

THE "CALL IN" PERIOD FOR THIS SET OF MINUTES ENDS AT 12 NOON ON MONDAY, 23 OCTOBER 2017. MINUTE NO.S 62 TO 64 AND 74 ARE NOT SUBJECT TO CALL-IN

CABINET

MEETING HELD AT THE COMMITTEE ROOM, TOWN HALL, BOOTLE ON THURSDAY 5TH OCTOBER, 2017

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

ALSO PRESENT: Councillor McGuire and Thomas

62. APOLOGIES FOR ABSENCE

No apologies for absence were received.

63. DECLARATIONS OF INTEREST

No declarations of any disclosable pecuniary interest were received.

64. MINUTES OF THE PREVIOUS MEETING

Decision Made:

That the minutes of the Cabinet meeting held on 7 September 2017 be confirmed as a correct record.

65. AREA COMMITTEES WORKING GROUP FINAL REPORT

The Cabinet welcomed Councillor Thomas to the meeting of Cabinet to present the report of the Area Committee Working Group in her capacity as Lead Member of the Area Committee Working Group.

Councillor Thomas reported that she had presented the report to the Overview and Scrutiny Committee (Regulation, Compliance and Corporate Services). The Committee recommended that the Cabinet be requested to consider the most appropriate course of action in respect of the submissions by Councillors Jamieson, McGuire and Thomas.

Decision Made: That the following recommendations be approved:-

- (1) that the current Area Committee system in Sefton cease;
- (2) that the current responsibilities of Area Committees be transferred to the Committees as detailed in [Appendix 1](#) attached to the report of the Head of Regulation and Compliance considered by the three Area Committees during the December 2015/January 2016 cycle;
- (3) that three Constituency Fora be established covering the Bootle, Sefton Central and Southport Constituencies with the following

terms of reference:

- A. To engage with local residents, community groups, partners, businesses, private sector organisations, the voluntary, community and faith sector and Parish Councils particularly in relation to the Sefton 2030 vision for the borough;
 - B. In areas covered by Parish Councils, to work closely with such Parish Councils and the Sefton Area Partnership of Local Councils by promoting and enhancing the [Parish and Town Council Charter for Sefton](#)
 - C. To consider complaints from constituents if it can be demonstrated that none of their Ward Councillor(s) has responded at all to a request for action;
 - D. To meet a minimum of twice per year ; and
 - E. To determine, with the consent of the three Ward Councillors, the devolved allocation of Ward funds on local priorities that would not otherwise be funded by Council budgets; that this funding continue to be administered by the Head of Communities; and any Ward budget over £10,000 not allocated at the end of the Municipal Year be transferred to the Cabinet Member – Communities and Housing for inclusion in the Community Transition Fund;
- (4) that the Head of Communities to support the operation of the Constituency Fora;
 - (5) that the Head of Strategic Support to provide support on public engagement and consultation issues to the Constituency Fora;
 - (6) that subject to operational requirements the use of Council buildings be allowed to host the Constituency Fora; and
 - (7) that to assist the role of Constituency Fora Operational Groups be established if deemed necessary by local Ward Members (in those areas where currently none exist) to work with partner agencies in their localities.

Reasons for the Decision:

The Working Group has recommended that the Overview and Scrutiny Committee (Regulatory, Compliance and Corporate Services) and the Cabinet consider the submissions detailed in paragraph 6 and Appendix 3 of the Final Report and determine the most appropriate course of action thereon.

Alternative Options Considered and Rejected:

No alternative options were considered. The Overview and Scrutiny Committee (Regulatory, Compliance and Corporate Services) established the Working Group to review the findings of the public consultation exercise undertaken on the role of Area Committees, and the other issues set out in the report submitted to the Cabinet on 23 June 2016 and the Working Group has performed this task.

66. LICENSING/CHILD SEXUAL EXPLOITATION WORKING GROUP FINAL REPORT

The Cabinet considered the report of the Head of Regulation and Compliance including the final report of the Licensing/Child Sexual Exploitation Working Group.

Councillors Lappin and J.J.Kelly commended the work of the Overview and Scrutiny Committee to the Cabinet.

Decision Made: That:-

- (1) Sefton's Members of Parliament be requested to lobby the Home Secretary to strengthen the existing Legislation regarding personal licences to Include:-
 - a) A national data base of personal licences
 - b) A fit and proper persons test
 - c) In particular provision to allow a Council to defer determination of a personal licence where the Individual is currently involved in a Police Child Sexual Exploitation investigation where a licenced premises is central to those investigations;
- (2) Sefton's Members of Parliament be requested to lobby the Secretary of State for Education to ensure that Care Providers who offer residential placements for 16 – 18 year old children and young people are inspected by a regulatory body;
- (3) in order to raise awareness of Child Sexual Exploitation issues with Sefton parents, the Head of Schools and Families promote the Child Sexual Exploitation e-learning tool with all schools and governing bodies and with a request that school e-newsletters contain a hyperlink to the e-learning tool;
- (4) Rather than the Merseyside local authorities dealing with licensing/CSE issues in a piecemeal or individual way, the Liverpool City Region be contacted to seek the adoption of pan-Merseyside standardised policies particularly bearing in mind the cross boundary nature of taxi/private hire journeys;

