

**THE "CALL IN" PERIOD FOR THIS SET OF MINUTES ENDS AT 12 NOON ON THURSDAY, 3 DECEMBER 2009. MINUTE NO. 208 IS NOT SUBJECT TO "CALL-IN".**

## **CABINET**

### **MEETING HELD AT THE TOWN HALL, SOUTHPORT ON WEDNESDAY 25TH NOVEMBER, 2009**

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

#### **199. APOLOGIES FOR ABSENCE**

No apologies for absence were received.

#### **200. MINUTES**

**RESOLVED:**

That the Minutes of the Cabinet Meeting held on 12 November 2009 be confirmed as a correct record.

#### **201. DECLARATIONS OF INTEREST**

The following declaration of interest was received:

Member	Minute	Reason	Action
Councillor Maher	223 - 112 Monfa Road, Klondyke - Repayment of Home Repair Assistance Grants	Prejudicial - He knows the owner of the property	Left the room during the consideration of the item.

#### **202. SAFER AND STRONGER COMMUNITIES PARTNERSHIP CAPITAL ALLOCATION**

Further to Minute No. 49 of the meeting of the Cabinet Member - Communities held on 4 November 2009, the Cabinet considered the report of the Assistant Chief Executive (Safer, Stronger Communities) on the award of the capital spend allocation by the Home Office for Area Based Grant effecting the Safer and Stronger Communities Partnership.

**RESOLVED:**

That approval be given to the inclusion of the project in the Capital Programme amounting to £79,711 in 2009/10 and, subject to Home Office confirmation, £79,711 in 2010/11 to be fully funded from Home Office grant.

**203. REVENUE BUDGET MONITORING 2009/10**

Further to Minute No. 140 of the meeting held on 1 October 2009, the Cabinet considered the report of the Finance and Information Services Director which provided an update on the 2009/10 budgetary position based on information up to the end of October 2009 and summarised the main variations that have occurred since the August statement.

RESOLVED: That

- (1) the projected budget overspend on key risk areas of £3.678m as at the end of October 2009 be noted;
- (2) the Other Budget Issues where an overspend of £1.451m is projected be noted;
- (3) it be noted that the Departmental Budget Review had identified £2.747m of one-off resources to support the budget;
- (4) the availability of the Budget Pressures Fund which would provide £0.500m to support the budget be noted; and
- (5) the potential for further one-off resources to support the budget be noted.

**204. LOCAL LAND CHARGES**

Further to Minute No. 50 of the meeting of the Cabinet Member - Corporate Services held on 14 October 2009, the Cabinet considered the report of the Legal Director which provided an update on the Information Commissioner's recently issued guidance on the charging for access to environmental information and the details of the forthcoming Local Land Charges (Amendment) Rules 2009.

RESOLVED: That

- (1) the report be noted; and
- (2) the proposed increase in LLC1 search fees from 1 January 2010 be approved.

**205. PRIMARY CAPITAL PROGRAMME - ADDITIONAL SCHEMES**

Further to Minute No. 93 of the meeting of the Cabinet Member - Children's Services held on 17 November 2009, the Cabinet considered the report of the Strategic Director of Children's Services which sought approval to the implementation of schemes to be funded from the Primary Capital Programme Allocation for 2009/10.

RESOLVED: That

- (1) the schemes as detailed in the report be approved; and
- (2) the schemes be included in the Children's Services Capital Programme 2009/10.

**206. BUILDING SCHOOLS FOR THE FUTURE - OUTCOME OF READINESS TO DELIVER RE-SUBMISSION**

Further to Minute No. 60 of the meeting held on 9 July 2009, the Cabinet considered the report of the Strategic Director of Children's Services on the outcome of the resubmission of the Readiness to Deliver document to Partnerships for Schools for the Building Schools for the Future (BSF) Programme and the subsequent actions taken with regard to the appointment of external advisors to support Legal, Finance and IT services in the BSF programme and the proposed development of a Local Education Partnership between Sefton and Wirral Councils.

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

RESOLVED: That

- (1) the outcome of the resubmission of the Readiness to Deliver document and subsequent actions be noted; and
- (2) support be given to the continuation of discussions which may lead to the setting up of a joint LEP between Sefton and Wirral Councils,

**207. BUILDING SCHOOLS FOR THE FUTURE - PROPOSED DELEGATION OF DECISION MAKING POWERS TO THE PROJECT BOARD**

The Cabinet considered the report of the Strategic Director of Children's Services which provided details of the governance arrangements for the Building Schools for the Future Programme (BSF) and sought approval for the delegation of decision making powers to the Project Board.

RESOLVED: That

- (1) the governance arrangements for the BSF programme be noted;
- (2) approval be given to the establishment of a Project Board to provide overall governance and responsibility for the BSF programme as detailed in the report; and
- (3) approval be given to the delegation of powers to the Project Board as detailed in the report.

