

**THE "CALL IN" PERIOD FOR THIS SET OF MINUTES ENDS AT 12 NOON ON TUESDAY 12 MARCH 2013. MINUTE NO's 119, 120, 121, 122, 123 AND 124 ARE NOT SUBJECT TO "CALL-IN".**

## **CABINET**

### **MEETING HELD AT THE TOWN HALL, BOOTLE ON THURSDAY 28TH FEBRUARY, 2013**

**PRESENT:** Councillor P. Dowd (in the Chair)  
Councillors Cummins, Fairclough, Hardy, Maher,  
Moncur and Tweed

**ALSO PRESENT:** Councillors Ashton, Hartill, Jones, Papworth and  
Shaw

#### **116. APOLOGIES FOR ABSENCE**

No apologies of absence were received.

#### **117. DECLARATIONS OF INTEREST**

No declarations of interest were received.

#### **118. MINUTES OF PREVIOUS MEETING**

##### **Decision Made:**

That the minutes of the Cabinet meeting held on 14 February 2013 be confirmed as a correct record subject to the resolution in Minute No. 111 being amended by the addition of the following text in the supplementary planning document:

"The Council will look favourably upon applications for one bedroom flats where previously they have been discouraged".

#### **119. TWO YEAR FINANCIAL PLAN AND REVENUE BUDGET 2013 /14**

Further to Minute No's 107 and 108 of the meeting held on 14 February 2013, the Cabinet considered the report of the Head of Corporate Finance and ICT which:

- provided an update on the final Local Government Settlement and confirmed the budget gap of £50.8m over the next two years;
- provided further details on the outstanding budget savings options relating to the Review of the Library Services, Street Lighting and Public Conveniences and the proposed changes to the fees and charges for youth sports pitches; learning and development; car parking and public conveniences;

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- provided updates on other budget savings options detailed in the report and requested consideration of what should now be included in the final two year Budget Plan;
- set out the full list of budget savings options to meet the £50.8m budget gap over the two financial years in Annex A to the report.

Following the Cabinet meeting held on 14 February 2013, the proposals for the Transformation Programme and Revenue Budget 2013/15 had been considered in detail at the meeting of the Overview and Scrutiny Committee (Performance and Corporate Services) held on 19 February 2013.

The report indicated that the two year budget plan, as summarised in Annex A would enable a budget for 2013/14 to be approved and identified the policy changes required to deliver a sustainable and robust two year budget plan. Due to the mixture of efficiencies and significant policy changes, some of the options could and would not be realised within a 12 month period and would contribute to the 2014/15 budget as illustrated in the report. This would require the implementation of major change programmes and appropriate capacity would need to be dedicated to ensure deliverability. Given the scale of the budget reductions any slippage or underachievement would have implications for the financial management of the Council and as such robust management and monitoring arrangements would continue to be operated.

The Chief Executive referred to the amendment sheet setting out the typographical errors to Annex A of the report which had been circulated and indicated that there were 7 options within the report that had been specifically highlighted as having a different status to all other options. This was for options where work was in progress including consultation and equality assessments. This information was made clear in Annex A by reference to the Status Column and one example of this was Day Care and Respite Care for Adults. She also indicated that Members would be advised accordingly should any significant implications arise from this ongoing work before a final decision was taken.

The Chief Executive also indicated that further details were available on every budget option and would be made available upon request before and during the Budget Council meeting.

The Chair thanked the officers for the work undertaken on the budget and referred to the Joint Further Submission on the Review of the Library Services endorsed by the Friends of Ainsdale Library; Birkdale Library Action Group (BLAG) and the Friends of Churchtown Library, which had been circulated with the supplementary agenda prior to the meeting. He indicated that the Council was always willing to consider any sustainable and feasible options for the future operation of services impacted by the savings options including libraries.

The Chair also reported that since the publication of the agenda, the Department for Communities and Local Government had published

supplementary guidance entitled “Openness and Accountability in Local Pay: Guidance under Section 40 of the Localism Act 2011” and as a consequence of that, he indicated that amendments should be made to the text in paragraph 3.4.4 of the report.

