

Cabinet



Date	Wednesday, 28 April 2010
Venue	Lowther Pavilion, Lytham
Committee members	John Coombes (Leader of the Council) Councillors Roger Small, David Eaves, Susan Fazackerley, Dr. Trevor Fiddler, Cheryl Little and Albert Pounder
Other Councillors	Councillors Maxine Chew, Fabian Craig- Wilson, John Davies, Kevin Eastham, Tony Ford, Kathleen Harper, Ken Hopwood, Linda Nulty, Barbara Pagett, Elaine Silverwood
Officers	Phillip Woodward, Bernard Hayes, Clare Platt, Paul Walker, Andrew Cain, Lyndsey Lacey
Members of the public	7 members of the public were in attendance

Public Platform

In accordance with Other Procedures (Rule 2.4) of the Council's Constitution, Mr Peter Savic of St Annes had requested to address Cabinet in respect of item 8 on the agenda (North Beach Car Park Charging).

1. Declarations of interest

Members were reminded that any personal/prejudicial interests should be declared as required by the Council's Code of Conduct adopted in accordance with the Local Government Act 2000.

Councillor Elaine Silverwood declared a personal interest in item 10 on the agenda relating to Lowther Gardens Charitable Trust.

2. Confirmation of minutes

RESOLVED: To approve the minutes of the Cabinet meeting held on 11 March 2010 as a correct record for signature by the chairman.

3. Urgent items

There were no items of urgent business. However, the Chief Executive indicated that in light of the business on the agenda of the meeting this evening, the Cabinet meeting scheduled for 5th May had been cancelled.

4. Community Focus Scrutiny Committee - Recommendations

Members of Cabinet were asked to consider the recommendations made by the Community Focus Scrutiny Committee at its meeting held on 15 April 2010 (previously circulated).

Councillor David Eaves (Environmental Wellbeing Portfolio Holder) presented to members of Cabinet an update on the sickness management arrangements and the cardboard (white bag) collection service.

In reaching its decision, Cabinet considered the details set out in the report before it and at the meeting and RESOLVED to note and approve the recommendations made by the Community Focus Scrutiny Committee.

5. Policy Development Scrutiny Committee - Recommendations

Councillor Fabian Craig-Wilson (Chairman of the Policy Development Scrutiny Committee) presented the recommendations made by the Committee at its meeting held on 28 April 2010.

In reaching its decision, Cabinet considered the details set out in the report before it and at the meeting and RESOLVED to note and approve the recommendations made by the Policy Development Scrutiny Committee.

6. Community Parks Improvement Programme

Councillor Susan Fazackerley (Leisure and Culture Portfolio Holder) presented an updated report on progress made with the community parks development programme.

Councillor Fazackerley's report provided a comprehensive overview of the partnership work that the Council had undertaken in recent years with various active 'Friends' groups to develop their local parks and open spaces. In addition, the report sought Cabinet's approval to secure Section 106 contributions against pending community parks improvement projects. It was suggested that this would increase the opportunity of gaining additional external grant funding for each project and help deliver the ambitions of local community groups. Relevant section 106 contributions were detailed on the agenda against the most appropriate projects.

Cabinet was advised that there were currently 6 community parks improvement projects which were 'live' but at different stages of development and details of each project were set out in the report.

Some of the minor risks associated with the actions referred to in the report were highlighted by Councillor Fazackerley.

In reaching its decision, Cabinet considered the details set out in the report before it and at the meeting and RESOLVED:

1. To agree to the allocation of the section106 contributions to the identified schemes as outlined in the report and to support the relevant community groups in the improvement of public open space.
2. To agree that the Council will act as the accountable body for individual schemes and funding streams where necessary.
3. To approve a revenue funded budget increase of £20,000 in respect of the scheme at Weeton and that this be funded in 2010/11 from section 106 monies held by the Council

for public open space provision. In addition, agree to allocate that amount to Weeton Parish Council for the improvement of public open space; on condition that the Parish Council be required to enter into an agreement with Fylde Borough Council prior to release of funds, and providing details of how the funds had been used within 12 months of the allocation.

4. To present individual detailed reports of the remaining schemes to future meetings of Cabinet to ensure that the Council's financial regulations are satisfied.
5. To pass on the committee's thanks and appreciation to all the relevant staff involved in the projects.

7. Transfer of Assets to Town/ Parish Councils

Councillor Roger Small (Finance and Resources Portfolio Holder) presented a comprehensive report on key issues associated with the proposed transfer of assets from the Borough Council to town/parish councils.

In his report, Councillor Small made reference to previous deliberations on the matter and the subsequent call-in. He also made reference to the financial and operational opportunities and the wide-ranging implications for all the partners that might be involved with the process. Specific key issues and indicative milestones were also highlighted in the report.

