling band is +/-10% in 2011/12 and therefore the maximum penalty that the Council could face in 2011/12 is estimated to be £50,000. The floor and ceiling band increases by +/-10% each year between 2012/13 and 2015/16 to a maximum of +/-50%, and therefore based on an equivalent purchase price of £500k, this could mean a maximum

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penalty in later years of £250k should the Council not improve its Carbon emissions and position in the league table.

- 6.3 The Costs of Carbon Allowances are also expected to rise sharply in the future, as the need to trade on the secondary energy markets for Allowances will arise after the first phase of the scheme comes to an end in 2013/14. It is expected that Carbon Allowances will become scarce over time, and with high demand, this will only increase market prices. Current secondary market prices for carbon are around £24 per tonne, which is twice as much as the initial phase 'fixed price' of £12 per tonne. It is therefore not difficult to see how the costs associated with the scheme may rise sharply in the future.
- 6.4 In respect of the actual mechanism for conducting the purchase and sale of Carbon Allowances, trading strategies will need to be considered in the light of experience and available financial support, most probably through the Corporate Finance Department's Treasury Group, who have considerable dealings with Financial institutions. However, should the need arise for additional market expertise, this will be brought to Members attention.

7 RECOMMENDATIONS

That Cabinet Member – Environmental

1. Notes the report and the intention to bring further reports as the scheme unfolds.

That Cabinet Member - Regeneration

1. Notes the report and the intention to bring further reports as the scheme unfolds.
2. Recommends Cabinet to change the Council's constitution to allow delegated responsibility for operation of the scheme to fall to the Head of Corporate Finance and ICT Strategy or, if a different person, the Officer acting in a section 151 capacity.

That Cabinet :

1. Agrees to recommend to full Council, a change to the Council's Constitution, delegating authority to the Head of Corporate Finance and ICT Strategy or, if a different person, the Officer acting in a Section 151 capacity, to act as the CRC Responsible person, to enable trading of Carbon Allowances using General Fund resources, and to sign off all future Carbon declarations and claims made through the Scheme to the Department for Energy and Climate Change.
2. Agrees for the first year of Carbon trading (2011/12), to adopt the approach of funding corporately, any penalty or reward arising from the CRC scheme, with a view to allowing Officers time to consider future options for the distribution of

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penalties and rewards. These would be the subject of a further report to Members at the appropriate time.

