

**THE "CALL IN" PERIOD FOR THIS SET OF MINUTES ENDS AT 12 NOON ON TUESDAY, 3 MAY 2011. MINUTE NO'S 253 AND 260 ARE NOT SUBJECT TO "CALL-IN".**

## **CABINET**

### **MEETING HELD AT THE TOWN HALL, BOOTLE ON THURSDAY 14TH APRIL, 2011**

**PRESENT:** Councillor Robertson (in the Chair)  
Councillors Booth, Fairclough, Maher, Moncur, Parry  
and Tattersall

#### **250. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Brodie-Browne, P. Dowd and Porter.

#### **251. DECLARATIONS OF INTEREST**

The following declarations of interest were received:

Member	Minute No.	Reason	Action
Councillor Moncur	256 - Future arrangements for the delivery of Connexions Services in Sefton	Prejudicial - His wife works for the Greater Merseyside Connexions Partnership	Left the room during the consideration of the item
Peter Morgan - Strategic Director - People	256 - Future arrangements for the delivery of Connexions Services in Sefton	Prejudicial - He is a Director of the Greater Merseyside Connexions Partnership	Left the room during the consideration of the item

#### **252. MINUTES OF PREVIOUS MEETING**

**RESOLVED:**

That the Minutes of the Cabinet Meeting held on 3 March 2011 be confirmed as a correct record.

#### **253. LOCAL POLICING ISSUES**

Chief Constable Jon Murphy from Merseyside Police addressed the Cabinet on the current performance of the Merseyside Police Service and the budget savings to be made by the Police Authority for 2011/12 and

subsequent years. Chief Superintendent Ian Pilling (Sefton Area Commander) then gave a presentation on the Area Police Performance during the period April 2010 to March 2011 and the previous twelve months period and, local initiatives undertaken with the Council and other partners.

The Chief Constable, Area Commander and Councillor Bill Weightman (Knowsley Council), Chair of Merseyside Police Authority then responded to questions from Members of the Cabinet on the following issues:-

- Terms and Conditions of Police Officers;
- Anti Social Behaviour Order Categories;
- Number of Police Officers in Merseyside and specifically in Sefton;
- Volunteer Speed Watch Schemes; and
- Provision of additional Police Access Points throughout Merseyside

The Cabinet thanked the Chief Constable, Area Commander and Councillor Weightman for attending the meeting and providing an update on Police activities in Sefton.

RESOLVED:

That the presentation be noted.

#### **254. HEALTH INEQUALITIES WORKING GROUP – FINAL REPORT**

The Cabinet considered the report of the Assistant Chief Executive which incorporated the executive summary of the final report by the Overview and Scrutiny Working Group which had undertaken an inquiry into the impact of health inequalities within local communities based around three primary schools, two in the South of the Borough and one in the North of the Borough.

The Council had been selected as one of nine National Health Inequalities Scrutiny Development Areas by the Centre for Public Scrutiny to undertake the scrutiny inquiry.

Councillor Hill, the Chair of the Working Group outlined the work undertaken during the review and the recommendations of the Working Group.

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

RESOLVED:

That the recommendations of the Health Inequalities Working Group, set out in paragraph 2.2 of the report, be referred to the appropriate named Officer to enable them to bring costed proposals for implementation (including relevant budgetary considerations) to be considered by the Cabinet.

**255. TRANSFORMATION PROGRAMME 2011/12**

Further to Minute No. 240 of the meeting held on 3 March 2011, the Cabinet considered the report of the Chief Executive which provided an update on the progress made under the Transformation Programme and the implementation of the approved savings proposals previously approved by the Council.

RESOLVED: That

- (1) the progress to date on the Transformation Programme be noted;
- (2) the approach to tracking approved savings proposals, reviews and cessation of external funding be approved;
- (3) Officers be mandated in respect of funding and service changes, to commence/continue consultation processes with partners, employees and Trade Unions with a view to implementing the required changes identified above including the issue of relevant statutory and contractual notifications;
- (4) the progress to date on Public Consultation and Engagement be noted; and
- (5) the intention to present further budget savings proposals to future meetings of Cabinet be noted.

**256. FUTURE ARRANGEMENTS FOR THE DELIVERY OF CONNEXIONS SERVICES IN SEFTON**

The Cabinet considered the report of the Chief Executive seeking approval for Officers to continue negotiations with the Greater Merseyside Connexions Partnership in conjunction with other Liverpool City Region Local Authorities to obtain a reduction in service and maximise savings in the final year of the existing contract.