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

**Decisions Made: That :**

- (1) the updated information on the Review of Library Services, set out in paragraph 3.2 of the report and the Further Joint Submission be noted; and the Council at its Budget meeting on 28 February 2013 be recommended to approve Option B, as set out in paragraph 1.5 of the report to the Cabinet meeting held on 14 February 2013 in respect of the future library service for the following reasons:-
  - (i) the Council has taken into account its statutory duty to provide a comprehensive and efficient library service in accordance with Section 7 of the Public Libraries and Museums Act 1964 and considers that the adoption of Option B for the future library service would meet the requirement for a comprehensive and efficient library service;
  - (ii) the Council had engaged in an extensive public consultation exercise and the analysis of the 3,026 questionnaires received, indicated that 43% of responders supported Option B; 41% supported Option C; 14% did not support any option and 2% supported Option A. Thus, the highest percentage of support amongst responders to the questionnaire was for Option B;
  - (iii) the Council had considered its Public Sector Equality Duty to eliminate discrimination and to advance equality of opportunity in accordance with Section 149 of the Equality Act 2010 and has produced a comprehensive Public Sector Equality Duty Analysis Report. A key finding of this analysis was that Option B met the Public Sector Equality Duty;
  - (iv) the review process had demonstrated that doing nothing would create an unsustainable network of provision located in buildings that required significant capital investment; and
  - (v) officers pursue the activities, discussions and lines of enquiry referred to in paragraphs 3.29 to 3.35 inclusive of the report to the Cabinet meeting held on 14 February 2013.
- (2) the final outcome of consultations held on budget saving option D1.32 – Public Conveniences be noted and approval be given to the increase in the charges for pay to use facilities and where

feasible, the introduction of a charge for use at all public convenience facilities.

- (3) approval be given to the implementation of the recommendations of the Street Lighting review as outlined in the budget option form in Annex A of the report;
- (4) the Council be recommended to give approval to the two year budget plan for 2013/14 and 2014/15 contained within the report, which incorporates the decisions set out in resolutions (1) to (3) above; and
- (5) that the Council be recommended to give approval to the addition of the following text as the penultimate sentence in paragraph 3.4.4 of the report:

“Members will note that supplementary guidance has been issued by the Secretary of State namely the Openness and Accountability in Local Pay: Guidance under Section 40 of the Localism Act 2011. The Pay Policy will be amended so as to make clear that any decision taken with respect to severance payments will adhere to this guidance.”

**Reasons for Decision:**

The recommendations in the report would enable the Council to agree the 2013/14 budget and a two year budget plan.

**Alternative Options Considered and Rejected:**

All currently feasible / viable options had been put forward for consideration. A number of non viable budget options had been dismissed by Members.

**120. LOCAL GOVERNMENT ACT 2003 - CHIEF FINANCIAL OFFICER'S REQUIREMENTS**

The Cabinet considered the report of the Head of Corporate Finance and ICT which provided an assessment of the robustness of the estimates and the tax setting calculations, the adequacy of the proposed financial reserves and the longer term revenue capital plans, based on the proposals set out in the reports on the Two Year Financial Plan and Revenue Budget 2013/14 (Minute No. 119) and the Budget and Council Tax Recommendation 2013/14 (Minute No. 121).

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

**Decision Made:**

That the report be noted.

**Reasons for Decision:**

The Local Government Act 2003 (section 25) (as amended) requires the Chief Financial Officer to report formally on the following issues:

- (a) An opinion as to the robustness of the estimate made and the tax setting calculations
- (b) The adequacy of the proposed financial reserves
- (c) The production of longer term revenue and capital plans

The Cabinet and Council must note the issues raised in the report during the final stages of determining the financial plan for 2013/14 and 2014/15 and budget for 2013/14.

**Alternative Options Considered and Rejected:**

None – The statutory report provided advice to Members in determining the two year financial plan and the budget 2013/14.

**121. BUDGET AND COUNCIL TAX RECOMMENDATION 2013/14**

Further to Minute No's 119 and 120 above, the Cabinet considered the report of the Head of Corporate Finance and ICT on the level of levies and precepts set for 2013/14.

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

**Decision Made:** That

- (1) the impact of charges relating to external levies for 2013/14 be noted;
- (2) the precepts set by the Police and Crime Commissioner and the Fire and Rescue Authority for 2013/14 be noted;
- (3) the level of Parish Precepts set for 2013/14 be noted;
- (4) the Council be recommended to approve the budget for 2013/14, as set out in paragraph 5 of the report; and
- (5) the Council be recommended to approve a Council Tax increase of 0% for 2013/14 by 10 March 2013 at the latest.

