

THE "CALL IN" PERIOD FOR THIS SET OF MINUTES ENDS AT 12 NOON ON FRIDAY 17 NOVEMBER, 2017. MINUTE NO.S 75 TO 77 AND 79 ARE NOT SUBJECT TO CALL-IN

CABINET

MEETING HELD AT THE BIRKDALE ROOM, TOWN HALL, SOUTHPORT ON THURSDAY 2ND NOVEMBER, 2017

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

ALSO PRESENT: Councillor McGuire

75. APOLOGIES FOR ABSENCE

An apology for absence was received from Councillor Fairclough.

76. DECLARATIONS OF INTEREST

No declarations of any disclosable pecuniary interest were received.

77. MINUTES OF THE PREVIOUS MEETING

Decision Made:

That the minutes of the Cabinet Meeting held on 5 October 2017 be confirmed as a correct record.

78. EARLY INTERVENTION AND PREVENTION STRATEGY WORKING GROUP - FINAL REPORT

The Cabinet considered the report of the Head of Regulation and Compliance in relation to the final report of the Early Intervention and Prevention Working Group.

The Cabinet Member for Health and Wellbeing, Councillor Moncur, commended the report to the Cabinet and thanked the Working Group Members and Officers for all their hard work in undertaking the review.

Decision Made: That the following recommendations be approved:-

1. That the Head of Communities be authorised to:-
 - (a) Request the Chief Officer for NHS South Sefton Clinical Commissioning Group, and NHS Southport and Formby Clinical Commissioning Group, to:
 - (i) Consider the integration of primary care services into Sefton Council's hubs, or the

adoption of a similar model; and

- (ii) Consider encouraging Sefton General Practitioners to increase the use of social prescribing for patients, where appropriate.
 - (b) Request other public sector partners to consider integration into Sefton Council's hubs, or the adoption of a similar model.
 - (c) Request the Chief Executive of Sefton Council for Voluntary Service (CVS) to attend a future meeting of the Overview and Scrutiny Management Board, to discuss the role of Sefton (CVS) and its interactions with other smaller organisations.
 - (d) Explore the possibility of including a requirement for every future tender commissioned by the Council for other organisations to work together, co-operate and operate with an integrated approach, in the delivery of the services required.
2. That the Heads of Service for Communities, Regulation and Compliance, Locality Services – Provision and Locality Services – Commissioned, be requested to explore the possibility of transforming “place-based” services into the locality-based model, in the future.
3. That the Senior Democratic Services Officer be requested to liaise with relevant officers in order to ensure that the Overview and Scrutiny Management Board receives a six-monthly monitoring report, setting out progress made against each of the recommendations outlined above.

Reasons for the Decision:

The Working Group has made a number of recommendations that require approval by the Cabinet.

Alternative Options Considered and Rejected:

No alternative options were considered. The Overview and Scrutiny Management Board established the Working Group to review Early Intervention and Prevention and the Working Group has performed this task.

79. MERGER OF SOUTH SEFTON COLLEGE WITH HUGH BAIRD COLLEGE AS RECOMMENDED BY THE LIVERPOOL CITY REGION AREA REVIEW

Further to Minute No. 38, of the Cabinet Meeting held on 27 July 2017, the Cabinet considered the report of the Head of Schools and Families in relation to the consultation on the proposed merger of South Sefton College and Hugh Baird College. The report detailed the revised business plan which had been updated to take into account the current position and the revised financial implications for the Council.

