

**THE "CALL IN" PERIOD FOR THIS SET OF MINUTES ENDS AT 12 NOON ON WEDNESDAY 27 JANUARY, 2015. MINUTE NOs 83, 86 AND 89 (2) ARE NOT SUBJECT TO "CALL-IN."**

## **CABINET**

### **MEETING HELD AT THE COMMITTEE ROOM, TOWN HALL, BOOTLE ON THURSDAY 14TH JANUARY, 2016**

**PRESENT:** Councillor Maher (in the Chair)  
Councillors Atkinson, Cummins, Hardy,  
John Joseph Kelly, Moncur and Veidman

#### **79. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Fairclough and Lappin.

#### **80. DECLARATIONS OF INTEREST**

No declarations of any disclosable pecuniary interest were received.

#### **81. MINUTES OF PREVIOUS MEETING**

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

That the minutes of the Cabinet meeting held on 3 December 2015 be confirmed as a correct record.

#### **82. DETERMINATION OF THE PROPOSAL FOR THE CLOSURE OF ST AMBROSE BARLOW CATHOLIC COLLEGE**

Further to Minute No. 57 of the meeting held on 5 November 2015, the Cabinet considered the report of the Head of Schools and Families which provided details of the statutory process undertaken on the proposal to close St Ambrose Barlow Catholic College by August 2016 in accordance with the School Organisation (Establishment and Discontinuance of Schools) Regulations 2013 and the representations received on the proposal.

Members of the Cabinet raised questions on the following issues and the Head of Schools and Families responded to the issues as indicated below:

Will there be individual discussions with the families of pupils who have special needs, to protect the welfare of the child?

Response:

Individual discussions will be held with the families of pupils who receive high needs funding. The Council will work closely with St Ambrose Barlow Catholic College and the receiving schools on the needs of all pupils.

Will pupils need to relocate to a new school before the end of this academic year?

Response:

The school will remain open and operational until 31 August 2016 so no pupils will need to move before the end of this academic year

What will happen to the funding allocated for the School?

Response:

90% of funding is on pupil based factors and will be reallocated to the receiving schools. The remaining DSG funding will reallocated to all schools in Sefton.

Will the Year 11 students be able to collect their GCSE results from the school and receive support?

Response:

Yes, the school will be open to enable the pupils to receive their GCSE results and obtain any personal support on any future educational needs.

What will happen if families do not get their first choice preference for the new school?

Response:

All the families of the pupils at the school have been requested to express their preference for three schools and if it is not possible to give them their first choice, they will generally be offered their second or third choice. All of the receiving schools have been requested to take pupils above their current admission number if necessary to enable pupils from St Ambrose Barlow to be accommodated into their preferred choice of school.

Have any lessons been learnt from this school closure process?

Response

We have adhered to the statutory process and timetable for school closures. One of the key lessons is to ensure that as much planning as possible can be done but there is never a good time to start consultations on a proposed school closure

The Chief Executive indicated that Officers would undertake a lessons learnt exercise from the school closure process undertaken for St Ambrose Barlow Catholic College and submit a future report to Members.

**Decision Made:** That

- (1) the information on the proposal to close St Ambrose Barlow Catholic College contained in the report be noted;
- (2) approval be given to the proposal for the closure of St Ambrose Barlow Catholic College with effect from 31 August 2016;
- (3) the Head of Schools and Families produce a report on the lessons learnt from the school closure process undertaken for St Ambrose Barlow Catholic College.; and
- (4) the Head of Schools and Families submit a report to the Cabinet in October 2016 on how all of the pupils from St Ambrose Barlow Catholic College had been relocated to other schools in Sefton and how their support needs had been addressed.

**Reasons for Decision:**

The Local Authority has the statutory power to close a maintained school following the statutory process detailed in the report.

**Alternative Options Considered and Rejected:**

There are no alternative viable options.

**83. PUBLIC HEALTH ANNUAL REPORT 2015**

The Cabinet considered the report of the Interim Head of Health and Wellbeing for 2015, which incorporated the annual report on key health issues affecting the Sefton population with a particular focus on the measures taken to deal with the impact of austerity on people living in Sefton

**Decision Made:**

That the report be received and be submitted to the Council for publication.

**Reasons for Decision:**

The report is the statutory independent report of the Interim Director of Public Health.

