

CABINET

**MEETING HELD AT THE BIRKDALE ROOM, TOWN HALL,
SOUTHPORT
ON THURSDAY 22ND JUNE, 2023**

PRESENT: Councillor Fairclough (in the Chair)
Councillors Atkinson, Doyle, Hardy, Lappin and
Roscoe

ALSO PRESENT Councillor Sir Ron Watson

21. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Cummins, Ian Maher, Moncur and Veidman.

22. DECLARATIONS OF INTEREST

No declarations of any disclosable pecuniary interests or personal interests were received.

23. MINUTES OF THE PREVIOUS MEETINGS

Decision Made:

That the Minutes of the meetings held on 25 May 2023 and 8 June 2023 be confirmed as a correct record.

24. SPECIAL EDUCATIONAL NEEDS AND DISABILITIES JOINT COMMISSIONING PLAN

The Cabinet considered the joint report of the Executive Director of Children's Social Care and Education and Executive Director for Adult Social Care and Health/NHS Place Director presenting the draft Special Educational Needs and Disabilities (SEND) Joint Commissioning Strategy for 2023 – 2026 for consideration.

The report detailed the process of development and highlights the key points.

The following appendices were attached to the report:

- Equality Assessment Report
- The SEND Joint Commissioning Strategy 2023 – 2026
- Plan on the Page

Decision Made:

That:

- (1) the adoption of the draft Special Educational Needs and Disabilities (SEND) Joint Commissioning Strategy be considered and approved;
- (2) the commencement of all appropriate activity required to progress the actions as detailed in the Action Plan, including for example, procurement, consultation with employees and engagement with partners and contractual changes as the programme develops, be approved;
- (3) the fact that officers will comply with agreed HR policies and procedures including relevant consultation with Trade Unions and reports to the Cabinet Member (Regulatory, Compliance & Corporate Services) as required, be noted;
- (4) the fact that the Executive Director for Children's Social Care and Education and the Cheshire and Merseyside Place Director for Sefton will ensure strong leadership across the partnership and report to Lead Cabinet Members and the SEND Continuous Improvement Board on the progress of the Strategy, be noted; and
- (5) the progress made against the delivery of the Special Educational Needs and Disabilities (SEND) Joint Commissioning Strategy be reported to the Overview and Scrutiny Committee (Children's Services and Safeguarding) on a six monthly basis commencing in November 2023.

Reasons for the Decision:

It is a statutory requirement under the Children- and Families Act 2014 to have a defined Joint Commissioning Strategy for children and young people with SEND.

Oversight of delivery by Overview and Scrutiny Committee (Children's Services and Safeguarding) will ensure that progress is tracked and any issues identified can be escalated to Cabinet in a timely fashion.

Alternative Options Considered and Rejected:

Not applicable.

25. APPROVAL OF LIVERPOOL CITY REGION ZERO WASTE 2040 STRATEGIC FRAMEWORK

The Cabinet considered the report of the Executive Director - People seeking approval to adopt the key principles set out in the Liverpool City Region (LCR) Zero Waste 2040 Strategic Framework to minimise waste

related carbon emissions through actions to prevent, reduce, recycle and re-use waste.

Decision Made:

That:

- (1) the principles set out in the LCR Zero Waste 2040 Strategic Framework to reduce waste related carbon emissions be approved; and
- (2) the continued partnership working with Merseyside Recycling and Waste Authority (MRWA) and the other LCR local authorities (LA's) to deliver action to meet the Council's individual and collective climate targets, be approved.

Reasons for the Decision:

Opportunities to prevent, reuse and recycle waste can significantly reduce waste and associated carbon emissions. With the right approach, these resources could be prevented in the first place, reused or recycled. Waste prevention and reuse projects can help to support local communities, save people money and help to tackle climate change. A focus on resources being returned to a local, circular economy will also create additional green jobs. Efforts must be focused on influencing behavioural change to reduce waste, avoid contamination, improve performance and protect society from the impacts of climate change.