Decision Made: That the Cabinet:

- (1) note the latest position on the merger of South Sefton College with Hugh Baird College as recommended by the Liverpool City Region Area Review of post 16 education and training institutions contained in the report; and the reduced student numbers;
- (2) note the commitment of Hugh Baird and South Sefton Colleges towards the merger in agreeing a memorandum of understanding to enable joint working in anticipation of the formal merger;
- (3) note that the alternative to progressing the merger would be closure which would have an adverse impact on students, staff and affect educational opportunities for young people in the south Sefton area;
- (4) agree the revised financial implications associated with the merger with Hugh Baird as set out in the report and authorise Officers to finalise the merger with Hugh Baird and South Sefton College as soon as practicable; and
- (5) note 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 (Children's Services and Safeguarding) had been consulted under Rule 27 of the Access to Information Procedure Rules of the Constitution, to the decision being made by 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 merger needed to take place before the end of term to avoid further uncertainty and increasing cost.

Reasons for the Decisions:

Due to the change in student numbers the Local Authority need to agree the revised financial implications following a review of the merger proposal

Alternative Options Considered and Rejected:

The alternative option would be to close South Sefton College because it is no longer viable. This would have a major impact on current staff and students as well as future educational opportunities for young people in South Sefton.

80. PROCUREMENT OF A NEW INFORMATION, ADVICE AND GUIDANCE SERVICE FOR NEET YOUNG PEOPLE

The Cabinet considered the report of the Head of Regeneration and Housing that sought approval to invite tenders through the appropriate procurement route for the provision of information, advice and guidance services for young people not in education, employment or training (NEET).

Decision Made: That the Cabinet:

- (1) approves the decision to procure and tender for the provision of IAG services; to be published on The Chest using an EU compliant Open Tender process, as outlined in the report;
- (2) authorises the contract period from 1st September 2018 to 31st March 2020, with an option to extend annually for up to two years based on successful performance.
- (3) authorises delegated authority to the Cabinet Member for Regeneration and Skills in conjunction with the Executive Director to award the Contract subject to a satisfactory and compliant tender process; and
- (4) approves the extension of the current contract in place for 2017/18 for a period of up to six months (from 1 April 2018) to secure continuity of service to young people in the transition to a newly configured, outcomes based offer.

Reasons for the Decisions:

The Council is fully committed to supporting its young residents to achieve and sustain their full potential in terms of their skills, aspirations, economic prosperity and life chances. Vision 2030 sets out the ambition for the Borough and the priority strategic outcomes, three of which are:

- Resilient people and places;
- Growing, living and ageing well;
- A great place to live, work and play.

The proposed approach to Information Advice and Guidance will make a significant and positive contribution to these outcomes and to the Vision overall.

In order to support this aim, there is a clear intention to achieve a step-change in value and impact in the advisory and engagement services through the Council's direct investment and to the future of our young people.

The Council's current service delivery has been procured using established methods. This contract is now ready for renewal and in the

changing context the Council now operates in, a new service offer needs to better reflect our Vision 2030 principles.

This investment will be designed to give closer alignment with the Council's Framework for Change priorities and will reflect community based co-design and delivery together with an emphasis on early intervention and prevention (EIP) to ensure that potentially vulnerable young people make a successful transition to the adult world of work.

The objective through the procurement is to ensure young people are actively engaged and supported to make choices and achieve progression based on well informed intelligence about local opportunities available to them.

Alternative Options Considered and Rejected:

1. Procure a contract for IAG using the similar approach as previous exercises.

This option has been fully considered and has been rejected on the grounds that the Council has moved on with its own approach to early intervention and prevention and requires suppliers able to flex and adapt to this new operating environment in a way that optimises the role of IAG alongside other services targeting young people offered by the Council. It is felt highly likely that using the approach used previously would yield a similar set of results under current circumstances. There is a strong appetite among relevant members to bring about change and innovation in this policy area.

2. Procure a jointly commissioned service alongside the LCR Local Authority partners.

This option has been considered on the grounds that at least four of the LAs have been working together on commissioning for some years and their approach has led to changes in the pattern of service delivery which have not featured in Sefton. In particular, the data tracking/reporting and engagement /support activities have been undertaken by in- house LA staff while the professional careers guidance has been sourced externally. In Sefton, we have not to date run services such as these in-house

81. SUPPLY OF LIQUID FUELS

The Cabinet considered the report of the Head of Commissioning Support and Business Intelligence in relation to the approach for the procurement of Liquid Fuels for the period from 1st December 2017 to 30th September 2019.

