

COUNCIL - 17 DECEMBER 2009

REPORT OF THE LEADER OF THE COUNCIL - MATTERS DEALT WITH IN ACCORDANCE WITH RULE 17 OF THE SCRUTINY PROCEDURE RULES (CALL-IN AND URGENCY)

I wish to report that the Chair of the relevant Overview and Scrutiny Committee has given his consent, under Rule 17 of the Scrutiny Procedure Rules, to the following issues being dealt with, on the basis that the decisions could not be reasonably deferred and therefore not subject to call-in.

CABINET - 12 NOVEMBER 2009

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.

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.

CABINET - 25 NOVEMBER 2009

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 the Department 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.

C.J. Elwood
Legal Director