Prior to consideration of this matter, Councillor Oades submitted a question seeking confirmation that there would be early dialogue with Kirkham and St. Annes Town Councils with regard to this proposal. She suggested that if the terms were not agreeable then the Town Councils might not wish to proceed which would save a great deal of officer time. Councillor Small agreed that there should be dialogue with both Town Councils and commented that this had already commenced as the transfer could only take place with the agreement of all parties concerned. Further work would be undertaken in the coming months and negotiations would take place with town councils prior to the matter being reported to full council. He also added that the outcome of the Community Governance Review which was currently underway to consider (amongst other things) the parishing of Lytham would be an important consideration in whether the transfer could be taken forward.

In reaching its decision, Cabinet considered the details set out in the report before it and at the meeting and RESOLVED to:

1. To re-affirm its commitment to the 'in-principle' desire to transfer open space and outdoor leisure assets in Kirkham, St Annes and Lytham to town and parish councils in those areas;
2. To confirm the intention to retain the following assets as 'Borough-wide' assets
 - a. Lytham Park Cemetery & Crematorium
 - b. The Beach and Foreshore at Lytham St Annes
3. To acknowledge that the particular circumstances relating to the future ownership and management of Lowther Gardens and Pavilion will need to be determined outside of the consideration of the asset transfer concept detailed in this report;
4. To acknowledge the close relationship between the content of this report and the outcome of the concurrent Community Governance Review;
5. To note the officer capacity required to collate and present the information necessary to make progress on this matter and the external support that is being sought to supplement this capacity in order to keep within the anticipated timescales.

8. North Beach Car Park

Further to the budget agreed by Council, Councillor David Eaves (Environmental Wellbeing Portfolio Holder) and Paul Walker (Director of Strategic Development Services) presented proposals for introducing car parking charges on North Beach car park.

In brief, the report made reference to previous decisions on the matter and the feasibility of introducing pay on departure charging facilities. It also included details of a request to purchase/lease the car park together with an interim proposal for a conventional pay and display arrangement.

At the meeting, Mr Walker made reference to minor amendments to the financial implications highlighted in the report. He stated that it was now estimated that the income generated thorough pay and display could be between £8,367 and £16,735 excluding VAT. In addition, the purchase of two machines including installation was now estimated to cost £9,100. A revised scheduled the income and expenditure breakdown was circulated at the meeting.

In reaching its decision, Cabinet considered the details set out in the report before it and at the meeting and RESOLVED:

1. To thank Mr Savic for his contribution to the debate.
2. To agree to charges being levied on North Beach car park in accordance with those set by Council using the pay and display method of charging and that a variation of order be advertised.
3. To agree to the Portfolio Holder considering any representations received as part of the consultation before agreeing the final outcome.

9. Exclusion of the Public

RESOLVED: That under Section 100(A)(4) of the Local Government Act 1972 the public be excluded from the meeting for the following items of business, on the grounds that it involved the likely disclosure of exempt information as defined in paragraph 1 and 3 respectively of Schedule 12A of the Act.

10. Lowther Gardens Charitable Trust

In accordance with the decision of Cabinet at its meeting in July 2009, Councillor Susan Fazackerley (Leisure and Culture Portfolio Holder) presented a report on the outcome of the recruitment process for an additional 6 trustees of the Lowther Gardens Charitable Trust. A copy of the report had previously been circulated to each members of the Council.

In reaching the decision set out below, Cabinet considered the details set out in the report before it and at the meeting and RESOLVED:

1. To appoint Mr Gerry Corless, Dan Creasey, Mr Philip Hargreaves, Mr James Leak, Mr Timothy Lince and Mr Peter Taylor as additional trustees of the charity known as Lowther Gardens, Lytham and
2. To appoint the Portfolio Holder for Community Services as the Council's representative at meetings of the trustees.

11. St Annes Pool

Councillor Susan Fazackerley (Leisure and Culture Portfolio Holder) and Councillor Roger Small (Finance and Resources Portfolio Holder) presented a comprehensive report on the outcome of the recent tendering exercise for the management of St Annes pool. As part of that report, recommendations on how the facility could be let and operated were highlighted.

The report included details of previous decisions on the matter and an outline of the tendering process, the nature of bids received and the tender evaluation process. It also provided information on the refurbishment/ re-commissioning of the pool, the outcome of the tender evaluation, details of the preferred operator and the financial implications.