RESOLVED: That

- (1) it be noted that negotiations will continue with the Greater Merseyside Connexions Partnership to reach agreement on the wording of the conditions of the existing contract;
- (2) the current position in respect of the Connexions Service contract, including contract deadlines be noted; and
- (3) Officers be authorised on behalf of the Council to continue to negotiate with Greater Merseyside Connexions Partnership in respect of the contract and service specification for future years, together with the other five Local Authority areas in the Liverpool City Region.

**257. DEVELOPMENT OF AREA PARTNERSHIPS**

The Cabinet considered the report of the Director of Corporate Commissioning which provided an update on the development of Area Partnerships and set out proposals for a Forward Work Plan to enable the progression of Area Partnerships across the Borough.

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

RESOLVED: That

- (1) the outcomes of Member consultation and the achievements to date on the development of Area Partnerships be noted; and
- (2) the Work Plan to progress the establishment of Area Partnerships in Crosby, Sefton East Parishes, Formby and Southport as set out in the report be approved.

**258. KIRWAN HOUSE**

The Cabinet considered the report of the Strategic Director - People which provided an update on the decommissioning of the Children's Home at Kirwan House and set out proposals for the building to be declared surplus to requirements and disposed of on the open market.

RESOLVED: That

- (1) Kirwan House be declared surplus to the Council's requirements and be disposed of on the open market in line with the Council's Asset Management Strategy when market conditions are appropriate; and
- (2) a report on the offers received be submitted to the Cabinet for approval.

**259. THE TRANSFER OF LAND ON CHANGE OF STATUS**

Further to Minute No. 190 of the meeting held on 27 January 2011, the Cabinet considered the report of the Strategic Director - People on proposals for Hillside High School to change its status from a Community School to a Foundation School in accordance with the Education and Inspection Act 2006 and for the transfer of all land and buildings held and used by the school to a new charitable trust.

RESOLVED: That

- (1) the change of status of Hillside High School be noted;

- (2) that approval be given to the land transfer detailed in Section 3 of the report; and
- (3) the Strategic Director - People and the Head of Corporate Legal Services be requested to progress the transfer.

**260. LANDER ROAD PRIMARY SCHOOL - BUILDING WORKS**

Further to Minute No. 226 of the meeting held on 17 February 2011, the Cabinet considered the report of the Strategic Director - People on proposals for the appointment of a replacement contractor for the completion of the Lander Road Primary School Project following on from the original contractor, ROK Building Limited going into administration.

RESOLVED: That

- (1) approval be given to an increase of £195,559 in Capital Funding underwrite for the Lander Road Primary School project until such time as funding anticipated through a claim against the performance bond held by ROK Building Limited may be realised. The additional funding requirement will be met from within the existing Children's Services Capital Programme provision;
- (2) the Head of Corporate Legal Services be authorised to terminate the existing contract with ROK Building Limited and enter into a formal contract with the second lowest original tendering contractor, Eaga Contract Services of Liverpool in the maximum sum of £783,654; and
- (3) it be noted that the Chair of the Overview and Scrutiny Committee (Performance and Corporate Services) had given her consent under Rule 17 of the Scrutiny Procedure Rules for these decisions to be treated as urgent and not subject to "call-in" on the basis that they cannot be reasonably deferred because any delay will increase disruption to the school and prevent completion in the required programme.

**261. RECYCLING COLLECTION SERVICES - AWARD OF CONTRACT**

Further to Minute No. 93 of the meeting of the Cabinet Member - Environmental held on 6 April 2011, the Cabinet considered the report of the Director of Street Scene seeking approval to the scope of Recycling Collection Services to be provided by the Council and the establishment of appropriate contractual arrangements for the provision of the services during the period 1 August 2011 to 31 July 2016.

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

RESOLVED: That

- (1) approval be given to Options 1 (core service) and 2 ('Bring Site Service') as the scope of the Council's future recycling service with a view to implementing Option 5 (core service with plastic and cardboard added, plus a Bring Site Service) by April 2013, finances permitting;
- (2) a contract be awarded to Palm Recycling Limited of Ellesmere Port for the provision of the recycling collection services, to reflect the agreed scope of service, for the period 1 August 2011 to 31 July 2016, with the option to extend the contract period up to a maximum of 2 years, subject to satisfactory performance; and
- (3) the level of one-off savings that will be achieved, as a result of this decision, prior to the implementation of Options 5, be noted.