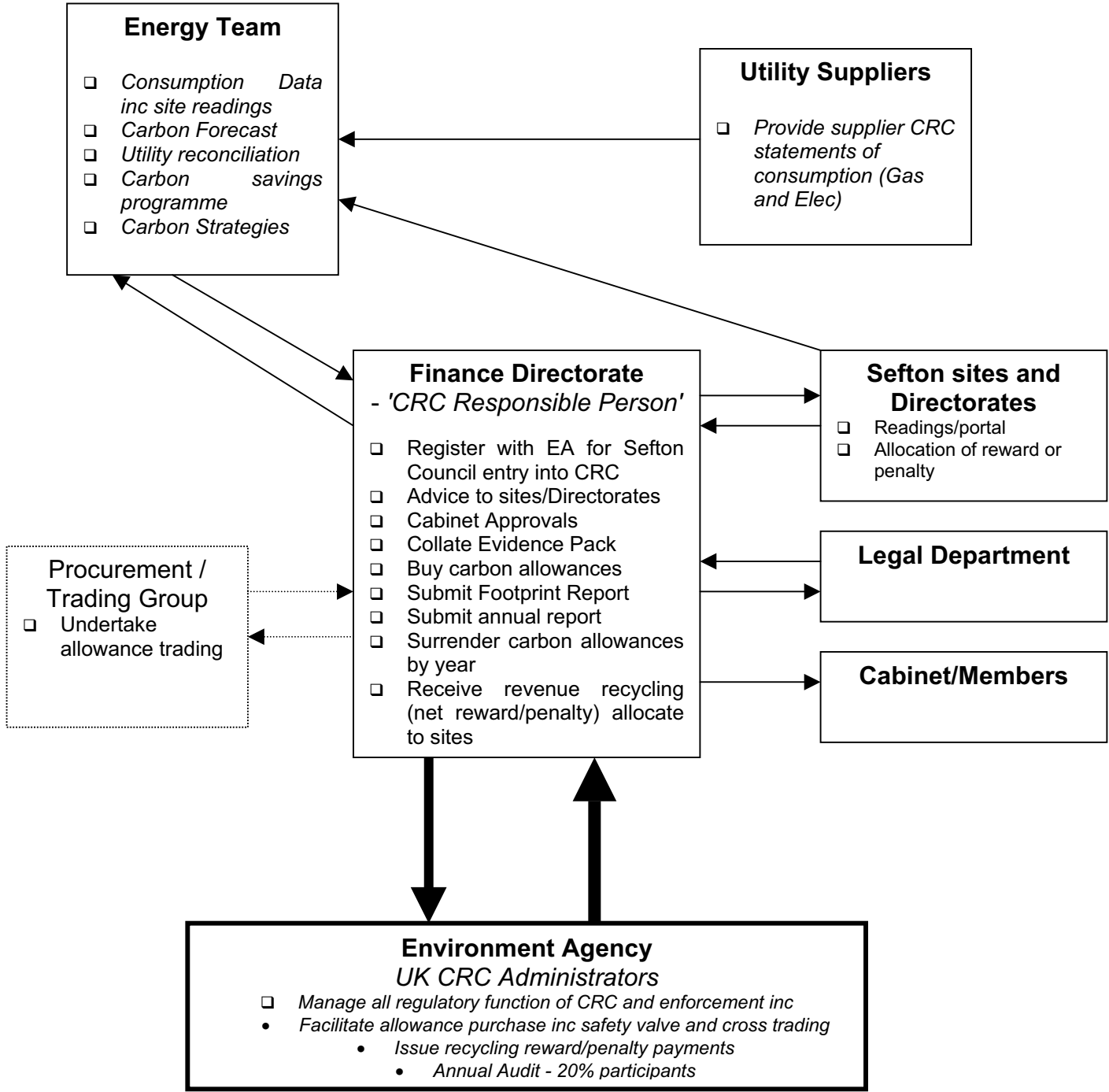
3. Agrees to allow Officers scope to explore the skills and support required to enable future market trading of Carbon Allowances.

That the Council:

1. Subject to a recommendation from Cabinet, agrees to change the constitution, delegating authority to the Head of Corporate Finance and ICT Strategy or, if a different person, the Officer acting in a Section 151 capacity, to act as the CRC Responsible person, to enable trading of Carbon Allowances using General Fund resources, and to sign off all future Carbon declarations and claims made through the scheme, to the Department for Energy.

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SEFTON COUNCIL - CRC FRAMEWORK



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Agenda Item 14

REPORT TO: CABINET

DATE: 8 July 2010

SUBJECT: Liverpool City Region Board Membership 2010/11

WARDS AFFECTED: All

REPORT OF: Andy Wallis, Planning and Economic Regeneration Director

CONTACT OFFICER: Andy Wallis - Ext: 3542

EXEMPT/CONFIDENTIAL: N/A

PURPOSE/SUMMARY:

This seeks the endorsement of and agreement to Sefton representation on the Liverpool City Region Cabinet and Boards membership.

REASON WHY DECISION REQUIRED:

To support the operation of the Liverpool City Region governance during 2010/11.

RECOMMENDATION(S):

That Cabinet approve the proposed arrangements for representation on the City Boards set out in the report.

KEY DECISION: N/A

FORWARD PLAN: N/A

IMPLEMENTATION DATE: From July 2010

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ALTERNATIVE OPTIONS:

IMPLICATIONS:

Budget/Policy Framework: N/A

Financial: N/A

Legal: N/A

Risk Assessment: N/A

Asset Management: N/A

CONSULTATION UNDERTAKEN/VIEWS

CORPORATE OBJECTIVE MONITORING:

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

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

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1. Report

1.1 The following groups have been established as part of the City Region structure.

- City Region Cabinet (Members)
- Safer, Healthier Communities Board (Officers, except Chair)
- Environment and Waste Board (Members)
- Housing and Spatial Planning Board (Members)
- Employment and Skills Board (Members and Officers)
- Economy Board (Officers and Leader of Liverpool City Council)
- Economy Panel (Members)
- Merseyside Improvement and Efficiency Board (Members and Officers)

In addition the composition of a Transport Board is to be determined as part of the transport governance review.