**Alternative Options Considered and Rejected:**

None.

**84. A565 NORTH LIVERPOOL KEY CORRIDOR SCHEME -  
COMPULSARY PURCHASE ORDERS**

Further to Minute No. 38 of the meeting held on 3 September 2015, the Cabinet considered the report of the Head of Locality Services – Commissioned which sought authority to make the Sefton Metropolitan Borough Council (A565 Highway Improvements/Regent Road) Compulsory Purchase Order 2016, to enable the A565 North Liverpool Key Corridor Major Scheme to be progressed by the Council and Liverpool City Council.

**Decision Made:** That

- (1) the Sefton Metropolitan Borough Council (A565 Highway Improvements / Regent Road) Compulsory Purchase Order 2016 be made under Section 239 of the Highways Act 1980 and the Acquisition of Land Act 1981 to secure the compulsory acquisition of the land shown coloured pink on the plan set out in Appendix 1 to the report;
- (2) the draft Statement of Reasons for making the said Order be approved and the Head of Locality Services - Commissioned in consultation with the Head of Regulation and Compliance be authorised to finalise the Statement of Reasons for making the Order based on the draft set out in the report;
- (3) the Head of Locality Services - Commissioned in consultation with the Head of Regulation and Compliance be authorised to make minor or technical amendments to the Compulsory Purchase Order boundaries if necessary, as shown on the plan at Appendix 1 to the report;
- (4) the Head of Regulation and Compliance be authorised to seal the Order and take all necessary and ancillary steps, including the publication and service of all statutory notices and the presentation of the Council's case at any public inquiry to secure the confirmation of the Compulsory Purchase Order by the Secretary of State;
- (5) once the Order has been confirmed, the Head of Regulation and Compliance, be authorised to take all necessary steps, including the publication of any notices to secure the vesting of the land in the Council, including as necessary the making of any General Vesting Declaration under the Compulsory Purchase (General Vesting Declarations) Act 1981 or to serve notices to treat and notices to enter pursuant to the Compulsory Purchase Act 1965 or any legislation replacing or amending the same; and
- (6) the Head of Locality Services - Commissioned be authorised to confirm the Order in the event that the Secretary of State notifies

the Council that it has been given the power to confirm the Order if it is still considered appropriate to do so.

**Reasons for Decision:**

Liverpool City Council, as the scheme's sponsor, have determined a programme for the delivery of the scheme to link with other proposed Key Corridor works within and around the Liverpool city centre. They have also committed to achieving indicative spend targets of the Liverpool City Region Growth Fund within 2016/17 and 2017/18. In order to achieve the programme, the City Council had determined that Compulsory Purchase Orders would need to be served on affected properties along the corridor in order to ensure that any land necessary to deliver the Scheme, the dualling of the A565, can be secured within the proposed programme. Whilst negotiations are ongoing with landowners affected by the proposals both within Sefton and Liverpool areas, the tight timescales involved mean that it is necessary to make the proposed Order to secure the land. Liverpool City Council would also be progressing its own compulsory purchases orders in tandem with the Council to ensure that any land required within the Liverpool area can also be delivered to meet the programme.

Liverpool City Council would be taking a report to its Cabinet in January 2016 seeking authority to make two compulsory purchase orders which will cover the remaining areas of the A565 at Derby Road and Great Howard Street, Liverpool which will form the remainder of the Scheme.

The recommendation to make the compulsory purchase order is in line with the recommendations and considerations set out in the previous report to the Cabinet on 3 September 2015.

**Alternative Options Considered and Rejected:**

The Scheme could be delivered as two separate projects, one in Liverpool and the other in Sefton. However, it is clear that the traffic management and control measures necessary for each part of the Scheme would impact greatly on traffic movements within the neighbouring district and, as such, the adjacent works would need to be very carefully programmed and managed.

It is considered sensible that the project should be delivered as one Scheme, phased to minimise disruption and delivered and managed by Liverpool given that they submitted the original project to the Liverpool City Region.

Notwithstanding this, both the Council and Liverpool have entered into a memorandum of understanding which deals with project management on the delivery of the Scheme as well as progressing any necessary compulsory purchase orders. Sefton would therefore retain all necessary controls over works which may take place within the Council's area.

