

THE "CALL IN" PERIOD FOR THIS SET OF MINUTES ENDS AT 12 NOON ON TUESDAY 24 SEPTEMBER, 2013. MINUTE NO. 37 (2) IS NOT SUBJECT TO "CALL-IN."

CABINET

MEETING HELD AT THE TOWN HALL, BOOTLE ON THURSDAY 12TH SEPTEMBER, 2013

PRESENT: Councillor Maher (in the Chair)
Councillors Cummins, Hardy, Moncur and Tweed

ALSO PRESENT: Councillors Ashton, Dawson and Mclvor

32. DEATH OF COUNCILLOR GUSTAFSON

The Chair referred to the sad death of Councillor Carol Gustafson O.B.E. on 7 September 2013 and the Members and Officers stood in silence for one minute as a mark of respect for Councillor Gustafson.

33. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor P. Dowd and Fairclough.

34. DECLARATIONS OF INTEREST

Councillor Moncur and Peter Morgan (Deputy Chief Executive) declared a disclosable pecuniary interest in Minute No. 47 and left the meeting during the consideration of the item.

35. MINUTES OF PREVIOUS MEETING

Decision Made:

That the minutes of the Cabinet meeting held on 15 August be confirmed as a correct record.

36. PUBLIC PETITION

The Cabinet heard representations from Councillor Dawson on behalf of a deputation who had submitted a petition containing the signatures of 294 residents of the Borough, which requested the Council "to not introduce a charge for green bin collection."

Decision Made:

That the petition be noted and be considered further during the consideration of Minute No. 45 later in the meeting.

Reasons for Decision:

To enable the content of the petition to be taken into account during the consideration of a report on the Refuse and Collection Services later in the meeting.

Alternative Options Considered and Rejected:

None.

37. LIVERPOOL CITY REGION REVIEW OF STRATEGIC GOVERNANCE

Further to Minute No. 31 of the meeting held on 15 August 2013, the Cabinet considered the report of the Chief Executive on the current position in relation to the consultation on the Liverpool City Region Strategic Governance Review and the proposals to establish a Liverpool City Region Combined Authority.

The following appendices were included in the report:

Appendix 1 – Liverpool City Region Strategic Governance Review
Appendix 2 – Draft Liverpool City Region Combined Authority Scheme
Appendix 3 – Interim Report of Consultation

A copy of the final summary report on the consultation exercise, produced following the publication of the report was circulated to Members of the Cabinet.

Decision Made:

That:

- (1) the consultation responses to the Liverpool City Region Strategic Governance Review received up to 3 September 2013 as set out in Appendix 3 to the report and the final summary report on the consultation exercise, circulated since the publication of the report be noted:
- (2) the work undertaken to date on the Governance Review be endorsed and after taking into account the Consultation responses received, the Council be recommended to give approval to:
 - (i) the submission of the Liverpool City Region Strategic Governance Review and draft Scheme to the Department for

Communities and Local Government for the establishment of a Liverpool City Region Combined Authority on the basis of the documents set out in Appendices 1 and 2 to the report; and

- (ii) Sefton Council formally becoming a constituent member of the Liverpool City Region Combined Authority, thereby sharing appropriate economic development and transport powers with other Councils within the Liverpool City Region Combined Authority in accordance with the provisions of the Local Democracy, Economic Development and Construction Act 2009 and the Local Transport Act 2008; and,
- (3) the Chief Executive in consultation with the Leader of the Council be granted delegated authority to approve any technical amendments to the Liverpool City Region Strategic Governance Review and Scheme before it is submitted to the Secretary of State on 30 September 2013.

Reasons for Decision:

The reasons for the decision are set out in detail in Section 7 of the report.

Alternative Options Considered and Rejected:

Other options for strategic governance in the Liverpool City Region were considered as part of the review of strategic governance and were detailed in Section 4 of the report.

38. BUDGET SAVINGS UPDATE 2013/14

The Cabinet considered the report of the Head of Corporate Finance and ICT which provided details of the progress made on the achievement of the approved budget savings for 2013 – 2015.

Decision Made:

That:

- (1) the progress to date on the achievement of the approved budget savings be noted; and
- (2) it be noted that earmarked reserves would be utilised in 2013/14 should other savings not be achieved elsewhere in the budget to bridge the current gap set out in the report.

Reasons for Decision:

To ensure the Cabinet are informed of the latest position on the achievement of savings for the current financial year and to facilitate the achievement of the savings targets for 2013 - 2015.

Alternative Options Considered and Rejected:

None

39. FINANCIAL OUTTURN POSITION OF THE COUNCIL AND TRANSFERS TO RESERVES / GENERAL BALANCES

The Cabinet considered the report of the Head of Finance and ICT which provided details of the revenue outturn position on the 2012/2013 General Fund.

