

**THE "CALL IN" PERIOD FOR THIS SET OF MINUTES ENDS AT 12 NOON ON TUESDAY 25 SEPTEMBER, 2012. MINUTE NO's 54 (4) AND (9) AND 58 ARE NOT SUBJECT TO "CALL-IN."**

## **CABINET**

### **MEETING HELD AT THE TOWN HALL, SOUTHPORT ON THURSDAY 13TH SEPTEMBER, 2012**

**PRESENT:** Councillor P. Dowd (in the Chair)  
Councillors Cummins, Fairclough, Hardy, Maher and Moncur

**ALSO PRESENT:** Councillors Ashton, Keith, McGinnity and Welsh

#### **51. APOLOGIES FOR ABSENCE**

An apology for absence was received from Councillor Tweed.

#### **52. DECLARATIONS OF INTEREST**

No declarations of pecuniary interest were made.

The following declarations of personal interest were received:

<u>Officer</u>	<u>Minute No.</u>	<u>Reason</u>	<u>Action</u>
Mr. M. Fogg, Director of Corporate Support Services; Mr. B. Milburn, Strategic Director – Place and Mr. P. Morgan, Strategic Director - People	54 – Transformation Programme 2012 - 2015	Features of their posts are cited in the report	Stayed in the room and took no part in the consideration of the item relating to their posts.

#### **53. MINUTES OF PREVIOUS MEETING**

**RESOLVED:**

That the Minutes of the Cabinet meeting held on 16 August 2012 be confirmed as a correct record.

#### 54. TRANSFORMATION PROGRAMME 2012 - 2015

Further to Minute No. 36 of the meeting held on 16 August 2012, the Cabinet considered the report of the Head of Finance and ICT and the Head of Transformation which provided details of a package of potential savings options which could be progressed in order to move towards the achievement of a balanced budget in 2013/14 and 2014/15. At this stage the report sought approval to consult communities, partners, key stakeholders and employees, as appropriate, on the options prior to any consideration by Council.

The extent of the options identified in the report reflected the significant challenge of identifying a further £43.7 million of savings equivalent to an 18.5% reduction of the total net budget.

The report contained the following annexes:

- Annex A - Work Programme Timetable
- Annex B - Executive Summary of the Leisure Activity Review
- Annex C - Ongoing Business Efficiencies
- Annex D - Senior Management Structure
- Annex E - Options on which approval to commence internal consultation and engagement activity is sought
- Annex F - Options on which approval to commence consultation and engagement activity with the community is sought

The Chief Executive presented the report and indicated that the challenge of achieving £43.7 million of savings would present significant capacity issues and risks; that the options contained in the report would have implications for local communities; but that the Council would strive to mitigate such risks as far as possible. It would not be possible to mitigate all the risks. The Chief Executive concluded by stressing that at this stage of the process, approval was being sought to consult on the options and once the consultation was deemed to be complete that recommendations thereon would be submitted to future Cabinet meetings and meetings of the Council including the Council meeting on 22 November 2012.

Councillor Dowd mentioned the fact that all of the options contained in the report were not sufficient to meet the budget gap and that further options would need to be identified.

Members of the Cabinet raised questions on the following issues referred to in the report and Officers responded to the issues as referred to below:

Page / Paragraph in the Report	Question / Response
Page 122 Options C7.4 and C9.1  (Councillor	A number of items indicated that there would be "budget realignment", for example C7.4 and C9.1. Could officers confirm what this meant and what quality assurance work had the Finance Team undertaken with regard to these proposals?

<p>Cummins)</p>	<p>Response                  The Strategic Director – People commented that the items could be financed from alternative sources. Item C7.4 could be met from the Dedicated Schools Grant and C9.1 from the Drugs Action Team monies from Public Health.                  The Corporate Finance Manager commented that all budget proposals had been through a Quality Assurance process to confirm that the saving option was financially realistic and was feasible in the short and long term. He also stated that many of the items headed “Budget Re-alignment” were areas of underspend identified in 2011/12, that could continue as a budget reduction in future years.</p>
<p>Page 105                  Paragraph 7.9                  (Councillor Moncur)</p>	<p>In terms of the thematic option relating to Early Intervention and Prevention for the most vulnerable children and young people, he felt that the emphasis and direction of the option proposal in terms of early support was the right approach to be taken; and asked what would be the key principles we would use within the consultation and engagement process and who would be the key stakeholders.</p> <p>Response                  The Strategic Director - People responded by stating that an Early Intervention and Prevention approach had a moral imperative through preventing poor outcomes for children, young people and families, as well as a financial imperative of reducing high cost intervention when children were taken into care or were the subject of intensive child protection measures. In terms of the principles these would include:-</p> <ul style="list-style-type: none"> <li>- Working with families to reduce dependency and promote self reliance.</li> <li>- Sharing responsibility and responses amongst all integrated services to the needs of children, young people and their families.</li> <li>- Actively involving children, young people and families in terms of designing, planning and reviewing services.</li> <li>- Workforce development to support the development of multi-agency team working.</li> </ul> <p>The Strategic Director noted that the key stakeholders were the children, young people and families, as well as the range of partners represented in the Children’s Trust and Local Safeguarding Children’s Board.</p>