Alternative Options Considered and Rejected:

Sefton Council is defined as a waste collection authority (WCA) with a legal duty to collect waste in its area but then consign this waste to the nominated waste disposal authority (WDA) in this case (MRWA) for processing and treatment. This relationship is set out in legislation. Sefton could choose to operate in isolation from the other LCR waste collection authorities, but this option would remove the opportunity to collaborate to share resources, opportunities and risk in dealing with a common goal to reduce waste and achieve our respective net zero targets.

26. DRAFT BOOTLE AREA ACTION PLAN (PREFERRED OPTIONS)

The Cabinet considered the report of the Assistant Director of Place (Economic Growth and Housing) indicating that the Council was developing a Bootle Area Action Plan (AAP) to guide development and investment for the wider Bootle area. Once adopted it would form part of the Development Plan for Sefton alongside the Local Plan. It would cover a range of issues that have a land use component but will also look to address wider factors that influence the quality of those places in which people live, work, shop, socialise, undertake leisure activities, visit and invest.

The report indicated that an Area Action Plan must be prepared in accordance with national Planning Regulations. The first stage of preparation was identifying the issues that the Council considered the Area Action Plan would need to address and potential options for addressing those issues. Engagement on this stage, which took the form of an Issues and Options paper, was undertaken during November 2021 to January 2022.

Following this first stage, a draft Bootle Area Action Plan had been written. This was referred to as the Preferred Option stage. This report sought to secure approval for the draft Bootle AAP (Preferred Options) paper so that the Council could engage with residents, community groups, businesses, landowners and other stakeholders.

The following appendices were attached to the report:

- Draft Bootle Area Action Plan (Preferred Options)
- Draft Equalities Impact Assessment

Decision Made:

That

- (1) the draft Bootle Area Action Plan (Preferred Options) paper for publication and public engagement be approved;
- (2) delegated authority be granted to the Cabinet Member for Planning and Building Control, in consultation with the Assistant Director Place (Economic Growth and Housing) or the Chief Planning Officer, to make non-strategic changes to the draft Bootle Area Action Plan (Preferred Options) paper prior to publication; and
- (3) delegated authority be granted to the Chief Planning Officer, in consultation with the Cabinet Member for Planning and Building Control, to make minor editorial and presentational changes to the draft Bootle Area Action Plan (Preferred Options) paper prior to publication.

Reasons for the Decision:

To allow for the Bootle Area Action Plan to progress to the next formal stage of public engagement leading towards its progression, which includes a draft plan, submission plan, examination and adoption as part of the statutory development plan for the area.

Alternative Options Considered and Rejected:

Doing an Area Action Plan for a specific area is not statutory. However, choosing not to do one would miss an opportunity to set out a statutory framework for investment and regeneration in the Bootle area and to

coordinate a land use response to the various programmes underway in the Bootle area.

27. ASSESSMENT OF THE NEED TO REVIEW THE SEFTON LOCAL PLAN

The Cabinet considered the report of the Assistant Director of Place (Economic Growth and Housing) indicating that the Sefton Local Plan was adopted in April 2017. The National Planning Policy Framework (the 'Framework') set out that policies in local plans should be reviewed to assess whether they needed updating at least once every five years and should then be updated as necessary. If an update was required, this could take the form of either a partial or full update.

In December 2022, the government published its plans for a reformed planning system. Under this system, all Local Planning Authorities would be required to have a new style Local Plan under the reformed system within 30 months of the introduction of the new system. The reformed plan-making system was intended to be introduced in late 2024.

Those LPAs that were currently undertaking a Local Plan update, or were planning to start shortly, would have until the end of June 2025 to submit that Local Plan to be examined. As Sefton had not started a Local Plan update, it would not be possible to meet the June 2025 deadline. Therefore, regardless of whether any of the Local Plan policies needed updating, it would be reasonable to delay a new Local Plan until the reformed planning system was introduced and to use the time between now and then to prepare for that.

Notwithstanding the delay, the report demonstrated that, whilst some Local Plan policies did need updating, many of the key policies in the current Sefton Local Plan remained up to date. If it were not for the emerging reformed planning system, it was likely that a partial update of the Local Plan would be commenced, however this now would result in abortive work.