Decision Made:

That approval be given to the transfer of £3.0m of the 2012/2013 General Fund revenue underspend to increase certain earmarked reserves as set out in paragraph 4.3 of the report, and to increase the level of General Balances by £2.865m.

Reasons for Decision:

To ensure the Cabinet are informed of the revenue outturn position for 2012/2013 and to seek approval to reserve part of the identified underspend; and transfer the remainder to General Balances.

Alternative Options Considered and Rejected:

None

40. APPROVAL OF THE FORMBY AND LITTLE ALT CAR NEIGHBOURHOOD PLAN AREA

Further to Minute No. 54 of the meeting of the Planning Committee held on 21 August 2013, the Cabinet considered the report of the Director of Built Environment on an application by Formby Parish Council to have a Neighbourhood Plan area formally designated by the Council, which was the first step to the production of a Neighbourhood Plan.

Decision Made:

That approval be given to the combined area of Formby and Little Altcar Parishes been designated a single Neighbourhood Plan area under Regulation 7 of the Neighbourhood Planning (General) Regulations 2012.

Reasons for Decision

To determine the application for the designation of Neighbourhood Plan area under the provisions of Part 2 of the Neighbourhood Planning (General) Regulations 2012.

Alternative Options Considered and Rejected:

None. It is a statutory requirement to determine applications for the designation of a Neighbourhood Plan area.

41. LIVERPOOL CITY REGION BUSINESS GROWTH GRANT PROGRAMME

The Cabinet considered the report of the Director of Built Environment which provided an update on the Liverpool City Region Business Growth Grant Programme, funded by Regional Growth Fund Rounds 3 and 4 and proposals for the delivery of funding in Sefton.

Decision Made:

That:

- (1) the Director of Built Environment be authorised in consultation with the Head of Corporate Legal Services to sign the Partnership agreement between the Liverpool City Region Local Enterprise Partnership and Sefton Council for the delivery of the Liverpool City Region Business Growth Grant Programmes in Sefton, as set out in Annex A of the report;
- (2) the Director of Built Environment be authorised to approve completed business applications and the final sign-off of grant offer letters be undertaken by the Cabinet Member - Regeneration and Tourism;
- (3) the proposed mechanism and approach to be used to deliver the funds to Sefton businesses, including the establishment of a Sefton Regional Growth Fund Grant Steering Group, as set out in Annex B of the report be approved; and
- (4) it be noted that the proposal was 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 27 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 Partnership agreement to deliver the fund has only recently been issued by the

Liverpool City Region Local Enterprise Partnership and to delay a decision could result in a late start to programme delivery and potential grant funding opportunities for Sefton businesses.

Reasons for the Decision:

To enable progress to be made in respect of developing the process and strategy for Sefton grant awards to businesses.

Alternative Options Considered and Rejected:

None - Not to deliver Regional Growth Funding in Sefton would be to forego a major funding opportunity, at a time of financial and economic constraint. If Sefton did not participate in the programme monies would simply be utilised in other Liverpool City Region local authority areas.

42. A5758 BROOM'S CROSS ROAD (THORNTON SWITCH ISLAND LINK) - APPROVAL TO PROCEED TO CONSTRUCTION

The Cabinet considered the report of the Director of Built Environment which provided an update on the Thornton to Switch Island Link Road Project and sought authority to issue the Notice to Proceed to Construction to the contractor to begin construction of the proposed Link Road and associated works.

Decision Made:

That the Director of Built Environment be authorised to issue the Notice to Proceed to Construction to the appointed contractor to commence construction of the A5758 Broom's Cross Road (Thornton to Switch Island Link), subject to the:

- (i) completion of the acquisition of land and rights required for the scheme through either the compulsory purchase process and / or negotiation; and
- (ii) discharge of the planning conditions required to be satisfied in advance of construction; and
- (iii) confirmation of Full Approval status from the Department for Transport.

Reasons for Decision:

A Notice to Proceed to Construction was required to be issued as part of the contract arrangements for the A5758 Broom's Cross Road scheme before the contractor appointed to deliver the scheme can commence

construction. The Notice to Proceed to Construction had to be issued by the Council's Project Manager, who is the Director of Built Environment.

Alternative Options Considered and Rejected:

None

43. HOMELESSNESS STRATEGY

The Cabinet considered the report of the Director of Built Environment which provided details of the Council's proposed new Homelessness Strategy.

Decision Made:

That:

- (1) the Council's Homelessness Strategy be approved; and
- (2) the Cabinet Member - Regeneration and Tourism be given delegated authority to finalise the governance arrangements, which would help deliver actions within the strategy.

