

**CABINET**

**MEETING HELD AT THE TOWN HALL, BOOTLE  
ON THURSDAY 12TH NOVEMBER, 2009**

PRESENT: Councillor Robertson (in the Chair)  
Councillors Brodie - Browne, P Dowd, Fairclough,  
Lord Fearn, Griffiths, Maher, Parry, Porter and  
Tattersall

ALSO PRESENT: Councillor Shaw

**190. APOLOGIES FOR ABSENCE**

No apologies for absence were received.

**191. MINUTES**

RESOLVED:

That the Minutes of the Cabinet Meeting held on 29 October 2009 be confirmed as a correct record.

**192. DECLARATIONS OF INTEREST**

The following declarations of interest were received:

Member	Minute	Reason	Action
Councillor Shaw	194 - Southport Cultural Centre - NWDA and the Council's Decision on the funding	Personal - his son is employed by Sefton Library Service	Stayed in the room during the consideration of the item
Councillor Shaw	195 - Southport Cultural Centre - Business Plan and potential revenue implications	Personal - his son is employed by Sefton Library Service	Stayed in the room during the consideration of the item
Councillor Shaw	196 - Southport Cultural Centre - Temporary Library Service	Prejudicial - his son is employed by Sefton Library Service	Left the room during the consideration of the item. He did not return for the remainder of the meeting

**193. ELECTORAL CYCLE – RESOLUTION FOR WHOLE COUNCIL ELECTIONS**

Further to Minute No. 17 of the meeting of the Overview and Scrutiny Committee (Performance and Corporate Services) held on 10 November 2009, the Cabinet considered the report of the Legal Director on the provisions of the Local Government and Public Involvement Act 2007 which allows local authorities that elect by thirds to move to whole Council Elections every four years. The report indicated that there is a 'permitted resolution period' for authorities that wish to change their electoral cycle and in the case of Sefton and other Metropolitan Councils, a resolution must be passed no later than 31 December 2009 by the Council.

The effect of any potential change in the electoral cycle upon Town and Parish Councils in Sefton, the consultation process to be undertaken and the financial implications were detailed in the report.

RESOLVED:

That the need to convene a Special Council on 17 December 2009, to formally consider, after undertaking appropriate consultation, whether to pass a resolution that the Council should move to "whole Council Elections" be noted.

**194. SOUTHPORT CULTURAL CENTRE - NWDA AND THE COUNCIL'S DECISION ON FUNDING**

Further to Minute No. 125 of the meeting held on 3 September 2009, the Cabinet considered the report of the Leisure Director on the details of the decision taken by the North West Development Agency to provide funding to support the redevelopment of the Southport Cultural Centre.

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

RESOLVED: That

- (1) the offer of £4m grant from the North West Development Agency (NWDA) be accepted and allocated to the 2009/10 New Starts Capital Programme;
- (2) the Council's funding of £7.3m to the Southport Cultural Centre project be confirmed and included together with the £4m Sea Change grant and the £4m NWDA grant in the Capital Programme;
- (3) expenditure from the 2009/10 Capital Programme (Sea Change and NWDA) be approved for further pre-development works;

- (4) provision be made within the Medium Term Financial Plan for the cost of prudential borrowing to fund the Council's Capital contribution to the development; and
- (5) it be noted that the Chair of the Overview and Scrutiny Committee (Performance and Corporate Services) had given his consent under Rule 17 of the 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 of the limited time available to spend the external grant, and the need to ensure that there is no risk to the Council from having any grant clawed-back and having to meet any difference from the Council's own capital resources.

**195. SOUTHPORT CULTURAL CENTRE - BUSINESS PLAN AND POTENTIAL REVENUE IMPLICATIONS**

Further to the previous minute, the Cabinet considered the report of the Leisure Director which provided details of the Business Plan which had been produced for the redevelopment of the Southport Cultural Centre and assessed by the North West Development Agency.

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

RESOLVED: That

- (1) it be noted that the Southport Cultural Centre will upon reopening have to re-establish and grow its audience base, and until this is completed there may be an increase in revenue costs to operate the service for the first 18 months to two years;
- (2) the likelihood for an increased provision in the 2012/13 and 2013/14 Medium Term Financial Plan for the potential additional revenue running costs be noted; and
- (3) it be noted that the Chair of the Overview and Scrutiny Committee (Performance and Corporate Services) had given his consent under Rule 17 of the 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 of the limited time available to spend the external grant, and the need to ensure that there is no risk to the Council from having any grant clawed-back and having to meet any difference from the Council's own capital resources.

**196. SOUTHPORT CULTURAL CENTRE - TEMPORARY LIBRARY SERVICE**

The Cabinet considered the joint report of the Strategic Director of Regeneration and Environmental Services, the Finance and Information Services Director, Leisure Director and Head of Regeneration and Technical Services which provided details of the estimated costs identified

for the adaptation works required to a number of potentially suitable venues to facilitate a temporary library service in central Southport, during the period of the redevelopment of the Southport Cultural Centre.

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

In response to a question from Members of the Cabinet, the Legal Director reported that there was no provision within the Council Constitution for the Cabinet to overturn the decision taken by the Chair of the Overview and Scrutiny Committee (Performance and Corporate Services) under Rule 17 of the Scrutiny Procedure Rules for this decision to be treated as urgent and not subject to call in.

The Cabinet discussed the viability of the options set out in the report and it was accepted that the only options which could be practically implemented were the adaptation works to the Southport Market Hall and the use of the existing branch libraries in Southport. A vote was taken on the option to operate the temporary library service in the Southport Market Hall and in accordance with Rule 18.5 of the Council and Committee Procedure Rules, the following Councillors requested that their vote for and against the proposal be recorded, namely:

For the proposal (4) - Councillors Brodie Browne, Lord Fearn, Robertson and Tattersall.

Against the proposal (6) - Councillors P. Dowd, Fairclough, Griffiths, Maher, Parry and Porter.

Following further discussion, it was

RESOLVED: That

- (1) the services and staff at the Southport Central Library be relocated at the Churchtown, Birkdale and Ainsdale Branch Libraries at no additional cost, during the period of the redevelopment of the Southport Cultural Centre;
- (2) the Leisure Director submit a report to the Cabinet on the feasibility of providing a temporary IT service for library users in the Southport One Stop Shop; and
- (3) it be noted that the Chair of the Overview and Scrutiny Committee (Performance and Corporate Services) had given his consent under Rule 17 of the 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 of the limited time available to spend the external grant, and the need to ensure that there is no risk to the Council from having any grant clawed-back and having to meet any difference from the Council's own capital resources.

**197. 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 item 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 favour exclusion of the information from the press and public.

**198. SOUTHPORT CULTURAL CENTRE - APPROVAL OF TENDER LIST**

The Cabinet considered the report of the Head of Regeneration and Technical Services which provided details of the two stage tender process for the redevelopment of the Southport Cultural Centre project and sought approval to a short list of contractors for the project set out in a supplementary note circulated at the meeting.

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

RESOLVED: That

- (1) the six contractors set out in the supplementary note be invited to submit tenders for the Southport Cultural Centre project;
- (2) if any one of the contractors in the short list declines the offer to submit a tender, a contractor from the reserve list set out in the supplementary note be selected in their place; and
- (3) it be noted that the Chair of the Overview and Scrutiny Committee (Performance and Corporate Services) had given his consent under Rule 17 of the 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 of the limited time available to spend the external grant, and the need to ensure that there is no risk to the Council from having any grant clawed-back and having to meet any difference from the Council's own capital resources.