

CABINET

**MEETING HELD AT THE TOWN HALL, BOOTLE
ON THURSDAY, 16 AUGUST 2012**

PRESENT: Councillor P. Dowd (in the Chair)
Councillors Cummins, Fairclough, Hardy, Maher,
Moncur and Tweed

33. APOLOGIES FOR ABSENCE

No apologies for absence were received.

34. DECLARATIONS OF INTEREST

No declarations of pecuniary interest were made.

35. MINUTES OF PREVIOUS MEETING

RESOLVED:

That the Minutes of the Cabinet meeting held on 19 July 2012 be confirmed as a correct record.

36. 2011/2012 GENERAL FUND OUTTURN AND 2012/2013 BUDGET UPDATE

The Cabinet considered the report of the Head of Corporate Finance and ICT on the General Fund Outturn Position for 2011/12, which highlighted the major variations compared to the budget; identified an overall revenue underspend position; and sought approval to the transfer of non-school revenue underspends to specific provisions and reserves.

The report also set out the current position on the achievement of the approved revenue budget savings for 2012/13.

RESOLVED: That

- (1) approval be given to the transfer of the 2011/12 General Fund revenue underspend to increase certain provisions and reserves to required levels, as set out in paragraph 4.3 of the report;
- (2) the progress to date on the achievement of approved savings for 2012/13, be noted; and
- (3) Members' appreciation of the efforts made by appropriate officers to efficiently implement the difficult decisions which were made in relation to the required budget savings for 2012/13, be recorded.

37. VOLUNTARY SMOKEFREE CODE WITHIN PLAYGROUND AREAS

The Cabinet considered the report of the Director of Public Health on a proposal to introduce a voluntary smokefree code within all children's play areas managed by the Council, in order to reduce the exposure of young children to smoking behaviour and reduce the likelihood of them becoming smokers in the future.

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

RESOLVED:

That approval be given to the implementation of a voluntary code to make children's play areas managed by the Council smokefree.

38. MERSEYSIDE AND HALTON WASTE LOCAL PLAN - MODIFICATIONS ARISING FROM PUBLIC EXAMINATION

The Cabinet considered the report of the Director of Built Environment which provided an update on the progress and outcomes of the public examination process for the Merseyside and Halton Waste Local Plan, the proposed modification to the Plan, the consultation process on the modifications and the final stages to adoption.

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:

- (1) the modifications (both main and additional) to the Waste Local Plan;
- (2) public consultation on the modifications to the Waste Local Plan; and
- (3) District officers within the Waste Local Plan Steering Group being delegated to make necessary further minor and typographical changes to the Waste Local Plan prior to Council approval being sought for its adoption.

39. MERSEYSIDE LOCAL SUSTAINABLE TRANSPORT FUND MAJOR PROJECT

Further to Minute No. 39 of the meeting held on 18 August 2011, the Cabinet considered the report of the Director of Built Environment which provided an update on the Council's role in the Merseyside Local

Sustainable Transport Fund (LSTF) major project which had been awarded funding by the Department for Transport.

RESOLVED: That

- (1) the elements of the Merseyside LSTF major project to be delivered in Sefton, be noted;
- (2) it be noted that Merseytravel is the lead accountable body for the Merseyside LSTF major project;
- (3) the Strategic Director - Place be authorised to enter into a formal agreement with Merseytravel for the funding, delivery and monitoring of the project;
- (4) the Council be recommended to approve the inclusion of £646,000 in the Capital Programme to be phased as indicated in paragraph 2.5 of the report;
- (5) the Council be recommended to approve the inclusion of £300,000 grant funding from Sustrans in the Capital Programme towards the delivery of the Hightown to Formby Coastal Path Improvements;
- (6) subject to the Council approving the recommendations in resolutions (4) and (5) above, officers be authorised to commence the commitment of the funds; and
- (7) it be noted that this proposal is a Key Decision but had not been included in the Council's Forward Plan of Key Decisions. (Consequently, the Chair of the Overview and Scrutiny Committee (Regeneration and Environmental Services) Services had been consulted under Rule 15 of the Access to Information Procedure Rules of the Constitution, about 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 of the need to secure an amendment to the Capital Programme in sufficient time to deliver the elements required in 2012/13. The Department for Transport announcement of the overall allocation for the Merseyside major project was only made on 27 June 2012 and subsequently confirmed in a letter to Merseytravel dated 4 July 2012. However, this did not indicate which elements of the overall major project would be funded and confirmation of the level of funding for Sefton's elements of the project was only received from Merseytravel in a letter dated 19 July 2012. The project requires an amendment to the Capital Programme to include the grant allocation of £166,000 capital resources for 2012/13. The allocation for 2012/13 must be spent in 2012/13 and cannot be carried forward. Approval to amend the Capital Programme is therefore required at Cabinet on 16 August and Council on 6 September 2012. If the decision was deferred until the next Forward Plan, the amendment to the Capital

Programme would not be made until Council on 22 November 2012. This delay would make it impossible to achieve the required spend of the 2012/13 allocation. The recent nature of the announcement and funding details meant that it was not included on the Forward Plan and the timing of future Cabinet and Council meetings means that it cannot be deferred to the next Forward Plan.)