1.2 The Committee at its meeting held on 20 May 2010 approved the representation on the following City Region Bodies:

	Representative	Substitute
City Region Cabinet	Leader of Council Cllr Robertson	Deputy Leaders Cllr Dowd and Cllr Parry
City Region Housing and Spatial Planning Board	Cabinet Member (Regeneration) Cllr Maher	Chair of Planning Cllr Tweed

1.3 The Cabinet is asked to endorse Sefton membership of these groups as follows:

	Member	Named Alternate(s) (where appropriate)
City Safer, Healthier Communities Board	Cllr Robertson (Chair)	*
City Region Environment and Waste Board	Cabinet Member (Environment) Cllr Tattersall	*
City Region Employment and Skills Board	Cabinet Member (Regeneration) Cllr Maher	*
City Region Economy Panel	Cabinet Member (Regeneration) Cllr Maher	*
Merseyside Improvement and Efficiency Board	Cllr Maher	*

In the case of those Boards marked * Cabinet may also wish to nominate a substitute representative.

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In terms of the Transport Board, membership may be drawn from those currently participating in the Merseyside Strategic Transport Committee (MSTC). The Cabinet on 20 May 2010 agreed that Sefton's representatives on the MSTC for 2010/11 should be Councillors Dodd and Fairclough.

2 Recommendations

- 2.1 That Cabinet approve the proposed arrangements for representation on the City Region Boards set out in the report.

Agenda Item 15

REPORT TO: Cabinet Member Environmental
Cabinet
Council

DATE: 30th June 2010
8th July 2010
8th July 2010

SUBJECT: Dog Fouling and Enforcement

**WARDS
AFFECTED:** All

REPORT OF: Leisure and Tourism Director, Graham Bayliss

**CONTACT
OFFICER:** Head of Coast and Countryside, Dave McAleavy
0151 934 2961

**EXEMPT/
CONFIDENTIAL:** No

PURPOSE/SUMMARY:

To ask the Cabinet Member Environmental to support a proposal to enhance the Council's ability to deal with issues relating to dog fouling and litter through a partnership approach between the Environmental Protection and Leisure & Tourism Departments.

To ask that Cabinet note the decision of the Cabinet Member for Leisure and Tourism relating to Dog fouling and enforcement and approve the draft Leisure and Tourism Enforcement Policy with a recommendation to Council that the Responsibility For Functions of the Constitution be amended.

REASON WHY DECISION REQUIRED:

Strategic Intelligence Assessments (SIA's) produced by the Sefton Safer Stronger Communities Partnership identify residents concerns about dog fouling and litter and to enhance the Council's ability to deal with these issues additional personnel require authorisation and training. The Council's Constitution will require amending to reflect the delegation of powers to the Leisure and Tourism Director on behalf of the Cabinet Member for Leisure and Tourism in respect of the Environmental Protection Act 1990 and Clean Neighbourhoods and Environment Act 2005.

RECOMMENDATION(S):**RECOMMENDATION(S):**

1. That the Cabinet Member for Environmental supports the proposal to

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develop a coordinated approach to dealing with dog fouling and litter.

2. That Cabinet note the resolution of the Cabinet Member for Leisure and Tourism on the 21st April 2010 relating to Dog Fouling and Enforcement;
3. That Cabinet approve the draft Leisure and Tourism Enforcement Policy and recommend to Council that the Responsibility For Functions of the Constitution be amended by addition of the following:

“Environmental

**Cabinet Member
Delegations**

E. Leisure and Tourism Director

‘Power to appoint authorised officers under the Environmental Protection Act 1990 and Clean Neighbourhood and Environment Act 2005’”

KEY DECISION:	Yes
FORWARD PLAN:	Yes
IMPLEMENTATION DATE:	July 2010

ALTERNATIVE OPTIONS:

There is no alternative option for the Council due to personnel in Leisure Services not having the authority or training to carry out enforcement or issue FPN's for dog fouling and litter.

IMPLICATIONS:

Budget/Policy Framework: None

Financial:

<u>CAPITAL EXPENDITURE</u>	2009/ 2010 £	2010/ 2011 £	2011/ 2012 £	2012/ 2013 £
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?				