**Reasons for Decision:**

The Council must set a Council Tax for 2013/14 by 10 March 2013 at the latest.

**Alternative Options Considered and Rejected:**

None

**122. CAPITAL PROGRAMME 2012/13 AND CAPITAL ALLOCATIONS 2013/14**

The Cabinet considered the report of the Head of Corporate Finance and ICT which provided details of the 2013/14 Capital Allocations received to date and their use in the development of a new starts programme for 2013/14.

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

**Decisions Made:**

That the Council be recommended to:

- (1) note the revised Capital Programme for 2012/13;
- (2) approve for inclusion within the Capital Programme, the allocation of £203,150 Short Break for Disabled Children resources in 2012/13, as outlined in paragraph 2.6 of the report;
- (3) approve for inclusion within the Capital Programme, the allocation of the additional £377,730 Disabled Facilities Grant in 2012/13, as outlined in paragraph 2.7 of the report;
- (4) approve for inclusion within the Capital Programme, the allocation of £427,970 Funding Early Education for Two Year Olds from Lower Income Households in 2012/13, as outlined in paragraph 2.8 of the report;
- (5) approve the inclusion in the Capital Programme of a grant of £727k in respect of the Flood and Coastal Erosion Risk Management as outlined in paragraph 2.9 of the report;
- (6) approve the inclusion in the Capital Programme of refurbishing existing pitches, and providing new pitches, at the Gypsy and Traveller site at Red Rose Park, as outlined in paragraph 2.10 of the report;
- (7) approve the inclusion in the Capital Programme of works to alleviate fuel poverty in relation to the Sefton Affordable Warmth workers, as outlined in paragraph 2.11 of the report;
- (8) note the 2013/14 capital allocations received to date;
- (9) approve for inclusion within the Capital Programme, the Capital Priorities Fund from reserves as outlined in paragraph 4 of the

report, of which part will be allocated as additional funding to the High Street Innovation Fund revenue funding already received; and

- (10) note the changes to the Capital Finance System, as outlined in paragraph 5 of the report.

**Reasons for Decision:**

To determine the utilisation of the 2013/14 Capital Allocations received to date and an additional allocation of Short Breaks for Disabled Children, Disabled Facilities Grant, and Early Education Funding for Two Year Olds from Lower Income Households in 2012/13.

**Alternative Options Considered and Rejected:**

The options available for the use of non ring-fenced capital grant allocations were included in the report.

**123. CAPITAL ALLOCATION FRAMEWORK AND CAPITAL STRATEGY**

The Cabinet considered the report of the Strategic Director – Place which provided details of a Capital Allocation Framework and Capital Strategy, including a prioritisation model for the single capital pot, to enable the determination of the Council's Capital Investment Plan for 2013-14 onwards.

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

**Decision Made:**

That the Council be recommended to:

- (1) approve the Capital Allocations Framework for the management of the Council's Capital Investment for 2013–14 onwards, as detailed in Appendix A of the report;
- (2) approve the Capital Strategy and the Single Capital Pot prioritisation scoring model for the determination of the Council's Capital Investment Plan for 2013–14 onwards, as detailed in Appendix C of the report;
- (3) approve the Capital Strategy Governance Structure for the management of the Council's Capital Investment for 2013-14 onwards, as detailed in Appendix B of the report; and
- (4) note that following a review to be undertaken, a further report would be presented in relation to the Strategic Asset Management Plan.

**Reasons for the Decision:**

To agree a single Capital allocation framework and governance structure, to support the prioritisation of the Single Capital Pot for 2013/14 onwards, and the development of the Capital Investment Plan.

**Alternative Options Considered and Rejected:**

The Council could choose to allocate capital resources using an alternative prioritisation and allocation model.

**124. LIVERPOOL CITY REGION LOCAL TRANSPORT BODY AND APPRAISAL OF LOCAL MAJOR TRANSPORT SCHEMES**

The Cabinet considered the report of the Director of Built Environment on the proposals by the Department for Transport (DfT) to devolve funding for local major transport schemes to local areas in the next spending review period which would necessitate the establishment of a new body called a Local Transport Body (LTB) to oversee the process, guided by an Assurance Framework, which must be agreed with the DfT in respect of its governance and management arrangements.