Decision Made: That the Cabinet:

- (1) agree to procure Liquid Fuels for the period 1st December 2017 to 30th September 2019 through an existing EU compliant Framework;

and

- (2) authorise officers to award a contract for the supply of Liquid Fuels for the period 1st December 2017 to 30th September 2019 to the winning tender obtained through the mini-competition already undertaken under the Yorkshire Purchasing Organisation (YPO) Liquid Fuels Supply Framework.

Reasons for the Decisions:

Sefton Council needs to procure substantial quantities of liquid fuels (automotive and heating oils) in order to operate its daily business and the level of expenditure (approximately £950k per annum) requires Cabinet approval. It is considered that the Council can best be assured of value for money in terms of price and security of supply by procurement through the YPO Framework.

Alternative Options Considered and Rejected:

The Council could decide not to procure Liquid Fuels through the YPO Liquid Fuels Framework and instead either procure through an alternative Framework or undertake its own procurement process. Officers have run mini-competitions through two major OJEU compliant Frameworks and, for the reasons set out in this report, judge that the YPO Framework provides the best value for money. A Sefton specific procurement process would need to be an EU compliant procurement process and would take approximately 6 months to complete. The main risk and the reason this option has not been recommended is it is considered that the separate procurement of lower volumes of fuel (i.e. Sefton procuring fuel alone) is likely to result in a higher price, potentially greater fluctuation in price and potentially less reliable supply. If Council was to decide to undertake its own procurement process, it is still recommended that procurement continues through the YPO Framework whilst that procurement is undertaken, for the reasons stated above.

82. TRANSPORT FOR THE NORTH – DRAFT REGULATIONS

The Cabinet considered the report of the Head of Locality Services – Commissioned that sought consent to the making of regulations by the Secretary of State to facilitate the establishment of Transport for the North (TfN) as a Sub-national Transport Body.

The Leader of the Council reported that Cabinet were required to agree an additional recommendation in relation to the chair of the Overview and Scrutiny Committee (Regeneration and Skills), Councillor Sayers giving his consent to waive call-in under Rule 46 of the Scrutiny Procedure Rules on the basis that the decisions could not be reasonably deferred because the Council is required to submit a written response to Transport for the North by 2 November 2017 to enable them to respond to the Department of Transport.

Decision Made: That the Cabinet:

- (1) note that consent to the making of regulations by the Secretary of State to establish Transport for the North as a Sub-national Transport Body, under section 102J of the Local Transport Act 2008 is required by Government;
- (2) agree that the required consent of the Cabinet be provided to Government;
- (3) note that any subsequent revisions to requirements regarding this consent will be the subject of a further report to Cabinet; and
- (4) note that the Leader of the Council and the Chair of the Overview and Scrutiny Committee (Regeneration and Skills) had given their consent under Rule 46 of the Scrutiny Procedure Rules for these decisions to be treated as urgent and not subject to “call in” on the basis that the decisions could not be reasonably deferred because the Council is required to submit a written response to Transport for the North by 2 November 2017 to enable them to respond to the Department of Transport and for the legislation to proceed in Parliamentary time.

Reasons for the Recommendations:

Failure to support the recommendation could prevent Transport for the North from becoming a Sub-national Transport Body, contrary to the consent provided by the Liverpool City Region Combined Authority. Consent to the making of regulations by the Secretary of State is an important mechanism to support Transport for the North’s ambition to transform the transport system across the North of England, providing the infrastructure needed to drive economic growth.

Alternative Options Considered and Rejected:

The recommendation set out in this report presents little risk to the Council. The draft regulations, when taken together, provide that Transport for the North will not be able to exercise any of the highway powers which they hold concurrently with the Council as Highway Authority. This is unless the manner in which it proposes to exercise the function has been approved by the Council, if the highway in question passes through the borough.