<p>Page 120 Option C3.3  (Councillor Hardy)</p>	<p>Regarding the deferral of the reinstatement of highways management funding of £800,000 from 2013/14 to 2014/15, how would this impact on highway safety and the programme of highway maintenance works next year?</p> <p>Response The Strategic Director – Place indicated that the deferment of the re-instatement of funding would not impact upon highway safety as work would always be prioritised to ensure the Council fulfilled its statutory highway safety duties. The main impacts would be seen in a reduction of routine and preventative maintenance particularly in residential side roads with maintenance priority being given to works on strategic routes. The department will maximise the use of all available resources, including external funding, to achieve the most cost effective delivery of the highway maintenance service.</p>
<p>Page 100 Paragraph 5.12  (Councillor Maher)</p>	<p>This paragraph indicated a saving of £1 million against integration. Were there any initial ideas as to how this would be achieved</p> <p>Response The Chief Executive indicated that the aim was to find the most cost effective and efficient way to co-ordinate services; that savings were anticipated to be made in management and staff costs by the integration of various teams; that resources would be targeted on the priorities identified by the Council; and that the £1 million figure was an estimate and would need to be reviewed and reported back to Cabinet.</p>
<p>Page 130 Option E1.1  (Councillor Fairclough)</p>	<p>Regarding the proposed savings in the Cleansing Service of £250,000 in 2013/14 and £50,000 in 2014/15, how could officers suggest that £300,000 could be taken from the service and there be little change in the cleanliness of any area noticed by the public?</p> <p>Response The Strategic Director – Place indicated that the impact from the reduction in funding would be minimised by:-</p> <ul style="list-style-type: none"> <li>• reviewing the demand for service against the resources allocated</li> <li>• the use of new technologies and working practices</li> </ul>

	<ul style="list-style-type: none"> <li>• the integration of similar functions across different areas of Council activity</li> <li>• more spot picking of litter and less general sweeping</li> </ul> <p>Whilst this may result in a slight rise in general detritus (i.e. back of pavement dirt/soil) the public would not see a general increase in litter on the ground.</p>
<p>Page 175 Option F3.2 (Councillor Hardy)</p>	<p>Regarding the remodelling of Day Opportunities for vulnerable adults it was noted that there was a significant savings figure of £1.75m over the two financial years attached to this option. Councillor Hardy commented that the report mentioned a feasibility pilot that had commenced with Sefton New Directions (SND) to explore extending the range of Day Opportunities for these vulnerable adults and asked for more details about the pilot.</p> <p>Response The Strategic Director - People confirmed that a pilot was taking place utilising four Leisure Centres across the Borough. These were Dunes, Netherton Activity Centre, Meadows and Crosby Lakeside. Prior to the pilot visits had taken place to other areas where Day Opportunities were offered in Leisure Centres. It was explained that the pilot would take place over two months, with a view to the extension of the range of and quality of Day Opportunities available through the various services offered in each of these Centres. As Members were aware most Day Opportunities were currently offered in Day Centres with limited activities. This joint pilot with SND aimed to open a much broader range of activities, as well as increasing the choice and independence of adults accessing this provision.</p>
<p>Page 103 Paragraph 7.7 (Councillor Moncur)</p>	<p>The important role played by the Voluntary, Community and Faith (VCF) Sector in Sefton was acknowledged and the proposed reduction in funding for this sector was referred to. How could the Council ensure that any reductions in funding would not have unforeseen consequences?</p> <p>Response The Chief Executive stressed that Cabinet was being asked to agree the commencement of a conversation with the VCF sector, local people and interested parties on the role that they could play in assisting the community and Council to meet the challenges</p>

	<p>ahead; and that the Council would work very closely with this sector on this crucial role to meet the challenges and reduce the reliance on public sector funding through consortia working.</p>
<p>Not applicable  (Councillor Fairclough)</p>	<p>It was noted that the Overview and Scrutiny Committee (Performance and Corporate Services) at its meeting to be held on 18 September would consider the work programme and approach contained in the Transformation report and that any comments would be fed back to the next meeting of the Cabinet on 11 October 2012.</p>

This was a Key Decision and was included in the Council's Forward Plan of Key Decisions.