The report provided details about the way this would be implemented in the Liverpool City Region (LCR), the proposed representation on the LTB, and the proposed Assurance Framework and Scheme Prioritisation Methodology.

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

**Decision Made:** That:

- (1) the Council be recommended to nominate the Leader of the Council onto the new Local Transport Body, together with an alternate member, the Cabinet Member - Transportation, to represent the Authority on the LTB as required;
- (2) the draft Assurance Framework and its associated principles, as set out within the Appendix of the report be approved for submission to the Department for Transport;
- (3) the Director of Built Environment submit follow-up information on the above issues, at appropriate intervals;
- (4) the Director of Built Environment be requested to commence preparation of a list of potential local major transport schemes in Sefton to be considered for submission to the LTB and to be agreed through the Council's Strategic Capital Investment Board; and

- (5) it be noted that preliminary discussions have been held with the Head of Legal and Democratic Services at the Merseyside Integrated Transport Authority to explore whether a more wide ranging partnership agreement as set out in paragraph 5 of the report is required. The Head of Corporate Legal Services would prepare the agreement, should that prove necessary, in consultation with the Cabinet Member - Performance and Corporate Services.

**Reasons for Decision:**

The proposed arrangements for the Liverpool City Region LTB had been discussed and agreed by the LCR partners, but the appointments to the LTB and the assurance framework and prioritisation methodology had to be formally approved by each of the LCR partners.

**Alternative Options Considered and Rejected:**

No other options were available. The proposed arrangements for the Liverpool City Region LTB had been discussed and agreed by the LCR partners. If the Council decided not to make the appointment to the LTB, it would mean that Sefton Council would not be represented in the City Region decision making process for local major transport schemes.

**125. LIVERPOOL CITY REGION PORT ACCESS - PROPOSED TEN - T BID**

The Cabinet considered the report of the Director of Built Environment which indicated that as part of the City Region Deal, a Port Access Steering Group (chaired by Sefton Council) had been established and a work programme was being developed based on the recommendations of the Access to the Port of Liverpool Study. Several of the potential interventions require detailed feasibility studies or options assessment work to be completed before any specific proposals can be confirmed or implemented. This work needs to be done to enable the port access interventions to make progress.

In November 2012, the Trans European Transport Network (TEN-T) Executive Agency released a call for bids for the next round of TEN-T funding. The studies required for the port access work fit well within the scope and qualifying criteria for a TEN-T bid, which has enabled a proposed TEN-T Bid to be developed.

The report provided information about the proposed City Region TEN-T Bid which had been collaborated by the LEP and Sefton Council (as the lead authority for the port access element of the City Region Deal and proposals for Sefton Council to act as the accountable body for the Bid on behalf of the Liverpool City Region.

**Decision Made: That:**

- (1) the City Region proposal to submit a TEN-T Bid be endorsed and the proposed content and scope of the Bid be noted;
- (2) approval be given to the proposal that Sefton Council should be the accountable body for the Bid on behalf of the Liverpool City Region;
- (3) the Director of Built Environment submit a further report on the Bid once the outcome of that Bid is known; and
- (4) it be noted that the proposal is a Key Decision but had not been included in the Council's Forward Plan of Key Decisions. Consequently, the Leader of the Council and the Chair of the Overview and Scrutiny Committee (Regeneration and Environmental Services) had been consulted under Rule 26 of the Access to Information Procedure Rules of the Constitution, to the decision being made by the Cabinet as a matter of urgency on the basis that it was impracticable to defer the decision until the commencement of the next Forward Plan because the deadline for submission of the Liverpool City Region Trans European Transport Network (TEN-T) Bid is the 26 March 2013. If the decision was deferred until the next Forward Plan, the decision would not be made until the 28 March, after the submission deadline. Cabinet approval is required for Sefton Council to be identified as the accountable body on behalf of the Liverpool City Region for the proposed TEN-T funding bid. The item was not included on the Forward Plan because the Call for Proposals was released by the TEN-T Executive Agency on the 29 November 2012. The deadline for items for the Forward Plan for the Cabinet meeting on the 28 February 2013, was the 18 December 2012. Although initial discussions had been held by then about the submission of a Liverpool City Region Bid, the proposal that Sefton should be the accountable body had not been agreed. The proposal for Sefton to act on behalf of the LCR as the accountable body was endorsed by the LCR Port Access Steering Group on the 21 January 2013. The recent nature of the Call for Proposals and the decision that Sefton Council should be the accountable body meant that it was not included on the Forward Plan and the timing of future Cabinet and Council meetings means that it cannot be deferred to the next Forward Plan.

