

CABINET (EXTRAORDINARY)

HELD: Wednesday, 18 July 2018

Start: 6.30 pm

Finish: 6.50 pm

PRESENT:

Councillors:

Portfolio

Councillor Ian Moran	Leader of the Council and Portfolio Holder for Economic Regeneration
Councillor Yvonne Gagen	Deputy Leader of the Council and Portfolio Holder for Leisure & Human Resources
Councillor Claire Cooper	Portfolio Holder for Communities and Older People
Councillor Jenny Forshaw	Portfolio Holder for Housing and Landlord Services
Councillor John Hodson	Portfolio Holder for Planning
Councillor Kevin Wilkie	Portfolio Holder for Street Scene
Councillor Kevin Wright	Portfolio Holder for Health and Community Safety
Councillor Adam Yates	Portfolio Holder for Resources & Transformation

Officers:

Kim Webber, Chief Executive
John Harrison, Director of Development and Regeneration
Jacqui Sinnott-Lacey, Director of Housing and Inclusion
Heidi McDougall, Director of Leisure & Environment
Terry Broderick, Borough Solicitor
Marc Taylor, Borough Treasurer
Simon Burnett, Deputy Director of Leisure and Wellbeing
Ian Gill, Deputy Director of Development & Regeneration
Jacky Denning, Assistant Member Services Manager

13 APOLOGIES

There were no apologies for absence.

14 SPECIAL URGENCY (RULE 16 ACCESS TO INFORMATION PROCEDURE RULES)/URGENT BUSINESS

There were no items of special urgency.

15 DECLARATIONS OF INTEREST

Councillor Gagen declared a non-pecuniary interest in agenda item 7(b) (Moor Street Gateway Redevelopment) as an employee of Lancashire County Council.

16 PUBLIC SPEAKING

There were no items under this heading.

17 MATTER REQUIRING DECISION

Consideration was given to the report relating to the following matter requiring a decision as circulated and contained on pages 221 – 236 of the Book of Reports.

18 RECYCLING UPDATE

Councillor Wilkie introduced the report of the Director of Leisure and Environment which provided an update on the changes to the recycling and garden waste service in order to improve the future efficiency of the service.

In reaching the decision below, Cabinet considered the details as set out in the report before it and accepted the reasons contained therein.

- RESOLVED
- A. That it be noted that the provision of free brown bins to those residents that were re-subscribing to the garden waste service, as outlined in paragraph 5.8 of the report, ceased on 16 July 2018 and that any brown bins ordered from this date incurred a charge of £25.
 - B. That it be noted that the payment scheme outlined in the policy options report, approved by Council in December 2017, applied to all bins and all households, except in exceptional circumstances and for those properties that require an additional grey bin for medical waste, as outlined in paragraph 5.17 of the report.
 - C. That subject to approval of budget by Council the deadline of 16 July, referred to in A. above, be extended until 31 October 2018 to enable those residents who are using blue boxes (or other containers) for paper and cardboard to order a green bin free of charge, as outlined in paragraphs 5.12 and 5.15 of the report.
 - D. That the use of blue boxes (or other containers) for glass, cans and plastic bottles be withdrawn by 31 October 2018, except for those properties outlined in paragraph 5.22 of the report, and that the option outlined in paragraph 5.28 of the report, to provide blue bins free of charge to those residents using blue boxes or other containers or previously had a box be approved.
 - E. That an exemption to Contract Procedure Rule 7 be authorised, as the contract is expected to exceed £50,000, which would normally require a competitive tender process, as this will enable the current supplier of bins to be used to supply the green and blue bins, as outlined at paragraph 5.28 of the report.
 - F. That Council be recommended to approve:
 - (i) The funding of £200,000 from capital receipts to fund

blue and green bins to those properties that are using boxes, other containers or previously had a box, until 31 October 2018, as outlined in paragraphs 5.15, 5.26 and 5.28 of the report; and

- (ii) That residents who have purchased a blue bin since 12 March 2018 to replace the use of a blue box or other containers, as outlined in paragraph 5.22 of the report, be refunded.

G. That subject to F. above, delegated authority be given to the Director of Leisure and Environment, in consultation with the relevant portfolio holder, to take all necessary steps to implement C. and D. above.

H. That this report is not appropriate for call in due to this matter being one where urgent action is required in order to provide a clear notification to residents of service changes resolving concerns.

19 **EXCLUSION OF PRESS AND PUBLIC**

RESOLVED That under Section 100A(4) of the Local Government Act 1972, the public be excluded from the meeting during consideration of the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in paragraph 3 (financial/business affairs) of Part 1 of Schedule 12A of that Act and as, in all the circumstances of the case, the public interest in maintaining the exemption under Schedule 12A outweighs the public interest in disclosing the information.

(Note: No representations had been received in relation to the following items being considered in private.)

