

COUNCIL – 29 SEPTEMBER 2022

REPORT OF THE LEADER OF THE COUNCIL

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

I wish to report that the Chair of the Overview and Scrutiny Committee (Regulatory, 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 Land at Formby Point, Lifeboat Road and Ravenmeols, Formby 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 had ended it would be too late to extend the Call Option Agreement for Land and the Council would either have to purchase back the land on the same terms as the disposal to the National Trust or permanently lose control over the land and securing delivery of the Project by the National Trust.

CABINET MEMBER – REGULATORY, COMPLIANCE AND CORPORATE SERVICES – 13 SEPTEMBER 2022

Land at Formby Point, Lifeboat Road and Ravenmeols, Formby

The Cabinet Member considered a report by the Executive Director for Corporate Resources and Customer Services seeking approval to a two-year extension to the Call Option Agreement Over Land in relation to Land at Formby Point, Lifeboat Road and Ravenmeols between The National Trust for Places of Historic Interest or Natural Beauty and Sefton Council.

Decision Made: That

- (1) approval be granted to a two-year extension to the Call Option Agreement Over Land in relation to Land at Formby Point, Lifeboat Road and Ravenmeols between The National Trust for Places of Historic Interest or Natural Beauty (National Trust) and Sefton Council (the Council), as detailed within this report.
- (2) the Chief Legal and Democratic Officer be authorised to complete the necessary legal formalities.
- (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 extend the Call Option Agreement for Land and the Council would either have to purchase back the land on the same terms as the disposal to the National Trust or permanently lose control over the land and securing delivery of the Project by the National Trust.

Reasons for the Decision(s):

The Call Option Agreement Over Land (the Agreement) specifies a deadline of Wednesday 14 September 2022 for the Gate 2 Approval (which includes: a project team, plans and specification is in place; statutory permissions obtained; procurement strategy in place; funding underway; Project Management Plan; National Trust funds released; and Conservation Management Plan, Community Involvement Plan, Learning Plan, and Marketing Plan in place). The National Trust advised Council Officers in late August that due to Covid and other factors, this deadline cannot be achieved. If the Agreement is extended, the National Trust will be given an additional two years to deliver on the Gate 2 Project and will reserve the Council's option to buy back the land if it fails to deliver the Project at the expiry of the additional two years.

Alternative Options Considered and Rejected: (including any Risk Implications)

If the deadline lapses, the Council will be forced to either buy back the land or permanently lose the control over the land and securing delivery of the Gate 2 Project by the National Trust.