Legal: Yes

Risk Assessment: None

Asset Management: N/A

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CONSULTATION UNDERTAKEN/VIEWS

Environmental Protection
Legal Department

CORPORATE OBJECTIVE MONITORING:

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

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

1. BACKGROUND:

1. The Cabinet Member for Leisure and Tourism considered the report of the Leisure and Tourism Director on dog fouling and enforcement on the 21st April 2010, seeking approval to enhance the Council's ability to deal with issues relating to dog fouling and litter through the creation of a partnership approach between Environmental Protection and Leisure and Tourism Departments, indicating that a decision on the matter was required in order to amend the Council's Constitution to reflect the delegation of powers to the Leisure and Tourism Director on behalf of the Cabinet Member - Leisure and Tourism in respect of the Environmental Protection Act 1990 and Clean Neighbourhoods and Environment Act 2005.

It was resolved that:

- (i) the Leisure and Tourism Director be requested to authorise operational staff who, following training, would apply and enforce dog fouling and litter legislation in a partnership with the Dog Wardens and Enforcement Officers;
- (ii) the Cabinet Member - Environmental be recommended to support the proposals to develop a coordinated approach to dealing with dog fouling and litter; and
- (iii) Cabinet be requested to approve the draft Leisure and Tourism Enforcement Policy and recommend to Council that the Responsibility For Functions of the Constitution be amended by addition of the following:

“Environmental

Delegations

E. Leisure and Tourism Director

“Power to appoint authorised officers under the Environmental Protection Act 1990 and Clean Neighbourhoods and Environment Act 2005”.

2. Cabinet Member for Environmental is asked to support the resolution of the Cabinet Member for Leisure and Tourism. Cabinet is asked to note the resolutions of the Cabinet Member for Leisure and Tourism and approve the draft Leisure and Tourism Enforcement Policy and, recommend to Council that the Responsibility for Functions of the Constitution be amended as above.

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REPORT TO: Cabinet Member Leisure and Tourism

DATE: 21st April 2010

SUBJECT: Dog Fouling and Enforcement

WARDS AFFECTED: All

REPORT OF: Leisure and Tourism Director, Graham Bayliss

CONTACT OFFICER: Head of Coast and Countryside, Dave McAleavy 2961

**EXEMPT/
CONFIDENTIAL:** No

PURPOSE/SUMMARY:

To advise the Cabinet Member of a proposal to enhance the Council's ability to deal with issues relating to dog fouling and litter and to ask that a partnership approach between the Environmental Protection and Leisure & Tourism Departments be supported.

REASON WHY DECISION REQUIRED:

Strategic Intelligence Assessments (SIA's) produced by the Sefton Safer Stronger Communities Partnership identify residents concerns about dog fouling and litter and to enhance the Council's ability to deal with these issues additional personnel require authorisation and training. The Council's Constitution will require amending to reflect the delegation of powers to the Leisure and Tourism Director on behalf of the Cabinet Member for Leisure and Tourism in respect of the Environmental Protection Act 1990 and Clean Neighbourhoods and Environment Act 2005.

RECOMMENDATION(S):

1. That the Leisure and Tourism Director authorise operational staff who, following training, will apply and enforce dog fouling and litter legislation in a partnership with the Dog Wardens and Enforcement Officers;
2. That the Cabinet Member for Environmental supports the proposals to develop a coordinated approach to dealing with dog fouling and litter.
3. That Cabinet be requested to approve the draft Leisure and Tourism Enforcement Policy and recommend to Council that the Responsibility For Functions of the Constitution be amended by addition of the following:

"Environmental

Cabinet Member

Agenda Item 15

Delegations

E. Leisure and Tourism Director

‘Power to appoint authorised officers under the Environmental Protection Act 1990 and Clean Neighbourhood and Environment Act 2005’

KEY DECISION: Yes

FORWARD PLAN: Yes

IMPLEMENTATION DATE: As soon as possible following the necessary changes to the Councils Constitution.

ALTERNATIVE OPTIONS:

There is no alternative option for the Council due to personnel in Leisure Services not having the authority or training to carry out enforcement or issue FPN's for dog fouling and litter.