It is also considered important the Scheme is delivered as one project given that the benefits which will be likely to accrue as a result of the delivery of the Scheme are largely dependent on the Scheme being brought forward in its entirety. These benefits are dealt with in the report.

#### **85. M58 JUNCTION 1 - PROCUREMENT STRATEGY**

Further to Minute No. 37 of the meeting held on 3 September 2015, the Cabinet considered the report of the Head of Locality Services – Commissioned which provided details of the procurement strategy aimed at securing a Contractor to complete the design and construction of the proposed new slip roads at the M58 Junction 1.

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

- 1) approval be given to the Procurement Strategy for the appointment of a Contractor with appropriate design experience to deliver the scheme to deliver new slip roads at the M58 Junction 1;
- (2) the Cabinet Member - Locality Services be granted delegated authority to approve the appointment of the Contractor; and
- (3) the Cabinet Member - Locality Services be granted delegated authority to approve the appropriate agreement with Highway England to enable the works to be completed on the motorway network.

##### **Reasons for Decision:**

To enable officers to appoint the Contractor to complete the design and construction of the approved scheme to meet the timescale for Growth Fund money.

##### **Alternative Options Considered and Rejected:**

A number of options have been discussed and considered.

The use of the Use of Highways England Asset Support Framework had been considered but rejected as a viable option following advice from Highways England on the basis that the scheme was not of sufficient size to attract interest from the Framework contractors

The use of the Highways England Asset Support Contractor had been similarly rejected due to the timing of the end of the current contract coinciding the proposed start on site.

Separate Procurement Exercises for design and construction could be completed; however it was considered that this option reduced the scope for innovation or flexibility in the approach and that Early Contractor Involvement was favoured by the Department of Transport and Highways England for this type of project.

**86. COUNCIL TAX REDUCTION SCHEME 2016/17 AND COUNCIL TAX BASE 2016/17**

The Cabinet considered the report of the Chief Finance Officer which provided details of the feedback received on the recent consultation exercise regarding the proposed amendments to the Council Tax Reduction Scheme for 2016/17, the options for recommendation to the Council on the 2016/17 Council Tax Reduction Scheme and the updated Council Tax Base for 2016/17.

**Decision Made:** That

- (1) the responses received to the consultation on options to change the minimum contribution required under the Council Tax Reduction Scheme be noted;
- (2) the Council be recommended to approve the level of minimum liability for Council Tax Reduction at 16%;
- (3) the Council be recommended to approve the 2016/17 Local Council Tax Reduction Scheme as set out in the report;
- (4) the Chief Finance Officer in consultation with Cabinet Member (Regulatory, Compliance and Corporate Services), be granted delegated authority to consider any minor changes in legislation/guidance in relation to the 2016/17 Council Tax Reduction Scheme and that any significant changes in such legislation/guidance and any further recommendations be reported to Council on 28 January 2016;
- (5) the Chief Finance Officer be granted delegated authority to consider and implement minor textual changes to the Council Tax Reduction Scheme for 2016/17; and
- (6) the Council be recommended to approve the relevant Council Tax Base for 2016/17 as set out in Annex C of the report.

**Reasons for Decision:**

Local Council Tax Reduction Scheme

Each financial year the Council must consider whether to revise or replace its Local Council Tax Reduction Scheme. The Council must approve and adopt the 2016/17 Council Tax Reduction scheme by 31 January 2016 to take effect from 1 April 2016.

Any decision to revise or replace the scheme would require compliance with statutory provisions in accordance with The Local Government Finance Act 2012 (Chapter 17), schedule 4.

The proposed revision to the Council Tax Reduction Scheme would assist in making the Council Tax more affordable and will help alleviate some of the financial difficulties being faced by our residents on very low incomes.

In addition it would align the minimum weekly Council Tax payment with the amount that can be taken by way of regular deductions from certain benefits (for example Income Support or Job Seeker's Allowance) which in turn will reduce the Council's collection and recovery costs.

#### Council Tax Base

In accordance with the Local Authorities (Calculation of Council Tax Base) (England) Regulations 1992, as amended, the Council is required to set a tax base for both Sefton Council and for each Parish Area for 2016/2017.

#### **Alternative Options Considered and Rejected:**

To have a more generous Local Council Tax Reduction Scheme other than those proposed in paragraph 6 of the report. This would result in reduced income to the Council and would require further budget savings against services in order to achieve a balanced budget.