Decision Made:

That

- (1) the findings of the report would indicate that the Sefton Local Plan (2017) needed a partial update, but this should not be progressed until full details of the Government's changes to the planning system are published later this year, which will include details on what the new style Local Plans should look like and cover;
- (2) the findings of the report, that in relation to housing supply and delivery (including affordable housing), employment land supply and retail matters, the current Sefton Local Plan remains up-to-date and fit for purpose, be noted; and

- (3) a new Local Development Scheme be prepared to set out the timetable for the preparation of the new Local Plan, once the government have provided greater certainty on when the reformed plan-making system will be introduced.

Reasons for the Decision:

To endorse the decision to delay an update to the current Sefton Local Plan and to progress a new Local Plan under the reformed plan-making system which is expected to be introduced in late 2024. There is a danger that if we carry out an update (even a partial update) in advance of the publication of the Government's proposed changes to the planning system, which will include details on the new style Local Plans, that this could result in significant abortive work and wasted resources. It is therefore expedient to wait till the right time in the knowledge that the core policies of our Local plan remain strong.

Alternative Options Considered and Rejected:

To undertake a full Local Plan review now with a possible full or partial new Local Plan to be progressed. This would have to be ready for submission for examination by June 2025 and this is not a realistic option. The resources (staffing or financial) are not in place to such a new Local Plan in such a quick timescale and it is likely that if a Local Plan is progressed now that this work would have to be delayed, significantly amended, or abandoned in any case once the reformed plan-making system is implemented. In any case, this report sets out that many of the key policies in the current Local Plan remain up-to-date and the delay will not cause undue harm.

28. PETERHOUSE SCHOOL, SOUTHPORT – GOVERNANCE COMMITTEE AND MERSEY PORT HEALTH COMMITTEE – APPOINTMENT OF REPRESENTATIVES TO FILL VACANCIES

Further to Minute No. 8 (2) of the meeting held on 25 May 2023, the Cabinet considered the report of the Chief Legal and Democratic Officer that sought to appoint a representative to serve on the Peterhouse School, Southport – Governance Committee; and a member and a substitute member to serve on the Mersey Port Health Committee.

Decision Made:

That

- (1) Councillor Laura Lunn-Bates be appointed as a representative to serve on the Peterhouse School, Southport – Governance Committee and that the term of office expires on 23 May 2024; and
- (2) Councillor Cluskey be appointed as a member to serve on the Mersey Port Health Committee and Councillor McKee be appointed as Councillor Cluskey's substitute member; that Councillor Anne

Thompson be appointed as the substitute member for Councillor John Kelly; and that the terms of office expire on 23 May 2024.

Reasons for the Decision:

The Cabinet has delegated powers set out in Chapter 5, Paragraph 40 of the Constitution to appoint the Council's representatives to serve on Outside Bodies.

Alternative Options Considered and Rejected:

None.

29. ANNUAL PROGRESS REPORT CLIMATE EMERGENCY

The Cabinet considered the report of the Executive Director of Corporate Resources and Customer Services indicating that the Council declared a climate emergency in July 2019. Following that, declaration work has progressed within the Council and a climate emergency strategy and associated action plan created.

Annual reporting on progress made is required as part of the governance approach to the programme. Members were asked to note the progress made on achieving net zero carbon by 2030 and the programme of works supporting the Council's transition to low carbon working.

Decision Made:

That

the Council be recommended to:

- (1) note the progress made on the targets in the Sefton climate emergency strategy and action plan; and
- (2) 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 (Regulatory, Compliance and Corporate Services) 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 of the need to publish the report at the same time each year.

Reasons for the Decision:

To support the delivery of the Council motion that declared a climate emergency and ensure the Council is aligning with future regional area and national net zero targets.

Alternative Options Considered and Rejected:

Not acting would increase the risks to Sefton in future years, on the themes of energy cost and security, and climate change resilience (increased incidence of extreme weather events, sea level rise etc.). Sefton will also be subject to regional (2040) and national targets (2050) around achieving net zero, beyond the current scope of work, which will require additional action. Therefore, ensuring net zero emissions for Sefton Council operations is the first stage of this wider body of work.