IMPLICATIONS:

Budget/Policy Framework: None

Financial:

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

Legal: None

Risk Assessment: None

Asset Management: N/A

CONSULTATION UNDERTAKEN/VIEWS

Environmental Protection
Legal Department

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CORPORATE OBJECTIVE MONITORING:

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

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

Report Dog Fouling Enforcement and Practice , Cabinet Member Environmental 5th December 2007

1. Background.

- 1.1 The Fouling of Land by Dogs (Metropolitan Borough of Sefton) Order 2006 makes it an offence if a person who is in charge of a dog that has defecated fails immediately to remove the faeces deposited by the dog from the land. (subject to certain exemptions).
- 1.2 In Sefton the above is primarily enforced by the Environmental Protection Department Dog Warden Service, more so in built up areas; the service consists of three Wardens/Enforcement Officers. Offenders identified are subject to a range of sanctions, including: prosecution, Fixed Penalty Notices (FPN) formal caution or informal caution, (e.g. warning letter/verbal warning/advice). The general framework for action is set by the Environmental Protection Department's Enforcement Policy; the primary aim is to ensure that enforcement is carried out in a fair and consistent manner.
- 1.3 The coast, countryside areas, parks and open spaces managed by the Leisure and Tourism Department suffer problems in respect of dog fouling and other issues relating to the use of Council land for dog walking. Enforcement is carried out by the Coast and Countryside or Park Rangers; however, this enforcement is largely restricted to advice as the formal process, including issuing Fixed Penalty Notices (FPN's), has to be carried by the Dog Wardens, due to the Leisure and Tourism personnel requiring specific authorisation from the Leisure and Tourism Director on behalf of the Cabinet Member. Over the last twelve months personnel have received training from external specialists and the Environmental and Legal Departments.
- 1.4 This report sets out the proposals for the Cabinet Member for the Director of the Leisure and Tourism to seek approval and be authorised to enforce, issue FPN's and deal with any subsequent prosecutions. This requires amendments to the make-up of the Council's constitution and will have to be reported in the Forward Plan.

2. Developing the Partnership

- 2.1 Section 17 of the Crime and Disorder Act 1998 requires certain responsible authorities to work in partnership to address crime and disorder issues of concern to their local community and to consider how they can discharge their duties to minimise the potential for crime and disorder to occur. There is now a high level of public concern in respect of dog fouling in urban areas and the coast and parks are now seeing higher level of dog fouling and other dog related offences.
- 2.2 The Environmental Protection and Leisure and Tourism Departments are developing closer working arrangements to respond to Strategic Intelligence

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Assessments (SIA's) produced by the Sefton Safer Stronger Communities Partnership. An SIA was prepared for each of the Area Committee areas and identify the community safety issues, including environmental concerns which are of importance to residents.

- 2.3 Both the Coast and Countryside & Park Rangers are skilled in respect of enforcing byelaws and dealing with anti-social problems, supported by partners and Merseyside Police in their respective areas. Considerable intelligence is held by Leisure Services through incident reporting procedures and this can be added to intelligence gained through the SIA's and other Sefton Household surveys.
- 2.4 Leisure Services ranger personnel can support the work of the Environmental Protection Department in enforcement, issuing FPN's and developing education and awareness activities relating to dog litter issues, but there is a need to ensure that the consistent approach across the different departments is maintained. To be able to take this partnership further and to allow for training to take place that is specific to the FPN's and the enforcement process the permission of the Environmental Protection Director is required. This will allow identified staff in Leisure Services to be trained in enforcement and issuing FPN's where they relate to dog fouling and litter.
- 2.5 The draft Leisure and Tourism Department Enforcement Policy attached (Annex 1) will follow the Regulators Compliance Code to ensure that enforcement is carried out in a fair and consistent manner and sets out policy in respect of coast, countryside, parks and open spaces. The Cabinet Member is asked to agree the policy and recommend to Cabinet that the policy is approved.

3. Conclusion

- 3.1 There is considerable potential to develop and improve the partnership between the Environmental Protection Department Dog Wardens and Enforcement Officers and Leisure Services rangers working on the coast, Rimrose Valley and parks and open spaces.
- 3.2 The Sefton Safer Stronger Communities Partnership, Strategic Intelligence Assessments have identified residents' concerns about dog fouling and litter; additional intelligence also identifies problems on coastal sites, countryside areas, and in parks and open spaces. A consistent approach is required across the Borough to ensure that problems are not just displaced and this requires additional staff to be trained to work with the Dog Wardens/Enforcement Officers.
- 3.3 This partnership also offers opportunities to raise the profile of environmental issues through events, local media and successful prosecutions and make

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residents and visitors who own dogs but allow their dog to foul more aware of the possible penalties.