#### **87. REVENUE BUDGET 2015/16 UPDATE**

The Cabinet considered the report of the Chief Finance Officer which provided details of the progress in the achievement of the approved savings for 2015/16 (and any residual savings carried forward from 2014/15); other financial risks elsewhere in the budget; the current forecast on Council Tax and Business Rates collection; the offer of grant funding from Veolia UK towards the installation of a skate park within Killen Green Park and the proposed inclusion of the scheme in the Capital Programme; and the proposed temporary extension of two contracts with Liverpool Community Health.

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

- (1) the progress to date on the achievement of approved savings for 2015/16 and residual savings carried forward from previous years be noted;
- (2) the wider financial pressures being experienced in the remainder of the Budget be noted;
- (3) the forecast position on the collection of Council Tax and Business Rates be noted;
- (4) approval be given to the acceptance of the offer of grant funding from Veolia UK and the works to install a skate park within Killen Green Park, as outlined in paragraph 7 of the report, and the inclusion of £86,315 in the Capital Programme for the scheme; and
- (5) approval be given to the extension / amendment of the Smoking Cessation Service contract for 12 months until 31 March 2017, and the Healthy Sefton phone line contract for six months, until 30 September 2016, as set out in paragraph 8 of the report.



**Reasons for Decision:**

To ensure Cabinet are informed of the latest position on the achievement of savings for the current financial year and to identify wider budget pressures being experienced elsewhere in the budget. To provide an update on the forecast outturn position on the collection of Council Tax and Business Rates. To enable a skate park to be installed in Killen Green Park which would reduce anti-social behaviour, increase community spirit and the development of the park; and to enable the temporary extension of two contracts with Liverpool Community Health pending the procurement of the new Integrated Wellness Service.

**Alternative Options Considered and Rejected:**

None.

**88. BUDGET 2016/17 AND MEDIUM TERM FINANCIAL PLAN 2016 - 2020**

The Cabinet considered the report of the Chief Finance Officer which provided details of the Council's current financial position for 2016/17 after taking into account the Local Government Finance Provisional Settlement announced on 17 December 2015; the financial position in the context of the Council's priorities; the budget gap remaining for 2016/17 and proposed savings options that would contribute to the delivery of a balanced budget for 2016/17; the forecast budget gap for 2017/18 to 2019/20; and proposed changes in accounting policy which would support the Council over the short and medium term in setting of a medium term financial plan.

The Chief Finance Officer reported that the report had been produced on the best information; some funding allocations had not been notified to the Council at this stage and best estimates had been used. She also referred to the paper on the proposed responses to the Government consultation paper on the Local Government Financial Settlement 2016/17 which had been circulated as a supplementary paper.

The Chief Executive indicated that there were three key risks associated with the financial plan which related to the level of the Public Health Grant; the resourcing of social care activities through the Better Care Fund which were still the subject of negotiation with the Clinical Commissioning Groups and the impact of the National Living Wage on commissioned services.

**Decision Made:** That

- (1) the update of the Local Government Finance Provisional Settlement for 2016/17 be noted;
- (2) the Council be recommended to approve the funding and budget options for 2016/17 as set out in paragraph 4.5 of the report,

including the use of Social Care Council tax precept, use of the Better Care Fund and the revised use of one- off reserves;

- (3) it be noted that the use of one-off resources is not sustainable in future years and savings will need to be found from 2017/18 to replace the use of one- off resources in 2016/17;
- (4) it be noted that the Council will be required to consider the coherence of the proposals when taken as a whole at the Budget Council meeting on 3 March 2016 in setting the 2016/17 budget;
- (5) the Chief Finance Officer be requested to present a formal amendment to the methodology for the Minimum Revenue Provision calculation to the next Cabinet for approval, as outlined in paragraph 4.4.2 of the report;
- (6) the forecasted additional budget saving requirement for 2017/18 – 2019/20 as outlined in paragraph 5.1 of the report be noted;
- (7) approval be given to the preparation of a new four year financial plan to cover the period of the Government Comprehensive Spending review, as set out in paragraph 5.8 of the report; and
- (8) approval be given to the submission of the responses to the to the Government consultation paper on the Local Government Financial Settlement 2016/17, as set out in the supplementary paper.