Reasons for Decision:

The Homelessness Act 2002 requires every Local Authority to publish a Homelessness Strategy at least every 5 years. The existing Strategy was published in July 2008

Alternative Options Considered and Rejected:

None

44. PROCUREMENT PROCESS FOR PROVISION OF OF BAILIFF SERVICES

The Cabinet considered the report of the Head of Corporate Finance and ICT on the recommended provision of bailiff services for the recovery of debt owed to the Council and the proposed procurement process to be undertaken for the provision of bailiffs and debt collection services.

Decision Made:

That:

- (1) approval be given to the provision of bailiff and debt collection services, as set out in paragraph 4 of the report;

- (2) approval be given to the procurement process of a mini competition under the Rotherham MBC Bailiff and Debt Collection framework agreement;
- (3) the Head of Corporate Finance and ICT be authorised to award the contract for Bailiff and Debt Collection Services and the contract for Warrants of Arrest Without Bail; and
- (4) the Head of Legal Services be authorised to draw up the appropriate contracts to run for a period of 3 years with annual options to review up to a maximum of 5 years.

Reasons for Decision:

The existing contracts were due to expire 31 March 2014.

Alternative Options Considered and Rejected:

1. The Council could conduct an EU compliant tender exercise, approaching the whole market directly. This option would require a much longer timescale as the tender opportunity would need to be advertised in the Official Journal of the European Union (OJEU). Further, the volume of bids submitted is unpredictable, so in addition to managing a longer advertising period, officers would find that the evaluation of bids also takes a much longer period of time. This would prove problematic as the existing contract expires on 31 March 2014. Therefore this option had been rejected as a high risk due to lack of flexibility.
2. The Pro 5 Purchasing consortium group had commenced a piece of work to secure an EU compliant framework for the provision of Bailiff Services. This work was headed by Eastern Shires Purchasing Organisation; however this framework was not yet available as the procurement exercise had not yet been concluded. Waiting for the framework to be concluded would cause difficulties in meeting the contract renewal date of 1 April 2014.

45. FUTURE ARRANGEMENTS FOR REFUSE AND RECYCLING COLLECTIONS

The Cabinet considered the report of the Director of Street Scene on proposed amendments to the Refuse and Recycling Service in order to make provision for the collection of plastic and card, which included the deferral of the introduction of a charge for the collection of garden waste.

The Cabinet also gave further consideration to the representations made under Minute No. 36 with regard to the public petition submitted. The Cabinet Member – Communities and Environment (Councillor Hardy) referred to the public consultation exercise recently held on the proposed introduction of a charge for green waste collections and the subsequent

review of the service arrangements which had been undertaken by the Director of Street Scene, resulting in the proposals set out in the report.

Decision Made:

That the Refuse and Recycling Collection Service be amended, for an initial two year period as set out in the report and the proposed introduction of a charge for green waste collections be deferred.

Reasons for Decision:

The Council was faced with a number of changes to funding programmes, contractual and operational issues, and legislative amendments, relating to the collection and disposal of refuse and recyclable materials over the next two years. In order to meet those requirements, amendments must be made to the existing service. By utilising resources and funding streams, all of the proposals contained in the report would be delivered over the next two years without the requirement for additional revenue support

Alternative Options Considered and Rejected:

None at this stage.

46. SPECIALIST TRANSPORT UNIT PASSENGER TRANSPORT FRAMEWORK AGREEMENT

The Cabinet considered the report of the Director of Street Scene on the procurement process which had been undertaken to obtain proposed bus and taxi costs to the Council for the operation of the specialist transport services for vulnerable residents in the Borough with effect from 1 January 2014.

Decision Made:

That:

- (1) the pricing framework procured through the tendering process be approved; and
- (2) approval be given for the Specialist Transport Unit to plan and award routes in the most financially advantageous manner to the Council using the new pricing framework, with effect from 1 January 2014.

Reasons for Decision:

To enable the Council to provide a service, to whatever level and volume it requires, for the transportation of vulnerable residents by external bus and

taxi companies, and to be able to effectively budget for such expenditure over the coming two years.

Alternative Options Considered and Rejected:

No. Based upon the level of requests from Commissioning Departments and Sections there was currently an ongoing need for the Council to provide specialist transport to some residents. As such, this procurement exercise, and the subsequent production of a Framework Agreement, provided the Council with the opportunity to procure services at the most economically advantageous rates, whilst also meeting the stringent Health and Safety, and Safeguarding issues associated with transporting vulnerable clients.