**208. BUILDING SCHOOLS FOR THE FUTURE - APPOINTMENT OF PROJECT DIRECTOR AND PROJECT MANAGER**

The Cabinet considered the joint report of the Strategic Directors of Communities and Children's Services and the Personnel Director which sought approval for the establishment of posts to enable the appointment of a Project Director and Project Manager for the Council's Building Schools for the Future (BSF) Programme.

RESOLVED: That

- (1) approval be given to the establishment of the posts of Project Director (Senior Management Hay 3, £77,979 - £85,779) and Project Manager (Senior Management Hay 5, £56,670 - £62,334) for Sefton's Building Schools for the Future Programme;
- (2) it be noted that, in accordance with the Responsibility for Functions provided in the Council's Constitution, the personnel implications described in the report have been approved by the Personnel Director, in consultation with the Strategic Director - Communities and the Strategic Director - Children's Services;
- (3) the three Political Group Leaders notify the Legal Director of their nominees to the membership of the Employment Procedure Committee to be established to deal with the recruitment and selection of persons to the posts set out in (1) above; and
- (4) 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 it would be detrimental to the timescale needed to recruit the Project Director and Project Manager and would not be viewed favourably by Partnerships for Schools or Departments for Children, Schools and Families who are the sponsors for Building Schools for the Future. In addition, the full time officers are required to manage the programme through the most sensitive period following selection.

**209. THE DEVELOPMENT OF LOW CARBON ECONOMY IN RESPONSE TO CLIMATE CHANGE**

The Cabinet considered the report of the Strategic Director of Regeneration and Environmental Services which provided details of the likely impact of current and planned climate change legislation and regulations, the implications of developing a low carbon economy in Sefton, and proposals for the strategic management of change.

RESOLVED: That

- (1) it be recommended to the Sefton Borough Partnership that the co-ordinated response to the Climate Change and Low Carbon Economy agenda is made a top level community strategy objective in the drafting of the required Sustainable Community Strategy and is practically delivered through the Economic Development and Sustainability thematic group of the Partnership;
- (2) the low carbon economy development objective is asserted in the next revision of the Council's Corporate plan;
- (3) the Cabinet Member - Regeneration be nominated as the Low Carbon Economy Champion;
- (4) the Cabinet Member - Environmental be reconfirmed as the Climate Change (Adaptation) Champion;
- (5) the Cabinet Member - Technical Services be nominated as the Corporate and Community Energy Use Reduction Champion;
- (6) the Economic Development and Sustainability Group of Sefton Borough Partnership (on which the three Cabinet Members above participate) be a focus of co-ordinating wider community activity;
- (7) progress on developing and delivering a comprehensive Climate Change Response Strategy and Action Plan be overseen by the Cabinet Member - Performance through the Council's performance management procedures; and
- (8) further progress reports be submitted to the Cabinet.

## **210. CLIMATE CHANGE AND INLAND FLOODING IN SEFTON**

Further to Minute No. 32 of the meeting of the Overview and Scrutiny Committee (Regeneration and Environmental Services) held on 20 October 2009, the Cabinet considered the report of the Strategic Director of Regeneration and Environmental Services which set out the effects that climate change may have on inland flooding in Sefton and identified changes and improvements which, if implemented now, would reduce these effects now and in the future.

RESOLVED: That

- (1) the report be noted; and
- (2) the proposals set out in Section 4 of the report be supported and the provision of revenue growth of £122K in drainage budgets, in particular for land drainage, be considered further during the 2010/11 budget process.

**211. ST PHILIPS CE PRIMARY SCHOOL, LITHERLAND - PROPOSED EXTENSIONS AND ALTERATIONS**

The Cabinet considered the report of the Strategic Director of Regeneration and Environmental Services on the tenders received for the provision of extensions and alterations at St. Phillip's C.E. Primary School, Litherland.

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

RESOLVED: That

- (1) approval be given to the allocation of £228,939.30 in the Children's Services Capital programme for this scheme, funded entirely from the Primary Capital budget;
- (2) subject to audit approval of the contractor's latest financial statement of accounts the lowest tender submitted by Lyjon Co. Ltd. of Ellesmere Port and adjusted by the agreed Addendum to the sum of £177,921 be accepted; and
- (3) the Legal Director be requested to enter into a formal contract with the successful tenderer.

**212. CHRISTCHURCH CE PRIMARY SCHOOL, BOOTLE - PROPOSED EXTENSIONS AND ALTERATIONS**

The Cabinet considered the report of the Strategic Director of Regeneration and Environmental Services on the tenders received for the provision of extensions and alterations at Christchurch C.E. Primary School, Bootle.