RESOLVED: That:

- (1) it be noted that all of the figures in the report were working assumptions of efficiencies and options to be considered and the figures should not be seen as predetermining any decisions. Many of these options would be subject to consultation and engagement, and any figures indicated, are being used to facilitate outline budgetary forecasting only;
- (2) the work programme timetable contained in Annex A of the report be approved;

**Annex B – Leisure Activity Review**

- (3) the content of the Executive Summary of the Leisure Activity Review set out in Annex B of the report be noted;

**Annex C - Business Efficiencies to progress immediately and MTFP updates**

- (4) the Council at its meeting on 22 November 2012 be recommended to approve the business efficiencies and changes to the Medium Term Financial Plan as described in Annex C of the report and mandate Officers to commence engagement and implementation processes with partners, key stakeholders, employees and Trade Unions as appropriate, with a view to achieving the agreed changes at the earliest opportunity;
- (5) it be noted that the proposed changes table contained in Annex C of the report are various technical changes to specification, renegotiated contracts, establishment vacancies and/or budget planning adjustments, and it be noted that there is no change to service delivery for service users. As a consequence there would

be no equality implications to consider. Where changes effect establishment, Human Resource processes would cover any equality implications;

- (6) it be noted that standard Council procedures would be observed in the instances where the Council are required to inform the public of the issues set out Annexes C, E and F of the report;

**Options Requiring Internal Consultation**

- (7) Officers commence a consultation process with employees and Trade Unions (including but not limited to) to secure an agreement on terms and conditions options, including the issue of relevant statutory notifications, if appropriate;
- (8) the new senior management structure set out in paragraph 5.6 of the report be approved as the basis for consultation and the Chief Executive be given delegated authority to determine its implementation, together with the associated HAY Review including any potential equality implications;
- (9) the Council at its meeting on 22 November 2012, be recommended to give approval to the progression of the integration agenda as set out in paragraph 5.12 of the report and mandate Officers to commence consultation and implementation processes with partners, key stakeholders, employees and Trade Unions including the issue of relevant statutory and contractual notifications if appropriate, to achieve the changes at the earliest opportunity;
- (10) Officers be mandated to commence consultations with partners, key stakeholders, employees and Trade Unions on the options contained in Annex E of the report;
- (11) it be noted that Officers would comply with Human Resource policies and procedures and this would include regular Human Resource monitoring reports to the Cabinet Member - Corporate Services;

**Annex F - Options Requiring Consultation, Engagement or Information**

- (12) approval be given to the commencement of a conversation with the community in relation to an increase in Council Tax that could provide a balance with the need to identify additional savings;
- (13) Officers be mandated to commence consultation and engagement processes with the community, partners, key stakeholders, employees and Trade Unions on the options contained in Annex F of the report;

- (14) it be noted that the equality implications would be assessed should Members agree that the proposed options be taken forward at a later date and this would be reported to the Cabinet when final recommendations are submitted for consideration;

**Thematic Options Requiring External Consultation & Engagement**

- (15) approval be given to the commencement of a conversation with the community, employees and partners with regard to ways of working including service integrations as set out in paragraph 7.2 of the report;
- (16) approval be given to the commencement of a conversation with the community with regard to subsidies and charges referred to in paragraph 7.3 of the report, in order to understand the communities' views on which services they would be willing to pay for;
- (17) approval be given to the commencement of a process of communication to inform the public regarding the standards of service they can expect and those services that the Council cannot continue to provide, as indicated in paragraph 7.4 of the report;
- (18) approval be given to the commencement of a consultation with the community, partners and interested parties with regard to procurement and commissioning activities as indicated in paragraph 7.5 of the report;
- (19) approval be given to the commencement of a consultation with the private sector, local people and interested parties on the role that they could play in assisting the Council to meet the challenges ahead as indicated in paragraph 7.6 of the report;
- (20) approval be given to the commencement of a conversation with the voluntary, community and faith sector, local people and interested parties on the role that they could play in assisting the community and Council to meet the challenges ahead as indicated in paragraph 7.7 of the report;
- (21) approval be given to the commencement of a consultation with service users and all of our community partners to transform the way Sefton delivers the Social Care personalisation agenda as indicated in paragraph 7.8.3 of the report;
- (22) approval be given to the commencement of a consultation with those people who currently use day care services, including transport, and all of our community partners to transform the way the Council delivers day care opportunities in the future as indicated in paragraph 7.8.4 of the report;
- (23) approval be given to the commencement of a consultation with those people who currently use intermediate care services, and all



of our community partners to transform the way the Council delivers these services in the future as indicated in paragraph 7.8.5 of the report;

- (24) approval be given to the commencement of consultation and engagement on the early intervention and prevention agenda with communities, services users, their families and carers and providers of services as indicated in paragraph 7.9 of the report;
- (25) consultation and engagement processes be further developed to inform the public why an estimated £43.7 million had to be saved and to seek views as to how this shortfall could be met as indicated in paragraph 8.4 of the report;
- (26) Officers be authorised to consult on the options referred to in the report appropriately and where necessary to issue statutory notifications under Section 188 and issue form HR1 as indicated in paragraph 8.12 of the report; and
- (27) it be noted that the risks and mitigating actions identified in the annexes of this report had been taken into account when making delegated decisions and considering recommendations to Council.

