

**THE "CALL IN" PERIOD FOR THIS SET OF MINUTES ENDS AT 12 NOON ON TUESDAY 19 NOVEMBER, 2013. MINUTE NO's 61 AND 62 ARE NOT SUBJECT TO "CALL - IN."**

## **CABINET**

### **MEETING HELD AT THE TOWN HALL, BOOTLE ON THURSDAY 7TH NOVEMBER, 2013**

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

**ALSO PRESENT:** Councillors Blackburn, Dorgan and Hubbard

#### **57. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor Moncur.

#### **58. DECLARATIONS OF INTEREST**

No declarations of interest were received.

#### **59. MINUTES OF PREVIOUS MEETING**

##### **Decision Made:**

That the minutes of the Cabinet meeting held on 10 October 2013 be confirmed as a correct record.

#### **60. 2013/14 BUDGET UPDATE**

The Cabinet considered the report of the Head of Finance and ICT which provided details of the progress made on the achievement of the approved savings for 2013-2015 and a forecast of the collection rates for Council Tax and Business Rates in 2013/14.

##### **Decision Made:**

That:

- (1) the progress to date on the achievement of the approved budget savings be noted;
- (2) the Cabinet Member for Older People and Health be given delegated authority to determine the level of discretion applied and the application of the subsidies saving option (D1.38) referred to in Paragraph 2.3 of the report;

- (3) it be noted that earmarked reserves would be utilised in 2013/14 should other savings not be achieved, elsewhere in the budget, to bridge the current budget gap, set out in the report; and
- (4) the current position on the collection rates of Council Tax and Business Rates be noted.

**Reasons for Decision:**

To ensure that the Cabinet is informed of the latest position on the achievement of savings for the current financial year and to facilitate the achievement of the savings targets for 2014/15. To ensure the effective implementation of the Adult Non-residential Services Subsidies saving option (D1.38) and to provide an update on the forecast outturn position on collection of Council Tax and Business Rates.

**Alternative Options Considered and Rejected:**

None

**61. CAPITAL ALLOCATIONS 2013/14**

The Cabinet considered the report of the Head of Corporate Finance and ICT which provided details of the latest capital projects that had been recommended for inclusion within the Capital Investment Plan for 2013/14 by the Strategic Capital Investment Group. The report also provided details of a proposal for the Council to grant delegated authority to the Cabinet to approve self financing schemes for inclusion in the Capital Investment Plan.

**Decision Made:**

That:

- (1) the Council be recommended to approve the proposed capital schemes, detailed in paragraphs 2 to 5 of the report for inclusion in the Capital Investment Plan.
- (2) it be noted that the scheme referred to in paragraph 7 of the report, to relocate the South Area Social Work Team to St. Peter's House, Bootle would be funded from Adult Social Care Transformation resources;
- (3) the Director of Street Scene be given delegated authority to procure refuse containers, as set out in paragraph 3.2 of the report; and
- (4) the Council be recommended to give delegated authority to the Cabinet to approve self financing capital schemes in the Capital Investment Plan, as outlined in paragraph 9 of the report.

**Reasons for Decision:**

To enable provide Members to consider the recommendations of the Strategic Capital Investment Group with regard to the inclusion of schemes in the Capital Investment Plan.

**Alternative Options Considered and Rejected:**

The options available to Members for the use of non ring-fenced capital grant allocations are included in the report.

**62. RE-ADOPTION OF THE LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976**

Further to Minute No. 9 of the meeting of the Licensing and Regulatory Urgent Referrals Committee held on 6 November 2013, the Cabinet considered the report of the Head of Corporate Legal Services which provided details of the proposal to re-adopt the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976 within the Borough of Sefton.

**Decision Made:**

That:

- (1) the recommendation of the Licensing and Regulatory Urgent Referrals Committee be endorsed and the Council be recommended to give delegated authority to the Head of Corporate Legal Services to provide notice, in accordance with Section 45 of Part II of the Local Government (Miscellaneous Provisions) Act 1976, ('the Act') of the Council's intention to pass a resolution to re-adopt the provisions of Part II of the Act in relation to the Council's administrative area, with effect from 7 February 2014, subject to no adverse comments being received in relation to that notice; and
- (2) if such adverse comments are received, this matter be referred back to the Licensing and Regulatory Committee and that Council be advised.

**Reasons for Decision:**

A recent judgment had been made regarding decisions to prosecute under Part II of the Act. A local authority had been successfully challenged where it could not demonstrate that the prescribed notice procedure had been followed in its adoption of the Act some 35 years previously.

The re- adoption Part II of the Act was proposed for the purposes of clarification for the future, without prejudice to the Council's previous

adoption made pursuant to the Act, and to ensure certainty in any enforcement action taken under the Act.

