

**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.

## **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;

- (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

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;

- (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

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.

This 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

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

- (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



- (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.

#### **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.

**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.

**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.

**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.