SEFTON COUNCIL

LEISURE AND TOURISM DEPARTMENT

ENFORCEMENT POLICY FOR COAST, COUNTRYSIDE, PARKS AND OPEN SPACES

1.0 INTRODUCTION

Sefton Council has a statutory duty to enforce a number of laws and regulations, which relate to Local Authorities. These laws and regulations seek to improve the quality of life and safety of all those who live, work and study within Sefton. The purpose of this policy is to secure effective compliance with byelaws and other legislation while minimizing the burdens to both the Council and to users.

This policy, which applies to the operation of coast and open spaces services through the Coast and Countryside Service and Park Ranger Service, follows the principles of the Regulators Compliance Code.

2.0 AIMS AND OBJECTIVES

Sefton Council is committed to providing consistent and equitable, proper and robust enforcement services to contribute to the priorities laid out in the Community Strategy. Improving the quality of life and enhancing the coast are key aspects of the strategy along with reducing crime and the fear of crime.

Sefton Council aims to follow the guidance laid out in the Government Concordat on enforcement policy and procedure.

Sefton Council will ensure that all authorised enforcement officers carrying out enforcement work are trained and fully acquainted with the requirements of this policy. All authorised officers must abide by this policy whenever making decisions on enforcement.

All authorised enforcement officers should be trained in those aspects of legislation relevant to their duties. The authority will ensure that officers are competent to carry out their duties and that the level of delegated authority for each officer has been approved.

3.0 STATEMENT OF POLICY

Enforcement on the coast is intended to be applied in a wide range of circumstances across a diverse and highly dynamic coastline with tact, fairness, diplomacy, transparency, proportionality and in a courteous and professional manner.

Sefton Council recognises that enforcement action can take many forms ranging between providing advice and guidance to challenging behaviour through to bringing formal actions which may culminate in prosecution.

Sefton Byelaws that will apply:

- Pleasure Grounds and Open Spaces
- Rimrose Valley Country Park
- Crosby Coastal Park (to Hall Road)
- Parks and Open Spaces
- Seashore (between high and low water) – areas at Crosby / Hightown, Formby, Ainsdale, Birkdale and Southport
- Sandhills - areas at Hightown, Formby and Ainsdale
- Ainsdale and Birkdale Local Nature Reserve
- Ravenmeols Local Nature Reserve
- Dogs on the Seashore – Ainsdale and Southport Beaches
- For the Prevention of Danger, Obstruction or Annoyance to persons bathing in the sea.

There are further regulations under:

- The Fouling of Land by Dogs (Metropolitan Borough of Sefton) Order 2006
- Ss.55-67 - The Clean Neighborhoods and Environment Act 2006
- Dog Control Orders (Prescribed Offences & Penalties) Regulations 2006
- Dog Control Orders (Procedures) Regulations 2006.

A clear explanation of the mechanisms for complaint will be made available to any user on request.

3.1 ENFORCEMENT FACTORS

In making decisions about enforcement action, Sefton Council will act in the wider public interest with a primary aim of securing a safe and pollution free environment for all.

In considering the appropriate enforcement action, Sefton Council will also take the following into account;

- The risk of harm to the public and others
- What is in the public interest
- The explanation of the offender
- Whether the matter is a recurrence
- Whether there have been other contraventions of Bye-laws or Legislation
- The willingness of the alleged offender to prevent a recurrence of the incident
- The availability and reliability of witnesses
- The sufficiency of evidence

3.2 PROSECUTION

Sefton Council may consider prosecution from time to time using the legislation, byelaws and regulations listed in 3.0 above, or using other legislation should it be considered in the public interest to do so.

Prosecution will be considered in the following circumstances;

- Where the alleged offence is a breach of bye-laws or legislation such that public safety or well being is put at risk
- Where the alleged offence involves failure to comply with a warning
- Where the alleged offence involves risk of damage to the environment
- There are other public interest factors mitigating in favour of prosecution
- Where false information has been supplied willfully, or there has been an intent to deceive

3.3 FIXED PENALTY NOTICES (FPN's)

Certain legislation allows for offences to be dealt with by way of issuing an FPN. This allows the offender to discharge any liability for prosecution for the offence.

Fixed penalty notices will be issued when:

- The case warrants prosecution
- There is enough evidence to prosecute for the offence
- It will act as sufficient deterrent against re-offending

If the FPN remains unpaid after the specified period, a prosecution file will be prepared and passed to Legal Services to initiate a prosecution for the offence.

FPN's issued to young people will be issued with due regard to the Children's Act 2004 and the DEFRA guidance on issuing fixed penalties to juveniles 2006.