47. FUTURE ARRANGEMENTS FOR THE DELIVERY OF INFORMATION, ADVICE AND GUIDANCE AND POST 16 DATA TRACKING SERVICES IN SEFTON

The Cabinet considered the report of the Director of Young People and Families which provided an update on the current position regarding the delivery of Information Advice and Guidance / Post 16 data tracking services in Sefton and the current options for the procurement of elements of the Post 16 data tracking service in conjunction with the other Liverpool City Region Local Authorities.

Decision Made:

That:

- (1) the developments regarding Information Advice and Guidance / Post 16 data tracking provision in Sefton be noted;
- (2) notice be issued to Greater Merseyside Connexions Partnership to terminate the current contract with effect from 31st March 2014;
- (3) the evaluation criteria for tenders to provide the Information Advice and Guidance and post 16 data tracking activity post April 2014 be approved,
- (4) the option of procuring elements of the Post 16 Data Tracking Services in conjunction with the other Liverpool City Region Local Authorities be noted.

Reasons for Decision:

To enable the provision of a Information, Advice and Guidance/ Post 16 Data Tracking service post from 1 April 2014.

Alternative Options Considered and Rejected:

None.

48. SERVICE AND MAINTENANCE OF COMMUNITY EQUIPMENT - APPROVAL FOR TENDER PROCESS

The Cabinet considered the report of the Director of Older People on the proposed EU-compliant tender exercise to be conducted in collaboration with Liverpool Community Health NHS Trust, for the service and maintenance of community equipment.

Decision Made:

That:

- (1) the Director of Older People be authorised to conduct an OJEU Open Procedure tender exercise in collaboration with Liverpool Community Health NHS Trust for a new contract to run for a period of three years from 1st April 2014, with the option of two further one-year extensions;
- (2) the basis of evaluation of tenders as set out in paragraph 2.2 of the report be approved; and
- (3) the Director of Older People be authorised to approve the Tender in accordance with the approved basis of evaluation and to report on the outcome to the Cabinet Member for Older People and Health.

Reasons for Decision:

The contract was currently held by Creedon Healthcare, and would expire on 31 March 2014. The Council would need to carry out a Collaborative Tender exercise with Liverpool Community Health NHS Trust for the new contract will realise the benefits and economies of scale by combining the different requirements under the one contract; and the tender exercise would be required to follow an OJEU Open Procedure in collaboration with Liverpool Community Health NHS Trust.

Alternative Options Considered and Rejected:

No. If approval was not given for the tendering process, the statutory responsibilities relating to the servicing of community equipment would be jeopardised, resulting in client risk and reputational damage for the organisation.

49. PROCUREMENT OF SCHOOL NURSING SERVICES AND SEXUAL HEALTH SERVICES

The Cabinet considered the report of the Director of Public Health on the proposed procurement of the School Nursing Service and the Integrated Community Sexual Health Service during 2013/14 and seek relevant approvals for the EU-compliant tender exercise.

The Director of Public Health also referred to the need for the waiving of the Contracts Procedure Rules and the authorisation of a 3 month extension of the existing Sexual Health Contract and a six month extension to the School Health Contract to enable the procurement processes to be completed.

Decision Made:

That:

- (1) the Director of Public Health be authorised to conduct OJEU Open Procedure tender exercises for the 2 new contracts to run for a period of three years, with the option of 2 further one-year extensions for each service. These contracts are the School Nursing Service and the Integrated Community Sexual Health Service;
- (2) the basis of evaluation of tenders as set out in the report be approved;
- (3) the Director of Public Health be authorised to accept the Highest Scoring Tender in accordance with the approved basis of evaluation and to report on the outcome to the Cabinet Member for Older People and Health;
- (4) the Director of Public Health be authorised to award the contracts on completion of the tender process;
- (5) approval be given to the waiving of the Contracts Procedure Rules and authorises a 6 month extension of the existing School Health Contract to enable the procurement process to be completed; and
- (6) approval be given to the waiving of the Contracts Procedure Rules and authorises a 3 month extension of the existing Sexual Health Contract to enable the procurement process to be completed

Reasons for Decision:

The Procurement requirements were in line with council policy and the current contracts were due to expire on 31 March 2014. The sexual health contract had been extended for the previous 2 years without open procurement activity

and the recent request for Expressions of Interest identified a number of possible providers.

Alternative Options Considered and Rejected:

None.

50. LOCAL SOLUTIONS - CHANGE IN COUNCIL'S APPOINTED REPRESENTATIVE

The Cabinet considered the report of the Director of Corporate Services on the proposed change in the Council's representation on Local Solutions for the remainder of the 2013/14 Municipal Year

Decision Made:

That Councillor Roche be appointed as the Council's representative on Local Solutions for the remainder of the 2013/14 Municipal Year in place of Councillor Gustafson.

Reasons for Decision:

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

Alternative Options Considered and Rejected:

None.