Generally, Cabinet is not involved in matters pertaining to licensing. However, this re-adoption is not determination, approval, consent and licence or registration concerning a licence, permission and therefore falls to be considered by the Council's Executive.

**Alternative Options Considered and Rejected:**

No, failure to re-adopt the Legislation may result in uncertainty in the Council's ability to take enforcement action.

**63. PETERHOUSE SCHOOL, SOUTHPORT GOVERNING BODY - CHANGE IN COUNCIL'S APPOINTED REPRESENTATIVE**

The Cabinet considered the report of the Director of Corporate Services seeking approval to a proposed change in the Council's representation on the Governing Body for Peterhouse School, Southport for the remainder of the 2013/14 Municipal Year.

**Decision Made:**

That Councillor Lappin be appointed as the Council's representative on the Governing Body for Peterhouse School, Southport for the remainder of the 2013/14 Municipal Year in place of Councillor Moncur.

**Reasons for Decision:**

The Cabinet has delegated powers to approve the Council's representatives to serve on Outside Bodies.

**Alternative Options Considered and Rejected:**

None

**64. JAMES HORRIGAN COURT EXTRA CARE HOUSING SCHEME**

The Cabinet considered the report of the Director of Older People on the proposed tender exercise to be undertaken for the provision of a Personal Care Support Services at the James Horrigan Court Extra Care Housing Scheme

**Decision Made:**

That:

- (1) the Director of Older People be authorised to conduct an OJEU Part B Open Procedure tender exercise for a new contract to run for a

period of three years from 1 April 2014, with the option of two further one-year extensions;

- (2) the basis of the evaluation of tenders, as set out in paragraph 2.2 of the report be approved; and
- (3) the Cabinet Member for Older People and Health be authorised to accept the highest scoring Tender in accordance with the approved basis of evaluation.

**Reasons for Decision:**

The contract was currently held by Arena Housing who had served notice on the Council and the Council had agreed with Arena Housing that the contract would expire on 31 March 2014.

The Tender exercise would need to follow an OJEU Open Procedure and as part of the process, approval was required for the Cabinet Member to be given delegated authority to award the Contract at the end of the Tender process.

**Alternative Options Considered and Rejected:**

None. The existing provider had decided to cease delivery of the Services and served notice upon the Council in accordance with the termination provisions of the contract.

**65. SOUTHPORT THEATRE AND CONVENTION CENTRE**

The Cabinet considered the report of the Director of Built Environment which provided details of the European Union Open Procurement Procedure, which had been undertaken in order to procure a contract for the operational management of Southport Theatre and Conference Centre (STCC) for a 10 year period from 1 April 2014.

**Decision Made:**

That:

- (1) Subject to contract, the tender submitted by HQ Theatres be accepted as being the tender achieving the highest Price/Quality score in respect of the operation of the Southport Theatre and Conference Centre for a period of 10 years from 1 April 2014;
- (2) the Head of Corporate Legal Services be requested to draw up appropriate Lease and Management Agreements with the successful tenderer; and

- (3) the appropriate officers work with and support the successful tenderer in order to facilitate the successful transition to the new operational arrangements.

**Reasons for Decision:**

The Company recommended for the award of the operational tender for the STCC was a clear winner with the highest score in each category of the scored assessment criteria.

**Alternative Options Considered and Rejected:**

The only real alternative was an in-house operation of the STCC but the Council's resources were insufficient to respond to an Invitation To Tender at this time.

**66. ORRELL SCHOOL PHASE 3 HOUSING DEVELOPMENT**

The Cabinet considered the report of the Director of Built Environment approval to dispose of the Orrell School Phase 3 site to Riverside Housing for the construction of new housing for affordable rent.

**Decision Made:**

That approval be given to the disposal of the Orrell School Phase 3 site to Riverside Housing on the terms and for the reasons outlined in Appendix I of the report for the construction of 12no. 1 bedroom 2 person flats and 6no. 2 bedroom 4 person houses for affordable rent.

**Reasons for Decision:**

The site had been acquired as part of the former Housing Market Renewal programme by agreement and under Compulsory Purchase powers for residential development. The scheme was the final phase of planned residential development on the site.

**Alternative Options Considered and Rejected:**

The site was Compulsory Purchased by the Council in order to redevelop with new housing. There are no viable alternative options other than to leave the site undeveloped which would be contrary to the express purpose of the CPO and aims of the Housing Market Renewal Programme.

As an area currently undergoing significant regeneration the low value of residential accommodation in the area, and increased development costs limits the value of the land to the point where a market led scheme would likely be unviable.