30. FINANCIAL MANAGEMENT 20223/24 TO 2025/26 AND FRAMEWORK FOR CHANGE 2020 - REVENUE AND CAPITAL BUDGET UPDATE 2023/24 – JUNE UPDATE - ADDITIONAL CAPITAL ESTIMATES

The Cabinet considered the report of the Executive Director of Corporate Resources and Customer Services that set out supplementary capital and revenue estimates for approval in the Council's Capital Programme and revenue budget and an update on revised allocations of grant from central government and the Liverpool City Region Combined Authority.

Decision Made:

That

- (1) the Council be recommended to approve a supplementary capital estimate of £3.000m for Disabled Facilities Grants core programme in 2023/24 funded by the Better Care Fund;
- (2) the revised funding allocations for Schools Condition Grant and Devolved Formula Capital 2023/24 be noted;
- (3) the Council be recommended to approve a supplementary capital estimate of £1.350 for the scheme at St Teresa's funded by High Needs Capital Grant;
- (4) the Council be recommended to approve a supplementary capital estimate of £1.583m for inclusion in the capital programme for the sporting betterment of local schools funded by capital receipts;
- (5) the distribution of the Capital Receipt to the proposed list of schools as set out in paragraph 4.7 of the report, following the approval by Council of the supplementary capital estimate detailed above, be noted;
- (6) the Council be recommended to approve a supplementary capital estimate of £2.941m for inclusion in the capital programme for the A59 Key Route Network grant from the City Region Combined Authority;

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- (7) a supplementary capital estimate of £0.400m for Key Route Network – Maintenance grant from the City Region Combined Authority, be approved;
- (8) a supplementary estimate of £0.340m for Active Travel Tranche 4, comprising £0.326m capital and £0.014 revenue grant from the City Region Combined Authority, be approved;
- (9) the Council be recommended to approve a supplementary capital estimate of £1.500m for inclusion in the capital programme for the Crosby Town Centre scheme funded by grant from the City Region Combined Authority;
- (10) the Council be recommended to approve a supplementary capital estimate of £3.42m for inclusion in the capital programme for the A59 Northway Pedestrian/ Cycle Improvements scheme funded by grant from the City Region Combined Authority, developer's contributions, and Council resources;
- (11) the Council be recommended to approve a supplementary capital estimate of £3.300m for inclusion in the capital programme for the Carriageway Resurfacing Programme funded by grant from the City Region Combined Authority;

The Council is recommended to:

- (1) approve a supplementary capital estimate of £3.000m for Disabled Facilities Grants core programme in 2023/24 funded by the Better Care Fund;
- (2) approve a supplementary capital estimate of £1.350m for the scheme at St Teresa's funded by High Needs Capital Grant;
- (3) approve a supplementary capital estimate of £1.583m for inclusion in the capital programme for the sporting betterment of local schools funded by capital receipts;
- (4) approve a supplementary capital estimate of £0.240m for the enabling works at Crown Buildings funded by capital receipts;
- (5) approve a supplementary capital estimate of £2.941m for inclusion in the capital programme for the A59 Key Route Network grant from the City Region Combined Authority;
- (6) approve a supplementary capital estimate of £1.500m for inclusion in the capital programme for the Crosby Town Centre scheme funded by grant from the City Region Combined Authority;
- (7) approve a supplementary capital estimate of £3.42m for inclusion in the capital programme for the A59 Northway Pedestrian/ Cycle Improvements scheme funded by grant from the City Region

Combined Authority, developer's contributions, and Council resources; and

- (8) approve a supplementary capital estimate of £3.300m for inclusion in the capital programme for the Carriageway Resurfacing Programme funded by grant from the City Region Combined Authority.

Reasons for the Decision:

To approve updates to the capital programme and revenue budget so that they can be applied to schemes in the delivery of the Council's overall financial strategy.

Alternative Options Considered and Rejected:

Not Applicable.