and

- (5) the Head of Regulation and Compliance and the Head of Children's Social Care submit a joint monitoring report to the meeting of the Overview and Scrutiny Committee (Regulatory, Compliance and Corporate Resources) and the Overview and Scrutiny Committee (Children's Services and Safeguarding) to be held on 16 and 30 January 2018 respectively, setting out progress made against each of the recommendations set out in the report and that thereafter, monitoring reports be submitted to the Committees on a six monthly basis.

Reasons for the Decision:

The Working Group has made a number of recommendations that require approval by the Overview and Scrutiny Committee (Regulatory, Compliance and Corporate Services), the Overview and Scrutiny Committee (Children's Services and Safeguarding) and the Cabinet.

Alternative Options Considered and Rejected:

No alternative options were considered. The Overview and Scrutiny Committee (Regulatory, Compliance and Corporate Services) established the Working Group to review the topic of Licensing/Child Sexual Exploitation and the Working Group has performed this task.

67. REVENUE AND CAPITAL BUDGET UPDATE 2017/18

The Cabinet considered the report of the Head of Corporate resources that informed Cabinet of; the current forecast revenue outturn position for the Council for 2017/18 as at the end of August; the current forecast on Council Tax and Business Rates collection for 2017/18; and the current position of the Capital Programme.

Decision Made: That the Cabinet:

- i) note the forecast deficit outturn position of £0.843m as at the end of August 2017;
- ii) note the progress to date on the achievement of approved Public Sector Reform savings for 2017/18;
- iii) note the forecast position on the collection of Council Tax and Business Rates for 2017/18; and,
- iv) note the current progress in the delivery of the 2017/18 Capital Programme.

Reasons for the Decision:

To ensure that the Cabinet is informed of the forecast outturn position for the 2017/18 revenue and capital budgets as at the end of August 2017 and to provide an updated forecast of the outturn position with regard to the collection of Council Tax and Business Rates.

Alternative Options Considered and Rejected:

None

68. REVENUE AND CAPITAL BUDGET UPDATE - TREASURY MANAGEMENT OUT-TURN 2016/17

The Cabinet considered the report of the Head of Corporate Resources in relation to the performance against Prudential Indicators, and Treasury Management activities undertaken for 2016/17.

Decision Made:

That the Cabinet note the Council's outturn position and its performance against its 2016/17 prudential indicators.

Reasons for the Decision:

To ensure that the Cabinet is fully appraised of performance against prudential indicators, and of Treasury activity undertaken in 2016/17.

Alternative Options Considered and Rejected:

None.

69. PARKING ENFORCEMENT CONTRACT

The Cabinet considered the report of the Head of Regulation and Compliance that sought approval to invite tenders through the appropriate procurement route for the provision of parking and environmental enforcement services.

Decision Made: That:

1. the tender process to procure the provision of enforcement services as outlined in the report, be approved;
2. the contract period of 5 years from 1st April 2018 to 31st March 2023, be approved; and
3. delegated authority be granted to the Head of Regulation and Compliance, in consultation with the Cabinet Member – Regulatory, Compliance and Corporate Services, to award the Contract resulting from the procurement.

Reason for the Decision:

To secure delivery of the Councils statutory responsibility to enforce parking restrictions in Sefton. The contract would also include environmental enforcement and ambassadorial duties.

Alternative Options Considered and Rejected:

The option to insource the service had been considered and discounted on the basis of the flexibility, economies of scale, expertise and cost benefits available from using an external supplier.

70. PURCHASING OF FOSTERING PLACEMENTS FOR CHILDREN AND YOUNG PEOPLE

The Cabinet considered the report of the Head of Children's Social Care in relation to the contractual arrangements and future procurement of Fostering placements for children and young people.

Decision Made: That:

- (1) participation in the regional Dynamic Purchasing System agreement to be procured by STAR on behalf of all participating authorities, for future purchasing of independent foster placements from 1st April 2018, be authorised; and
- (2) the regional work undertaken in 2017/18, to determine the best approach for procuring Fostering placements from April 2018, be noted.

Reasons for the Decision:

Since April 2014, wherever possible and where no in house foster placements are available, fostering placements for children and young people have been procured through regional framework contracts.

When these regional framework contracts were originally entered into, they were entered into on the basis of a core contract period of 2 years with further optional extension periods of up to 2 years. It was anticipated at the outset that this extension would be taken up as part of the life of the contract, provided that the quality/price of services/goods provided under the contract are of a satisfactory standard and exercising the extension is considered to represent best value for the Council.