**Reasons for Decision:**

To ensure that the Council is fully aware of the latest Medium Term Financial Plan position and the identified saving requirements in each of the next four financial years; and to agree the approach of identifying saving options in three distinct phases, which would include:

- i) Funding and budget changes to arrive at a balanced budget for 2016/17 to be agreed before the statutory date of 10 March 2016; and
- ii) To commence the preparation of a sustainable and robust balanced financial plan to 2020.

**Alternative Options Considered and Rejected:**

Additional budget savings and options would need to be identified by the Budget Council meeting on 3 March 2016 to ensure that the 2016/17 financial year's budget can be balanced. It is a legal requirement to set a balanced budget and to ensure the medium term financial position is robust. The 2017/18 Budget would need to be balanced in March 2017. Considerations would also need to be given to the 2018/19 and 2019/20 budget position, as a result of the indicative grant reductions announced by the Government.

**89. PROGRAMME OF MEETINGS 2016/17**

The Cabinet considered the report of the Head of Regulation and Compliance which provided details of the proposed Programme of Meetings for the Council, Cabinet and the various Committees/Bodies for the Municipal Year 2016/17.

**Decision Made:** That

- (1) the Programme of Meetings for the Cabinet, Public Engagement and Consultation Panel, Sefton Safer Communities Partnership and the Health and Wellbeing Board for 2016/17 as set out in Annexes A and E of the report be approved; and
- (2) the Council be recommended to approve the Programme of Meetings for the Council, Member Briefing Sessions; Regulatory Committees; Overview and Scrutiny Committees and Area Committees for 2016/17 as set out in Annexes B, C and D of the report.

**Reasons for Decision:**

To enable the business of the Council and its various Committees/bodies to be conducted during the 2016/17 Municipal Year.

**Alternative Options Considered and Rejected:**

None.

**90. KLONDYKE PHASE 2 AND 3 SITE DISPOSAL**

The Cabinet considered the report of the Chief Executive which provided details of proposals for the acquisition of the outstanding ownership of the Klondyke Phase 2-3 site in Bootle from Adactus Housing in order to facilitate the onward disposal of the site to Bellway Homes Limited for the construction of 142 new houses for sale.

**Decision Made:** That

- (1) approval be given to the acquisition of the ownership interests of Adactus Housing, based on the terms set out in Appendix 1 of the report, and the Cabinet Member - Communities and Housing be granted delegated authority to finalise the terms,
- (2) approval be given to the disposal of the Klondyke 2-3 site to Bellway Homes Limited on the terms set out in Appendix 1 of the report;
- (3) approval be given to the granting of a Development Licence to Bellway Homes Limited for the Klondyke Phase 2-3 site in order to carry out the development of 142 houses for sale;

- (4) approval be given to the freehold disposal of the site to Bellway Homes Limited upon the successful completion of the scheme;
- (5) the Head of Regulation and Compliance be instructed to prepare and execute contracts to facilitate the approved arrangements; and
- (6) the financing of the scheme to be met from resources within the existing HMRI Programme and the capital receipts from the disposal of the Z Blocks land.

**Reasons for Decision:**

Officers do not have delegated authority to take the recommended actions. The scheme represents the next phase of the former Housing Market Renewal programme for the Klondyke area, and would result in the completion of new build housing construction as part of that envisaged when the Transition Programme was approved by the Cabinet in 2011.

**Alternative Options Considered and Rejected:**

The Council had been pursuing a phased regeneration scheme for the Klondyke area, which began under the Housing Market Renewal Programme. Previous phases/sites were compulsory purchased by the Council in order to redevelop with new housing.

There are no viable alternative options for the Klondyke Phase 2-3 site, other than to leave the site undeveloped, which would be contrary to the express purpose and aims of the Councils regeneration plan, begun under the former Housing Market Renewal Programme (HMR). Bellway Homes Limited is the Council's appointed 'lead developer' partner for the HMR programme in the Klondyke area of Bootle. As such the Council had previously entered into an Overarching Development Agreement with Bellway Homes Limited until 2018.

This agreement gives Bellway 'first call' on HMR development opportunities in the Klondyke area. Hence there is no alternative option or opportunity to dispose of the land by any other means, until after this date.