## **262. BUS / TAXI FRAMEWORK AGREEMENT**

Further to Minute No. 57 of the meeting held on 8 July 2010 and Minute No. 92 of the meeting of the Cabinet Member - Environmental held on 6 April 2011 the Cabinet considered the report of the Director of Street Scene on the procurement process which had been undertaken to obtain proposed bus and taxi costs to the Council with effect from 1 September 2011.

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

RESOLVED: That

- (1) the pricing framework procured through the tendering process be approved;
- (2) approval be given for the Specialist Transport Unit to plan and award routes accordingly in the most financially advantageous manner to the Council using the new pricing framework, with effect from 1 September 2011; and
- (3) a report on the full financial and operational review of the Specialist Transport Unit be submitted to the Cabinet in September/October 2011.

## **263. STUDY TO REVIEW THE REGIONAL SPATIAL STRATEGY HOUSING REQUIREMENT FIGURE FOR SEFTON - FINAL FINDINGS**

Further to Minute No. 83 of the meeting of the Cabinet Member - Regeneration held on 16 March 2011, the Cabinet considered the report of the Director of Built Environment on the final findings of a key study to review the Regional Spatial Strategy Housing Figure for Sefton.

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

RESOLVED:

That the key findings of the study to review the Regional Spatial Strategy Housing Figure for Sefton, and the sub-district split be noted and it be taken into account as part of the housing evidence base to inform the Core Strategy Options Consultation which would start in May 2011.

**264. PROPOSED CHARGING FOR PRE-APPLICATION ADVICE IN RELATION TO PLANNING APPLICATIONS**

Further to Minute No. 171 of the meeting of the Planning Committee held on 9 March 2011, the Cabinet considered the report of the Director of Built Environment on proposals to levy fees for pre-application advice in relation to Planning Applications.

RESOLVED: That

- (1) approval be given to the proposed level of changes for consultation purposes; and
- (2) the Director of Built Environment be given delegated authority to make minor adjustment to fee levels and other presentational changes as necessary.

**265. JOINT WASTE DEVELOPMENT PLAN: PREFERRED OPTIONS 2 - NEW SITES CONSULTATION**

Further to Minute No. 222 of the meeting held on 3 March 2011, the Cabinet considered the report of the Director of Built Environment seeking the inclusion of a replacement site north of Farriers Way, Atlantic Park, Netherton in the second stage of the Preferred Options New Sites Consultation for the joint Merseyside Waste Development Plan.

RESOLVED:

That approval be given to the inclusion of a site North of Farriers Way, Atlantic Park, Netherton, in the "Preferred Option 2: New Sites Consultation" report and to a six week consultation ("New Sites Consultation") being held starting in May 2011.

**266. LOCAL SUSTAINABLE TRANSPORT FUND**

Further to Minute No. 149 of the meeting of the Cabinet Member - Technical Services held on 6 April 2011, the Cabinet considered the report of the Director of Build Environment seeking approval to the submission of bids for inclusion in the Local Sustainable Transport Fund in partnership with the Merseyside Integrated Transport Authority and West Lancashire District Council.

RESOLVED: That

- (1) approval be given to the submission of proposals to the Merseyside Integrated Transport Authority for inclusion in a Merseyside Bid to the Local Sustainable Transport Fund; and
- (2) approval be given to the submission of a joint bid with West Lancashire District Council to the Local Sustainable Transport Fund.

#### **267. UNAUTHORISED ENCAMPMENT POLICY**

The Cabinet considered the report of the Director of Built Environment on the proposed policy for dealing with unauthorised Gypsy and Traveller encampments within the Borough in collaboration with other agencies.

RESOLVED:

That the unauthorised Gypsy and Traveller Encampment Policy set out in the report be approved.

#### **268. RENEWAL OF HIGHWAY AND DRAINAGE MAINTENANCE CONTRACTS**

Further to Minute No. 158 of the meeting of the Cabinet Member - Technical Services held on 6 April 2011, the Cabinet considered the report of the Environmental and Technical Services Director which provided details of the progress made on the renewal of the existing highway and drainage maintenance contracts and sought approval to extend a number of existing service contracts, for a period not exceeding six months, in order to provide continuity for maintenance works until the new contractual arrangements were in place.