**Reasons for Decision:**

Sefton Council has been leading the co-ordination of City Region activities associated with port access on behalf of the City Region partners.

**Alternative Options Considered and Rejected:**

Two other options were available. One option was not to submit a TEN-T Bid. Given the importance of the issue and the level of support from City Region partners, this was not a realistic option. The other option was for another partner to act as accountable body. However, the proposed arrangements for Sefton to act as accountable body had been discussed and agreed by the LCR partners and were consistent with Sefton's role on behalf of the City Region partners in leading on port access issues. At this late stage, getting agreement for another organisation to act as accountable body would potentially put the Bid process at risk.

**126. REGIONAL GROWTH FUNDING ROUND 4**

The Cabinet considered the report of the Director of Built Environment which provided details of the preparation of an application for Regional Growth Fund (Round 4) for South Sefton to seek funding to invest in new homes, remodel employment land, bring forward private sector investment in available employment sites, and develop infrastructure to help unlock growth and create jobs in South Sefton.

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

**Decision Made:** That:

- (1) the Director of Built Environment be authorised in consultation with the Head of Corporate Finance and ICT to prepare an application for Regional Growth Fund;
- (2) the approval of the completed application be delegated to the Director of Built Environment in conjunction with the Cabinet Member - Regeneration and Tourism, before the deadline of 20th March 2013; and
- (3) the "Prospectus for Growth" approach to securing additional public and private sector investment in the regeneration of south Sefton be noted.

**Reasons for Decision:**

To enable progress to be made in respect of an external funding application.

**Alternative Options Considered and Rejected:**

None - Not to apply for Regional Growth Fund would be to forego a major funding opportunity, at a time of financial constraint.

**127. IDENTIFICATION AND DISPOSAL OF SURPLUS COUNCIL OWNED SITES FOR HOUSING DEVELOPMENT**

The Cabinet considered the report of the Director of Built Environment which provided details of a number of surplus Council owned sites that may in principle be suitable for housing development subject to planning permission, and sought endorsement to dispose of the identified sites in the short term. These sites would then be added to the Council's 5 year supply at the appropriate times and any formal re-designation of land/sites would only be done as part of the preparation of the Local Plan.

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

**Decision Made: That:**

- (1) it be agreed that the identified 'less constrained' sites in Table 1 of the report (that are not currently subject to disposal proceedings) are in principle, suitable locations for housing (subject to planning permission), and would be disposed of for housing development within two years.
- (2) It be agreed that the 'former Z Blocks' sites in Netherton are in principle, suitable locations for housing (subject to planning permission) and would be disposed of for housing development within the next three years
- (3) it be agreed that the 'constrained sites' identified in Table 1 of the report are in principle, suitable locations for housing development (subject to planning permission), and that these sites be progressed for development when circumstances allow. At that point in time, these sites may be brought into the Council's '5 year supply'; and
- (4) the planning policy context to the identification of these sites, and in particular the requirement to identify a '5 year supply' of deliverable housing sites be noted and the sites listed in the report be included in the Council's 5 year supply at the appropriate times.

**Reasons for Decision:**

To give approval to the disposal of surplus Council owned sites for housing development.

**Alternative Options Considered and Rejected:**

None

**128. NORTH WESTERN INSHORE FISHERIES AND CONSERVATION AUTHORITY - CHANGE IN COUNCIL'S APPOINTED REPRESENTATIVE**

The Cabinet considered the report of the Director of Corporate commissioning seeking approval to a proposed change in the Council's representation on the North Western Inshore Fisheries and Conservation Authority for the remainder of the Municipal Year 2012/13.

**Decision Made:**

That Councillor John Joseph Kelly be appointed as the Council representative on the North Western Inshore Fisheries and Conservation Authority for the remainder of the Municipal Year 2012/13.

**Reasons for Decision:**

The Cabinet had delegated powers to approve the Council's representation on Outside Bodies.

**Alternative Options Considered and Rejected:**

None