Furthermore there is no intention that TfN will itself become a Highway Authority and the draft regulations make it clear that before any highway powers may be exercised Transport for the North will need to obtain the express consent of the Council as Highway Authority to the manner in which the powers would be exercised. These powers would therefore only be exercised in circumstances where all the local Highway Authorities consider that there would be a benefit in Transport for the North carrying out any work.

It is also anticipated that before Transport for the North exercises any transport powers or functions it holds concurrently with any of the constituent authorities and highway authorities, they will enter into a written Protocol covering the way in which the functions will be exercised.

83. SOUTHPORT TOWN CENTRE - TOWNSCAPE HERITAGE LOTTERY APPLICATION

The Cabinet considered the report of the Head of Regeneration and Housing that sought approval from Cabinet to resubmit the Stage 1 application (of a 2 stage process) to the Heritage Lottery Fund (HLF) for the Townscape Heritage (TH) funding stream for Southport Town Centre including Lord Street and the Promenade Conservation Areas.

Decision Made: That Cabinet be requested to:

- (1) agree to the resubmission of a Stage 1 application for Heritage Lottery Funding for Southport Town Centre; and
- (2) that subject to approval of the Stage 1 application:
 - a) the Chief Planning Officer, in consultation with Cabinet Member for Planning and Building Control, is granted delegated authority to Develop the Project for a Stage 2 application and that;
 - b) prior to submission of the Stage 2 application, a further report is presented to Cabinet seeking its approval to proceed with the application and setting out the Partnership Funding arrangements and any required Council contribution;
 - c) £30,000 revenue funding is earmarked from within the Councils Economic Growth Programme to support the application; and
 - d) Note that based upon the current financial forecast for the £2.3m programme of works, that gap funding of £200,000 currently exists. In the event that this sum cannot be identified from external sources, the Council will be required to provide for this from its future years capital programme.

Reasons for the Decisions:

At the meeting of 21st July 2016 Cabinet agreed to the initial recommendations above to submit the Stage 1 bid and this was submitted in August 2016. This report rolls forward that authorisation for endorsement by Cabinet once again, to submit via the current and final TH funding stream.

Alternative Options Considered and Rejected:

The two Conservation Areas highlighted within the report were selected over others within the borough as they are currently classified as being "at risk" and so are in priority need of investment. The other four Conservation Areas "at risk" within the authority are not located within any Town Centre and do not have the identified need that that would suit the individual eligibility criteria and outcomes required as part of TH funding stream.

The TH funding stream was selected as a funding option, as there are currently no other grant funding streams available.

It should also be noted that this is the last opportunity to apply for the TH funding stream, which will be disbanded by HLF following this round of applications.

84. STRAND SHOPPING CENTRE, BOOTLE - UPDATE

The Cabinet considered the report of the Executive Director in relation to the Strand Shopping Centre, Bootle.

The report referred to additional internal governance that was required to provide an agile and commercial interface, operating within existing delegations in relation to the Investment Board, Chaired by the Chief Executive. The interface would also act as a working group of senior officers to direct and govern the activities of Framework for Change that would be specifically "commercial" in nature.

Decisions Made: That the Cabinet:

- (1) agree the formation of a new additional governance structure – the Investment Board;
- (2) agree the membership of the Investment Board, as detailed in the report;
- (3) note that the Investment Board will act as the commercial interface with the asset, the Strand Shopping Centre;
- (4) note that the Investment Board will guide and direct the activities of Strategic Investment across Framework for Change that are commercial in nature and that those decisions may be commercially confidential in nature
- (5) note that delegations to the Investment Board will remain as set by the Constitution;
- (6) note that the Investment Board will work in consultation with the Strategic Capital Investment Group and that formal decisions to be made, above the delegations of the Investment Board, will be made by Cabinet or by Council, as the Constitution determines; and
- (7) note that the Terms of Reference of the Investment Board and its

delegations will be reviewed by Cabinet on a frequent basis to ensure that the form of governance is responsive and effective to the needs of the business, acting in the best interests of the Council

Reasons for the Decisions:

The day to day running and investment decisions of commercial investment, including the Strand Shopping Centre, require an agile and commercial interface within the Council in order to competently transact its business, particularly where that commercial activity is not governed by a Company Board or other structure.