RESOLVED: That

- (1) the progress made on the renewal of the highway and drainage maintenance contracts be noted;
- (2) approval be given to the extension of the contracts referred to within the report for a period not exceeding six months, to provide continuity for maintenance works until the new contractual arrangements are in place; and
- (3) approval be given to the waiving of Contract Procedure Rule No. 3 with regard to Invitation to Tender to allow the extension of the contracts.



**269. FLOOD AND COASTAL EROSION RISK MANAGEMENT**

Further to Minute No. 159 of the meeting of the Cabinet Member - Technical Services held on 6 April 2011, the Cabinet considered the report of the Environmental and Technical Services Director which sought approval for amendments to the staffing establishment, in order to make adequate provision for undertaking new statutory duties relating to Flood Risk Management.

RESOLVED:

- (1) the impact of the new duties, together with existing flood defence and coastal defence responsibilities, be noted;
- (2) the Council's specific grant allocations within the Local Government Finance Settlement of £120,600 in 2011/12 and £157,900 in 2012/13 be noted; and
- (3) approval be given to the allocation of £70,000 out of the above funding to the Flood and Coastal Erosion Risk Management function, from April 2011 in order to facilitate adequate delivery of the new duties, through the creation of one full time equivalent new post, which would provide a redeployment opportunity for staff under risk of redundancy as a result of the Council's budget savings in 2011/12.

**270. ENVIRONMENTAL PORTFOLIO FEES AND CHARGES 2011/12**

Further to Minute No. 98 of the meeting of the Cabinet Member - Environmental held on 6 April 2011, the Cabinet considered the report of the Environmental and Technical Services Director which sought approval to the revised fees and charges for the Environmental Portfolio for 2011/12.

RESOLVED:

That approval be given to the revised fees and charges for 2011/12 as set out in Annex A of the report.

**271. NETWORK MANAGEMENT FEES AND CHARGES 2011/12**

The Cabinet considered the report of the Environmental and Technical Services Director which sought approval to the revised fees and charges for Road Network Management in 2011/12.

RESOLVED:

That approval be given to the revised fees and charges for 2011/12 set out in the report subject to further consultation with interested parties prior to the implementation of the new charges referred to in Paragraph 7 of the report.

**272. CONSULTATION PROPOSALS TO INTRODUCE COMMUNITY RIGHT TO CHALLENGE AND COMMUNITY RIGHT TO BUY**

The Cabinet considered the report the report of the Assistant Chief Executive on the consultation held by the Department for Communities and Local Government on proposals to introduce a Community Right to Buy and Community Right to Challenge and set out the responses to the consultation paper.

RESOLVED:

That the report be noted.

**273. 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 items 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.

**274. OUTSTANDING STRATEGIC ACQUISITION PROPERTIES AND RIVERSIDE HOUSING ASSOCIATION**

The Cabinet considered the report of the Director of Built Environment on proposals to deal with three remaining Housing Market Renewal strategic acquisition properties, which would result in their refurbishment and occupation, and to also pursue the enforced sale of a long term, privately owned empty property, as part of the proposal package.

RESOLVED: That

- (1) approval be given to the open market disposal of 148 Peel Road and 2 Hemans Street, by Riverside Housing Association;
- (2) the use of the Enforced Sales Procedure in respect of the property at 73 Dryden Street, Bootle be approved for the disposal of the property to Riverside Housing Association, and the Director of Built Environment be given authority to set a disposal price in line with Council policy
- (3) approval be given to the utilisation of a portion of the capital receipt obtained from the disposal of properties referred to in (1) above, to help fund the refurbishment of the properties 71 and 73 Dryden Street by Riverside Housing Association, and that the Director of Built Environment be given authority to negotiate and agree the sum required with the Housing Association;

- (4) approval be given to Riverside Housing Association disposing of the properties 71 and 73 Dryden Street through their Own Place initiative; and
- (5) the Head of Corporate Legal Services be authorised to enter into a contract with Riverside Housing Association to facilitate the decisions set out above.

**275. DISPOSAL OF LAND TO THE REAR OF STAMFORD ROAD, SOUTHPORT**

The Cabinet considered the report of the Director of Built Environment which sought approval for the disposal of the Council's interest in the land to the rear of Stamford Road, Southport to Bates Farms and Dairy Ltd. for parking and landscaping in connection with the existing business.

RESOLVED: That

- (1) approval be given to the granting of a 125 year Lease of the land to the rear of Stamford Road, Southport on the terms and conditions set out in the report; and
- (2) the Director of Built Environment and Head of Corporate Legal Services be given authority to negotiate and agree any other details terms and conditions, if any, and complete the transaction.