20 **MATTERS REQUIRING DECISIONS**

Consideration was given to the reports relating to the following matters requiring a decision as circulated and contained on pages 237 – 388 of the Book of Reports.

21 **LEISURE FACILITY AND CONTRACT PROCUREMENT**

Councillor Gagen introduced the report of the Director of Leisure and Environment which provided an update on the implementation of the key actions within the 2015-2025 West Lancashire Leisure Strategy and sought authority to continue with its implementation.

In reaching the decision below, Cabinet considered the details as set out in the report before it and accepted the reasons contained therein.

RESOLVED A. That the progress made on the key actions contained within the

Leisure Strategy be noted.

- B. That the Director of Leisure and Environment be given delegated authority in consultation with the Portfolio Holder for Leisure and Human Resources to enter into a Memorandum of Understanding with the West Lancashire Clinical Commissioning Group (WLCCG) concerning the development of new health and leisure centres.
- C. That a Design Build Operate and Maintain (DBOM) approach be taken in the procurement exercise for the replacement of Nye Bevan and Park Pool and for a new leisure management contract and that the Director of Leisure and Environment, subject to Council approval of the relevant funds, be given delegated authority in consultation with Portfolio Holder for Leisure and Human Resources to procure the necessary technical support.
- D. That the Director of Development and Regeneration be given delegated authority in consultation with the Portfolio Holder for Economic Regeneration to enter into Supplemental Agreements with St Modwen and Homes England in relation to the proposed site for the Skelmersdale leisure facility.
- E. That Churchfields be approved as the preferred site for a replacement for Park Pool in Ormskirk and that, subject to Council approval of the relevant funds, the Director of Leisure and Environment be given delegated authority, in consultation with the Portfolio Holder for Leisure and Human Resources, to produce a site masterplan and to undertake a community consultation exercise.
- F. That, subject to Council approval of the relevant funds, the Director of Leisure and Environment be given delegated authority, in consultation with the Portfolio Holder for Leisure and Human Resources, to commission site surveys on the proposed sites in Skelmersdale and Ormskirk and to seek pre application advice.
- G. That call-in is not appropriate in this instance, as this matter is one where urgent action is required as delays could significantly impair progress of the procurement process and potentially increase the build costs of schemes

MOOR STREET GATEWAY REDEVELOPMENT

The Leader introduced the report of the Director of Development and Regeneration which provided an update on progress of the Moor Street Gateway Project incorporating the Ormskirk Bus Station site.

In reaching the decision below, Cabinet considered the details as set out in the

report before it and accepted the reasons contained therein.

- RESOLVED
- A. That Scheme A, with the highest score achieved in the competitive tender process, be acknowledged as an appropriate redevelopment scheme for the site (subject to planning permission).
 - B. That delegated authority be given to the Director of Development & Regeneration, in consultation with the Portfolio Holder for Regeneration & Estates, to:
 - 1) Negotiate terms and enter into an agreement with Lancashire County Council in respect of its financial contribution to the Project.
 - 2) Negotiate terms and enter into all necessary agreements with the preferred developer and appropriate parties.
 - 3) Take all necessary steps to implement and complete the Project including, where necessary entering into legal agreements.
 - 4) Secure appropriate tenants for the ground floor space that will belong to the Council.
 - C. That the Director of Development & Regeneration be authorised to pursue and accept any external grant funding that would benefit the Project.
 - D. That call-in is not appropriate for this item as this matter is one where urgent action is required as any delays could significantly impair securing the contract with the preferred developer and the funding arrangements and appropriate agreements with other parties.

23

DELIVERING THE SKELMERSDALE TOWN CENTRE SCHEME

The Leader introduced the joint report of the Director of Regeneration and the Borough Treasurer, which sought agreement for an appropriate way of funding and delivering the development scheme in Skelmersdale Town Centre.

In reaching the decision below, Cabinet considered the details as set out in the report before it and accepted the reasons contained therein.

- RESOLVED
- A. That, subject to the approval of budgetary provisions by Council, delegated authority be given to the Director of Development and Regeneration, in consultation with the Portfolio Holder for Economic Regeneration, to take all necessary steps to enable a Phase 1 scheme to proceed, as set out in Paragraphs 6 and 8 of the report, and negotiate and determine the terms of and enter

into all relevant agreements, to include;

- 1) supplemental agreements to the Development Agreement and Collaboration Agreement;
- 2) an agreement for JLL to be employed to undertake further work in securing the final financial appraisal and funding arrangements and financial agreement between the Council and its partners (to be financed through the scheme appraisal), with an exemption from the Contracts Procedure Rules being given for the reasons set out at paragraph 6.11 of the report; and
- 3) a funding agreement, on the basis set out in the report in Paragraphs 6 and 8.

- B. That call-in is not appropriate for this item as the matter is one where urgent action is required because, if the opportunity is not taken at this time, there is a greater risk of factors outside the Council's control preventing the scheme from proceeding.

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Leader