

COUNCIL – 15 JULY 2021

REPORT OF THE LEADER OF THE COUNCIL

COUNCIL CONSTITUTION – RULE 46 (WAIVING CALL-IN) PROVISIONS

I wish to report that:

1. Cabinet Levelling Up Funding Bid Submissions for June 2021

The Chair of the Overview and Scrutiny Committee (Regeneration and Skills) gave his consent, under Rule 46 (Waiving Call-In) of the Access to Information Procedure Rules set out in the Council's Constitution. The report was in relation to levelling up funding bid submissions for June 2021 and it was urgent and not subject to call-in on the basis that the decision could not be reasonably deferred because approval needs to be sought prior to the first submission date of 18 June 2021.

The Cabinet considered the report of the Executive Director (Place) in relation to the current position of the Levelling Up funding opportunity available to the Council and the proposal to submit up to two bids on or before the submission date of 18th June 2021, and potentially submitting a total of up to three bids to the fund.

Decision Made: That:

- (1) the submission of up to two Levelling Up funding bids to Government on or before 18th June 2021, in accordance with the given bid process, and up to three bids in total from Sefton (given the likely announcement of future bidding rounds), be agreed;
- (2) it be noted that any funded projects may require Cabinet and Council approval if successful, and would be presented for review and approval if successful and at the appropriate time, in accordance with the Council's Financial Procedure Rules;
- (3) the Executive Director (Place), in consultation with the Cabinet Member for Regeneration and Skills be granted delegated authority to finalise the bid submissions;
- (4) it be noted that the proposal was a Key Decision but had not been included in the Council's Forward Plan of Key Decisions. Consequently, the Leader of the Council and the Chair of the Overview and Scrutiny Committee (Regeneration and Skills) had been consulted under Rule 27 of the Access to Information Procedure Rules of the Constitution, to the decision being made by 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 approval needs to be sought prior to the first bid submission date of 18 June 2021; and
- (5) it be noted that the Leader of the Council and the Chair of the Overview and Scrutiny Committee (Regeneration and Skills) had given consent under Rule

46 of the Overview and Scrutiny Procedure Rules for this decision to be treated as urgent and not subject to "call in" on the basis that it cannot be reasonably deferred because approval needs to be sought prior to the first submission date of 18 June 2021.

Reasons for the Decisions

The Levelling Up bid opportunity may offer a route to funding for capital projects, which the recommendations propose to pursue given the importance of such projects to economic recovery in the borough. The submission of up to two bids on 18th June 2021, and of up to three bids in total, reflects the ongoing work on the opportunities referenced herein, and on other potential projects, to finalise project details and bid documentation. The recommendations in respect of timescales are due to the given deadline for bid submission, and the importance of pace of development and delivery to economic recovery and the impacts and benefits of such projects.

Alternative Options Considered and Rejected:

The option of submitting bids at a later date may remain, but there is a risk of uncertainty on future rounds, criteria and timescales which prompts the recommended submission on 18th June 2021. There is a risk in working at such pace in respect of delivering a quality bid submission, but this will be mitigated through the quality and quantity of resource necessary to deliver, alongside the best practice and lessons learned from such processes as the Southport Town Deal.

The option of not submitting at all was considered and rejected, given the importance of the projects proposed to economic recovery, and the lack of funding currently available to deliver all elements of Sefton's economic recovery strategy and action plan.

2. CABINET MEMBER – REGULATORY, COMPLIANCE AND CORPORATE SERVICES – 6 JULY 2021

the Chair of the Overview and Scrutiny Committee (Regulation, Compliance and Corporate Services) gave her consent, under Rule 46 (Waiving Call-In) of the Access to Information Procedure Rules set out in the Council's Constitution. The report was in relation to Magdalen House, Trinity Road Bootle – Service of Break Notice to Terminate 3rd and 4th Floor Leases and it was urgent and not subject to call-in on the basis that the decision could not be reasonably deferred because The Notices to implement the Break Clauses have to be served and received by the Landlords of Magdalen House on or before the 11th July 2021 for them to comply with the contractual terms of the Leases. Failure to serve the Notices on time will result in the Council being liable for the rent and all outgoings associated with the 3rd and 4th floors of Magdalen House for a further 5 years. The total cost savings per annum for relinquishing the Leases is in the region of £195,000 per floor, per annum.

If call in was to apply, by the time the call in period has ended it would be too late to serve the Notices and the opportunity to make the savings will have been lost.

A decision by Cabinet Member - Regulatory, Compliance and Corporate Services has been published: Magdalen House, Trinity Road Bootle - Service of Break Notices to Terminate 3rd and 4th Floor Leases

Decision:

- 1) the Chief Legal and Democratic Officer be authorised to serve Notices to implement the Break Clauses contained in the Leases for the 3rd and 4th Floors of Magdalen House dated 12th January 2007 and undertake all associated work in connection with the same;
- 2) should there be a short-term requirement for office accommodation to meet the Council's requirements, terms and conditions be agreed with the Landlord for a short-term lease of the 3rd floor of Magdalen House; and
- 3) it be noted that the Leader of the Council and the Chair of the Overview and Scrutiny Committee (Regulatory, Compliance and Corporate Services) had given their consent under Rule 46 of the Overview and Scrutiny Procedure Rules for this decision to be treated as urgent and not subject to "call in" on the basis that it cannot be reasonably deferred because If call in was to apply, by the time the call in period has ended it would be too late to serve the Notices and the opportunity to make the savings detailed in Appendix 1, will have been lost.

Reasons for the Decision:

To make cost savings from occupying a reduced amount of space within Magdalen House but to also ensure that the Council's accommodation requirements are met.

Alternative Options Considered and Rejected:

The Council can continue to occupy the 3rd and 4th floors of Magdalen House under the terms of the Leases and not implement the Break Clauses. The Council would then continue to pay rent and all associated costs with occupying the premises for a further five years.