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

RESOLVED: That

- (1) approval be given to the allocation of £374,191 in the Children's Services Capital programme funded through the Primary Capital budget (£300,000) and from the school's own resources (£74,191);
- (2) the lowest tender submitted by Mellwood Construction of Huyton in the sum of £311,550 be accepted; and
- (3) the Legal Director be requested to enter into a formal contract with the successful tenderer.

**213. GOVERNANCE REVIEW – AREA MANAGEMENT**

Further to Minute No. 66 of the meeting held on 9 July 2009, the Cabinet considered the report of the Planning and Economic Regeneration Director which set out the key findings from the service mapping and area arrangements workstreams of area management and outlined the proposed next steps for area management as specified in the work programme. The report also sought approval to proposals for the appointment of three additional members of staff on a temporary basis to bolster existing interim arrangements.

RESOLVED: That

- (1) the key findings from the service mapping and area arrangements workstreams of area management be noted;
- (2) the proposed next steps for area management as set out in the report be approved;
- (3) the intention to appoint three staff on a temporary basis until March 2011 as set out in paragraph 3.3 of the report be approved; and
- (4) it be noted that the creation of three staff on a temporary basis does not require additional resources and can be met from within existing budgets.

**214. ANNUAL MONITORING REPORT 2009**

Further to Minute No. 102 of the meeting of the Planning Committee held on 11 November 2009, the Cabinet considered the report of the Planning and Economic Regeneration Director on the progress of the Local Development Framework by monitoring a range of indicators.

RESOLVED: That

- (1) approval be given to the submission of the 2009 Annual Monitoring Report to the Government Office for the North West (GONW); and
- (2) the Planning and Economic Regeneration Director be given delegated authority to make editorial changes relating to layout and presentation, the addition of late information and make changes as recommended by GONW prior to submission of the Annual Monitoring Report.

**215. CORE STRATEGY - GREEN SPACE AND RECREATION STUDY (PPG17 STUDY) AND PLAYING PITCH STRATEGY**

Further to Minute No. 103 of the meeting of the Planning Committee held on 11 November 2009, the Cabinet considered the report of the Planning and Economic Regeneration Director which sought approval to the Green Space and Recreation Study and the Playing Pitch Strategy, which form

part of the evidence for the Core Strategy and the Corporate Green Space Strategy for Sefton (2008).

RESOLVED: That

- (1) the Green Space and Recreation Study be approved; and
- (2) the Playing Pitch Strategy be approved in principle and the Planning and Economic Regeneration Director and Leisure Director be requested to submit a further report on the proposed action to be taken in the draft strategy to increase capacity by working with schools to allow more schools pitches to be used by junior football, rugby and cricket teams out of school hours.

#### **216. SEFTON BUSINESS VILLAGE PARTNERSHIP ACTIVITIES**

Further to Minute No. 69 of the meeting of the Cabinet Member - Regeneration held on 23 November 2009, the Cabinet considered the report of the Planning and Economic Regeneration Director which provided an update on the activities undertaken by the Sefton Business Village Partnerships.

RESOLVED: That

- (1) the report be noted; and
- (2) when appropriate, further reports on activities undertaken by the Sefton Business Village Partnerships be submitted to the Cabinet.

#### **217. SOUTHPORT PARK AND RIDE SERVICES - TEMPORARY CLOSURE OF KEW PARK AND RIDE SITE**

Further to Minute No. 86 of the meeting of the Cabinet Member - Technical Services held on 18 November 2009, the Cabinet considered the report of the Planning and Economic Regeneration Director on proposals for the suspension until further notice of Kew Park and Ride Service within the terms of the contract with the bus operator and the requirements of the Traffic Commissioner; for the site to be 'mothballed' but ongoing security and base maintenance be retained; and the parking demand in Southport be monitored with a view to re-opening the site as soon as the economic situation permitted.

RESOLVED: That

- (1) the Kew Park and Ride Service be temporarily suspended, the site be 'mothballed', and the bus contract be amended to maintain services at Esplanade/Fairways;
- (2) the demand for parking to support tourism and retail activity in the town continue to be monitored, with a view to reopening the Kew Park and Ride Service as soon as possible;



- (3) during the closure, part of the Kew Park and Ride Site be made available if required as a Pay and Display Car Park to support initiatives within developing travel plans for commercial operations in the area;
- (4) a full review of access arrangements and advance signage for the Kew Park and Ride Site be undertaken, including the provision of signs within West Lancashire, and a scheme considered within the Local Transport Plan Capital Programme to be completed before reopening; and
- (5) the assistance of the Park and Ride Bus Operator and Merseytravel be acknowledged in the delivery of revised Park and Ride Services for Southport.

#### **218. MERSEYSIDE LANDLORD ACCREDITATION SCHEME**

Further to Minute No. 71 of the meeting of the Cabinet Member - Regeneration held on 23 November 2009, the Cabinet considered the report of the Housing Market Renewal Director which sought endorsement of the Council's active participation in the proposed Merseyside Landlord Accreditation Scheme.