The primary purpose of building contracts around core and extension periods is to ensure that the quality of the contract is maintained throughout the life of the contract and to ensure that the Council, particularly at times of financial uncertainty has flexibility to bring contracts to a conclusion and/or is able to refine services and or goods received under the contract.

There are opportunities for new and innovative ways of procuring placements, but these have a mixed evidence base for efficacy in fostering and must be balanced against the risk of rising costs through a new tender. These include multiple authorities purchasing jointly from the DPS. A regional task and finish group was established to review the current arrangements, test alternative models and apply the learning from the residential retender to the fostering market, in order to confirm the best option from April 2018.

These are important and costly services and the alternative options to the recommendations would be likely to incur greater cost and more variable quality, hence the need to determine the manner of purchasing these placements ahead of the next financial year.

Alternative Options Considered and Rejected:

Instead of continuing to procure placements through the existing regional Framework Contracts and their replacements, the Council could carry out its own full EU compliant Tender exercise; adopt an alternative Framework, or “Spot Purchase” placements from the market as they are needed.

Undertaking a full EU compliant process alone is not recommended because: the time required to complete the process would be the same as procurement of a regional framework and in this market the Council is unlikely to obtain better prices than through collaborative procurement; and the burden and resource required to ensure quality and safety of provision would be increased, requiring additional resource. Additionally providers have given feedback that they do not want to join lots of separate frameworks but would rather the local authorities worked together.

An alternative Framework Agreement is not recommended as the strength of the current framework is that 23 authorities sign up to and use it. To procure as a single authority would disrupt the market, it is likely that providers would increase their prices and the burden and resource required to ensure quality and safety of provision would be increased, requiring additional resource. The prices available through the current Frameworks are competitive and/or better than prices within known alternative Frameworks

Spot purchasing is not recommended as it would increase costs and the burden and Resource required to ensure quality and safety of provision would be increased, requiring additional resource.

71. APPROVAL OF LEGAL DOCUMENTATION FOR ACADEMY CONVERSIONS

The Cabinet considered the report of the Head of Schools and Families that informed Cabinet of the decision by the Secretary of State for Education to convert Shoreside Primary School, St Teresa's Catholic Infant School and Savio Salesian College to become sponsored academies in accordance with Government policy and that Litherland Moss Primary School, St Andrew's CE Primary School, Holy Trinity CE Primary School and St Thomas' CE Primary School had applied to become academies.

Decision Made: That:

- (1) the statutory requirements regarding academy conversion, be noted;
- (2) the financial implications to the Council, be noted; and
- (3) the Head of Regulation and Compliance in consultation with the Head of Schools and Families, be authorised to complete the necessary agreements required as part of the academy conversion process for the following schools as outlined in the report: Holy Trinity CE Primary School; Litherland Moss Primary School; St Andrew's CE Primary School; St Teresa's Catholic Infant School; and St Thomas' CE Primary School; Savio Salesian College and Shoreside Primary School.

Reason for the Decision:

Cabinet needs to authorise appropriate officers to enter into the agreements required as part of the academy conversion process.

Alternative Options Considered and Rejected:

There are no alternative options. The Secretary of State has the powers to direct that the academy conversion process can continue if the agreements are not signed.

72. UPDATE ON REGIONALISATION OF ADOPTION - ADOPTION IN MERSEYSIDE

Further to Minute No. 6 of the meeting of the Cabinet held on 25 May 2017 the Cabinet considered the report of the Head of Children's Social Care that provided further details regarding the level of service provision within Sefton, for the proposed model for the Knowsley, Liverpool, Sefton and Wirral Regional Adoption Agency (RAA), known as AIM (Adoption in Merseyside).

Decision Made:

That a final report regarding the proposed establishment of the Regional

Adoption Agency, Adoption in Merseyside be submitted to the Cabinet scheduled to take place on 2 November 2017.

Reasons for the Decision:

In June 2015 the Department for Education (DfE) published a White Paper that proposed local authorities should create Regional Agencies by 2020 (Regionalising Adoption- June 2015). The White Paper set out an expectation that local authorities should form firm proposals, in partnership with their voluntary partners, to align adoption services into a Regional Adoption Agency (RAA). The Government commitment to this approach was developed further in the Education and Adoption Act 2016 which gave the government the power to direct a local authority to enter into a RAA if it has not done so by the end of 2017

Alternative Options Considered and Rejected:

None

73. EXCLUSION OF PRESS AND PUBLIC

RESOLVED:

That, under the Local Authorities (Executive Arrangements) (Meetings and Access to Information)(England) Regulations 2012, the press and public be excluded from the meeting for the following items on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972. The Public Interest Test has been applied and favours exclusion of the information from the Press and Public.

74. SEFTON COUNCIL HOUSING DEVELOPMENT COMPANY

The Cabinet considered the report of the Head of Regeneration and Housing in relation to Sefton Council Housing Development Company.

Decision Made:

That the recommendations contained within the report be approved..

Reason for the Decision:

To inform Cabinet of the proposals.

Alternative Options Considered and Rejected:

None.