Included as appendices to the report were:

- Cost estimates to refurbish and reopen St Annes pool
- A copy of the Leisure Management arrangement between the YMCA and Wyre BC
- Committee Risk Assessment Template
- The Management and Operation of St Annes Pool - Evaluation Report
- Draft Heads of Terms for the lease of St Annes pool to YMCA.

During the consideration of this matter, a number of questions submitted by Councillors Oades and Nulty were taken into account. Councillor Nulty, who was present at the meeting, was invited to the Cabinet table and presented the following questions:

- *Is the payment of capital funding of £475,000 included in the total revenue budget of £178,000?*
- *It is suggested on page 56 that the YMCA set-up costs are £67,000 with an annual payment of £124,000 after this. So where does the £178,000 come from? The figures in general do not seem to account for this amount.*
- *On page 58- Despite evaluating Fylde Leisure's bid as being not totally credible, it would appear to come in at a much cheaper price, even allowing for the over-estimation of usage and the requirements of the contract/service being met. I don't understand the mark-down on price. Please explain?*
- *On page 68 - Are the risks considered to be acceptable by the Finance Team?*
- *At the Kirkham Pool there is considerable financial input from the Parish/Town Councils, public donations and sponsorship, making up 15% of the total revenue funding. I see no mention of this type of financial contribution from St. Annes, Lytham, Ansdell etc or sponsorship and public donations. Is this to be pursued, to make the scheme equitable with the rural areas and can the Fylde Borough contribution be reduced by a similar percentage, saving more than £300,000 over the 12 years of this arrangement?*

In responding to the above questions Councillor Small indicated that Table 4 in the report confirmed that capital funding requirement was included in the ongoing revenue budget and that the make up of the £178,000 was also detailed in this Table and in paragraph 8b of the report.

He also explained the details of the weighting characteristics of the evaluation process (detailed in Appendix 4 of the report) which led to the higher score being achieved by the successful tenderer even though their bid did not appear to be the cheapest.

The Director of Finance indicated that the financial risks to the Council had not changed since the budget setting meeting of the Council on March 1st & these were repeated in Appendix 3 of the report. He also confirmed that a member of the Council's Finance Team had been part of the evaluation panel.

In relation to the last of Councillor Nulty's questions Councillor Small indicated that one of the conditions of the financial support provided by the Borough Council in support of the ongoing operations at Kirkham Pool was that the operator (YMCA) should share operational and financial information after the first year. This period was about to come to a close and a meeting would be arranged with the relevant staff and portfolio holder to assess the financial model and operational performance of the Kirkham Pool. Should this reveal that there are examples of good practice and opportunities for income generation that have not been taken into account in relation to the St Anne Pool projections, then these would be pursued.

Councillor Oades questions were as follows:-

- *Has it been possible to evaluate the two bids fairly and how the evaluation was done?*
- *In view of the impending Borough Council elections are you able to assure us that this proposal is sustainable? In view of the warnings from the Finance Officer at the time of the budget setting and the risks in the budget forecast which could become reality in the likely event that Government Grants will be cut, are you certain that future Councils will be able to afford the subsidy proposed by the YMCA?*
- *Are you happy that you are achieving value for money for the tax payers of Fylde in accepting the YMCA bid? I believe that the second bid asked for substantially less subsidy and offered greater leisure provision, particularly for the under 16's age group?*

Councillor Small indicated that the answers to these questions had been largely answered in those given in discussion with Councillor Nulty. The evaluation methodology was comprehensively detailed in Appendix 4 of the report; the financial risks were unchanged from the Council Budget meeting on March 1st and were re-stated in Appendix 3 of the report; the re-opening of St Annes Pool was being achieved at substantially less cost than its last full year of operation in 2008 and that there was greater certainty over the financial sustainability of the proposals which were being recommended. He was not aware of any impending Borough Council elections - only the forthcoming general election on 6th May 2010.

In reaching its decision, Cabinet considered the details set out in the report before it and at the meeting and RESOLVED:

- 1) 1. To note the outcome of the tender evaluation exercise and accept the YMCA as the preferred bidder to operate the pool.
- 2) To appoint the YMCA on the basis of their bid for a 12 year management agreement with lease subject to the heads of terms and costs as detailed in the report.
- 3) To agree a revised revenue budget of £148,785 to operate the pool in 2010/11 (as set out in section 8 of the report) funded by the revenue estimate of £119,000 agreed by Budget Council along with a fully funded addition to the revenue budget of £30,000 of unallocated area based grant.
- 4) To approve the Capital scheme for the refurbishment and reopening of St Annes pool at the level of £322,000 as detailed in section 8 and appendix 1 of the report.
- 5) To approve the retention and earmarking of the remaining £153,000 of capital to help contribute towards the cost of meeting future replacement/refurbishment needs and liabilities.