RESOLVED:

That approval be given to Sefton's active participation in the Merseyside Landlord Accreditation Scheme at an annual cost of up to £12,521 per annum for 2009/10 - 2010/11 funded entirely from the Migration Impacts Fund and/or Housing Market Renewal Budget.

#### **219. EXCLUSION OF PRESS AND PUBLIC**

RESOLVED: That

- (1) 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 1, 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; and
- (2) the representatives of the Trade Unions be permitted to remain in the meeting during the consideration of Minute 220 below.

**220. TRANSFORMATION PROGRAMME UPDATE - STRATEGIC BUDGET REVIEW**

Further to Minute No. 189 of the meeting held on 29 October 2009, the Cabinet considered the report of the Chief Executive which provided an update on progress made in relation to the Voluntary Early Retirement / Voluntary Redundancy (VER/VR) exercise and the progress of the Strategic Budget Review options.

The Cabinet also considered a note produced by Unison in response to issues set out in the report and the Chief Executive and Personnel Director responded to questions from Cabinet Members on the content of the note. The Chief Executive indicated that the issues set out in the note would be considered during the Strategic Budget Review

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

RESOLVED: That

- (1) the progress made in developing the Transformation Programme and the Strategic Budget Review be noted;
- (2) all Phase 1 VER/VR Expressions of Interest be formally progressed with a termination date of 31 March 2010;
- (3) action be taken where staff have asked for an earlier termination date, subject to mutual agreement on the waiving of Notice. Payment will not be made in lieu of Notice;
- (4) the Phase 2 VER/VR Expressions of Interest be formally progressed in the most expeditious manner;
- (5) further Expressions of Interest in VER/VR be sought from all staff emphasising that there will be no enhancement of redundancy or pension terms in the future;
- (6) it be accepted that compulsory redundancies would be required, as part of a range of measures, to bridge the budget gap in 2010/11 and future years, and Officers be instructed to expedite the actions necessary to identify any staff members at risk of compulsory redundancy who are in the 50-55 year old age bracket, by 1 April 2010; and
- (7) a special Cabinet meeting be held on 3 December 2009, commencing at 10.00 a.m. in Bootle Town Hall, in order to progress these issues in a timely manner.

**221. HOUSING MARKET RENEWAL PROGRAMME - HOUSING DEVELOPMENT OPPORTUNITY - KLONDYKE NEIGHBOURHOOD**

Further to Minute No. 73 of the meeting of the Cabinet Member - Regeneration held on 23 November 2009, the Cabinet considered the report of the Housing Market Renewal Director which sought approval to the making of a financial contribution towards public realm and site abnormal works as part of the development of the former Orrell Sports Ground site, Orrell Lane, by Bellway, the Council's appointed lead developer partner for the Klondyke Housing Market Renewal neighbourhood.

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

RESOLVED: That

- (1) approval be given to the making of a financial contribution of £700,000 towards the overall development costs in respect of the development of the former Orrell Sports Ground site;
- (2) the additional £500,000 secured by the Housing Market Renewal Programme from Newheartlands sources be noted;
- (3) it be noted that the Council would receive a proportion of the profit generated by the development that is equal to the proportion of development costs represented by the Council's financial contribution;
- (4) it be noted that the Council will receive 20% of any additional profit generated from 'overage' as a result of the development; and
- (5) the Legal Director be requested, in consultation with the Finance and Information Services Director and Housing Market Renewal Director, to enter into an appropriate legal agreement with Bellway Homes pursuant to securing the Council's position in respect of the partnership arrangement.

**222. COMMERCIAL WASTE SERVICE CHARGES**

Further to Minute No. 72 of the meeting of the Cabinet Member - Environmental held on 18 November 2009, the Cabinet considered the report of the Environmental Protection Director which sought approval to the implementation of revised commercial waste service charges.

RESOLVED:

That approval be given to the implementation of the Commercial Waste Service Charges, as set out in Appendix A of the report, with effect from 1 April 2010.

**223. 112 MONFA ROAD, KLONDYKE - REPAYMENT OF HOME REPAIR ASSISTANCE GRANTS**

The Cabinet considered the report of the Housing Market Renewal Director which sought approval to the waiving of the requirement for the owner of 112 Monfa Road, Klondyke, to repay monies in respect of Home Repair Assistance grant expenditure undertaken on the property in question.

**RESOLVED:**

That approval be given to the waiving of the requirement to repay a total of £4,898.95 provided in the form of Home Repair Assistance grants, from the proceeds of the sale of 112 Monfa Road, Klondyke to the Council, as part of the programme of voluntary acquisitions, pursuant to the Council's Housing Market Renewal programme.