40. NORTH LIVERPOOL AND SOUTH SEFTON STRATEGIC REGENERATION FRAMEWORK - GREEN PRINT FOR GROWTH AND 2011/12 DELIVERY PLAN

The Cabinet considered the report of the Director of Built Environment on the Green Print for Growth Initiative to create a Great Park connecting Liverpool City Centre, North Liverpool, South Sefton and the River Mersey Waterfront and the 2012/13 Delivery Plan for the North Liverpool and South Sefton Strategic Regeneration Framework.

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

RESOLVED: That

- (1) the Green Print for Growth Framework, as set out in the report, be approved; and
- (2) the 2012/13 Delivery Plan for the North Liverpool and South Sefton Strategic Regeneration Framework be approved.

41. COMMUTED SUM ADOPTED PRACTICE FOR ADDITIONAL HIGHWAY MAINTENANCE LIABILITIES

The Cabinet considered the report of the Director of Built Environment on a proposed adopted practice for securing commuted sums from developers through Section 38/278 legal agreements to fund future highway maintenance liabilities which result from the impact of new developments.

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

RESOLVED:

That the proposed adopted practice of securing commuted sums from developers through Section 38/278 legal agreements to fund future highway maintenance liabilities which result from the impact of new developments be approved and this be carried out in line with the advice and principles set out in the ADEPT (former County Surveyors Society) guidance document "Commuted sums for maintaining infrastructure assets", with information provided by the Sefton Transport Asset Management Plan being used to justify commuted sum charges.

42. REVIEW OF CONSTITUTION

The Cabinet considered the joint report of the Director of Corporate Support Services and the Director of Corporate Commissioning on proposed changes to the Council's Constitution. It was noted that a working draft was submitted at this stage and there were likely to be further minor amendments prior to publication linked to the Council summons.

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

RESOLVED: That the Council be recommended that

- (1) the amended Council Constitution be approved; and
- (2) the Head of Governance and Civic Services and the Head of Corporate Legal Services be given delegated powers to make legislative and any other necessary and urgent amendments to the Constitution and to report such actions to the next Council meeting as appropriate, in consultation with the Leader of the Council.

43. VEHICLE REPLACEMENTS - REFUSE COLLECTION FLEET AND SPECIALIST TRANSPORT VEHICLES

The Cabinet considered the report of the Director of Street Scene on the results of two recent tendering exercises in respect of the purchase of new refuse collection vehicles for the Cleansing Section and ten new coach-built welfare vehicles for the Specialist Transport Section, using a Prudential Borrowing facility arranged by the Finance Department.

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

RESOLVED: That

- (1) the tender submitted by Faun Zoeller UK Limited, of Llangefni, for the supply of new refuse collection vehicles for the Cleansing Section and by Treka Bus Limited, of Brighthouse for the supply of ten new coach-built welfare vehicles for the Specialist Transport Section be accepted;
- (2) approval be given to the ordering of the vehicles listed in Annex 1 of the report;
- (3) the Council be recommended to approve the sum of £4,384,175 being included in the capital programme and financed by a Prudential Borrowing facility;

- (4) approval be given to the costs of the new Cleansing fleet vehicles being funded over the next 5 years by use of the Earmarked Reserve held for recycling, thereby alleviating the need for the utilisation of additional Council resources; and
- (5) approval be given to the costs of the new Specialist Transport Unit vehicle fleet being funded over the next 5 years from within the existing revenue budget.

44. ELECTED MEMBER REPRESENTATION ON AREA PARTNERSHIPS

Further to Minute No. 17 of the Adjourned Annual Council meeting held on 15 May 2012, the Cabinet considered the report of the Director of Corporate Commissioning on the proposed Elected Member representation on the five Area Partnerships.