Alternative Options Considered and Rejected:

One alternative option was considered – to provide an interface within a single service area of the Council such as Regeneration and Economic Development or Corporate Services. This option was rejected based upon the need to provide an interface with a broader reach of commercial determination and corporate responsibility, which has delegated power to make day-to day decisions that respond appropriately to the needs of the business. Council processes and the speed and frequency of execution may hinder or reduce the competitive and operational integrity of the business.

85. REVENUE AND CAPITAL BUDGET PLAN 2017/18 - 2019/20

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 September; 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:

- (1) note the forecast deficit outturn position of £0.978m as at the end of September 2017;
- (2) note the progress to date on the achievement of approved Public Sector Reform savings for 2017/18;
- (3) note the forecast position on the collection of Council Tax and Business Rates for 2017/18; and,
- (4) note the current progress in the delivery of the 2017/18 Capital Programme.

Reasons for the Decisions:

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 September 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:

No alternative options were considered.

**86. REVENUE AND CAPITAL BUDGET PLAN 2017/18 - 2019/20:
ASSET MAXIMISATION PROCUREMENT REPORT**

The Cabinet considered the report of the Head of Corporate Resources that sought Cabinet approval for the proposed method of procurement and the basis of tender evaluation in connection with the proposed creation of Community Bases that would support the delivery of the Early Intervention and Prevention programme. The report also identified works that were required to support the wider staff accommodation project that would be centred in Magdalen House.

Decision Made:

That the Cabinet:

- (1) approve the proposal to proceed to tender for the procurement of building works required for the creation of the Community Bases and the adaptation of Magdalen House;
- (2) approve the proposed method of procurement and evaluation as set out within the report;
- (3) grant delegated authority to the Head of Corporate Resources in consultation with the Cabinet Member, Regulatory, Compliance & Corporate Services to award the contracts to the highest scoring bidder; and
- (4) authorise the Head of Regulation and Compliance to enter into Contracts with the successful Tenderers.

Reasons for the Decisions:

The Councils Public Sector Reform Programme, specifically Early Intervention and Prevention, Locality Teams, has progressed over the summer period 2017. Analysis and the design of what are referred to as Larger Bases has completed with recommendations made for a number of assets to undergo physical adaptations to support delivery. The report and recommendations seek authority to procure and tender for those works.

Alternative Options Considered and Rejected:

There are no alternative options available to those contained within the report.

87. ARMED FORCES MEMORANDUM OF UNDERSTANDING FOR THE LOCAL AUTHORITIES OF THE LIVERPOOL CITY REGION

The Cabinet considered the report of the Head of Regulation and Compliance that sought approval to adopt the Armed Forces Memorandum of Understanding (MOU) for the Local Authorities of the Liverpool City Region.

Decision Made:

That the Armed Forces Memorandum of Understanding for the Local Authorities of the Liverpool City Region be adopted.

Reason for the Decision:

To secure an integrated approach to support the local Armed Forces Community across the Liverpool City Region.

Alternative Options Considered and Rejected:

Not to adopt the Armed Forces MOU but this would potentially leave Sefton not providing the same level of support to the local Armed Forces Community as Liverpool City Region partners.

88. 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 Paragraphs 3 and 5 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.

89. RESTRICTED MINUTES OF THE PREVIOUS MEETING

Decision Made:

That the restricted minutes of the Cabinet meeting held on 5 October 2017 be confirmed as a correct record.