RESOLVED: That

- (1) the Elected Member representation on the Area Partnerships be via the Area Committees to represent the local area context and that the Chair of each Area Committee be the nominated member; and
- (2) the Leader of the Council be requested to nominate a Cabinet Member for each of the five Area Partnerships to represent the strategic views of the borough.

45. 2ND BATTALION OF THE ROYAL REGIMENT OF FUSILIERS

The Cabinet considered the report of the Director of Corporate Commissioning which incorporated a letter from the Leader of Bury Metropolitan Borough Council, seeking support for their petition asking the Government to reconsider their proposal to disband the 2nd Battalion of the Royal Regiment of Fusiliers.

RESOLVED:

That a letter of support be sent to the Leader of Bury Council and a link to the Bury Council petition be provided on this Council's web site home page.

46. STEPCLEVER LEGACY FUND PROJECT

The Cabinet considered the report of the Director of Built Environment on the award of the Stepclever Legacy grant for the Stepclever Legacy Fund Project to support new and existing businesses in South Sefton and North Liverpool.

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

RESOLVED: That

- (1) the award of Stepclever Legacy grant to the Council for the delivery of the Stepclever Legacy Fund Project be noted; and
- (2) the Council be recommended to give approval to the inclusion of the Stepclever Legacy Fund Project within the Council's Capital Programme for 2012/13 and 2013/14 (subject to the receipt of a written offer of grant), at a cost of £1,847,749 to be fully funded from the Stepclever Legacy Grant. (£563,020 of this sum is residual funding from the Stepclever Property Project and is already included in the current Regeneration Capital Programme).

47. CHANNEL DREDGING PROJECT

Further to Minute No. 110 of the meeting held on 16 February 2012, the Cabinet considered the report of the Director of Built Environment on the current position relating to the Regional Growth Fund Bid for the River Dredging Project and the negotiations with the Mersey Docks and Harbour Company on the legal agreement for the project.

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

RESOLVED: That

- (1) the progress with the grant offer letter from the Department of Business Innovation and Science for £35 million of Regional Growth Fund towards the cost of the Mersey Channel dredge project be noted;
- (2) the Council be recommended to include the Channel dredging project in the Capital Programme, subject to the receipt of the grant from the Regional Growth Fund;
- (3) the progress with the negotiation of a Co-operation Agreement between Mersey Docks and Harbour Company and Sefton Council in respect of the Mersey Channel dredge project and the extent of the proposed indemnity, be noted;
- (4) the financial, legal and construction risks associated with the project be noted and in the event of a grant award, the risks and corresponding mitigation plans be transferred to the Corporate and Community Risk Register;
- (5) it be noted that should the grant be awarded, the Council would commence procurement for the dredge work immediately; and

- (6) a further report on progress with the project be submitted to the Cabinet.

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 items of business on the grounds that they would involve the likely disclosure of exempt information as defined in Paragraphs 3 and 5 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. CHANNEL DREDGING PROJECT

Further to Minute No. 47 above, the Cabinet considered a further report by the Director of Built Environment relating to the negotiations with the Mersey Docks and Harbour Company on the legal agreement for the River Dredging Project to be funded from the Regional Growth Fund and the Wide Area Studies.

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

RESOLVED: That

- (1) the Cabinet Member - Regeneration and Tourism be granted delegated authority to accept the unconditional offer of Regional Growth Fund;
- (2) the Cabinet Member - Regeneration and Tourism be granted delegated authority to agree the Co-operation Agreement between the Mersey Docks and Harbour Company and the Council;
- (3) officers be requested to establish the post of Project Co-ordinator in the Built Environment Department as a two-year appointment on the Council's payroll, funded by the Mersey Docks and Harbour Company at no cost to the Council, in anticipation of a successful grant award; and
- (4) officers be authorised to appoint a consultant for the Wide Area Studies associated with the channel dredge project.

50. DISPOSAL OF LAND AT KLONDYKE PHASE 1 TO BELLWAY HOMES LIMITED

The Cabinet considered the report of the Director of Built Environment seeking approval for the disposal of the Klondyke Phase 1 site to Bellway Homes Limited for the construction of 86 new homes for sale and rent.

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

RESOLVED: That

- (1) approval be given for the disposal of the Klondyke Phase 1 site to Bellway Homes Limited;
- (2) the Director of Built Environment and the Head of Corporate Finance and ICT be authorised to agree the final terms of the disposal;
- (3) approval be given for the granting of a Development Licence to Bellway Homes Limited for the Klondyke Phase 1 site in order to carry out the development of 86 houses for sale and rent; and
- (4) approval be given for the freehold disposal of the site to Bellway Homes Limited upon the successful completion of the scheme.