#### **55. PORT MASTER PLAN WORKING GROUP – FINAL REPORT**

The Cabinet considered the report of the Overview and Scrutiny Management Board Working Group on the review of the Port of Liverpool Master Plan.

Councillor McGinnity, the Lead Member of the Working Group attended the meeting and outlined the content and recommendations set out in the report and responded to questions from Cabinet Members.

This was a Key Decision and was included in the Council's Forward Plan of Key Decisions.

RESOLVED: That:

- (1) the Director of Built Environment be requested to submit a monitoring report in relation to air quality to the Overview and Scrutiny Committee (Regeneration and Environmental Services) every six months;
- (2) the Director of Built Environment request Peel Holdings to review all its tenancy agreements with a view to including a "good neighbour" clause to minimise dust, dirt and noise pollution;
- (3) the Director of Built Environment be requested to approach Peel Holdings for a guarantee that Peel Holdings will recruit local residents, with the right attitude, to any additional job/post wherever possible;

- (4) the Director of Built Environment request Peel Holdings to continue to attract a potential operator to run a regular rail service to/from various origins/destinations at Seaforth, in order to minimise container traffic on the roads, and that a progress report be submitted six monthly to the Port Health Authority, of which Sefton MBC has representation on;
- (5) NHS Sefton be requested to report the results of the life style survey to the Overview and Scrutiny Committee (Health and Social Care) at their first opportunity;
- (6) NHS Sefton be requested to report the results of the Health Impact Assessment, to the Overview and Scrutiny Committee (Health and Social Care) at their first opportunity;
- (7) the Sefton Council representative(s) nominated to sit on the City Region Port Access Steering Group be requested to report progress regularly to the Cabinet Members for Communities and Environment, Regeneration and Tourism and Transportation in order that they may update the relevant Overview and Scrutiny Committees through their individual Cabinet Member Reports;
- (8) the Sefton Council representative(s) nominated to sit on the City Region Port Access Steering Group be requested to continue raising the concerns in relation to the increased traffic and increased pollution in order that a sensible long term highway solution may be considered, to include pedestrian safety;
- (9) the Director of Built Environment be requested to introduce a process whereby the relevant Agency (Environment Agency) communicate regularly to Sefton Council with regard to the monitoring of noise pollution and the results collected by the monitoring systems already in place at the Port;
- (10) the Director of Built Environment be requested to write to the Highways Agency, on behalf of the Council, requesting them to install a Horry Call System at appropriate points along the A5036 (Dunnings Bridge Road) to help in the plight to reduce pollution;
- (11) the Director of Built Environment be requested to manage, on behalf of the Council, the requests of expenditure from the Community Environment Fund, to Peel Ports;
- (12) the Director of Built Environment be requested to report progress on all areas of the Area Wide Study/Port Hinterland Study six monthly to the Overview and Scrutiny Committee (Regeneration and Environmental Services);

- (13) the Director of Built Environment be requested to send a representative to the Port Access Regulators Forum in order that the Council's concerns may be raised;
- (14) the Director of Built Environment request Peel Holdings to promote the guiding principles in relation to its Corporate Responsibility Report, to the companies operating on the Port in order that they create opportunities for the Community;
- (15) the Director of Built Environment be requested to advise Peel Holdings on the publication of a newsletter in order that the Community may be updated on progress of the Port Master Plan and understand the ways in which they can raise their concerns;
- (16) the Director of Built Environment be requested to review the arrangements, after 18 months, to determine progress and effectiveness of the actions; and
- (17) Councillor McGinnity, Working Group Members, officers and witnesses be thanked for their efforts and involvement in the production of the Port Master Plan Final Report.

#### **56. TROUBLED FAMILIES PROGRAMME**

The Cabinet considered the report of the Strategic Director – People which provided details of the award of revenue funding by the Department of Communities and Local Government for work with troubled families in Sefton and sought approval to the inclusion of the funding in the Revenue Budget.

This was a Key Decision and was included in the Council's Forward Plan of Key Decisions.

RESOLVED: That:

- (1) approval be given to inclusion of the £585,600 Troubled Families Programme funding in the Council's Revenue Budget for 2012/13; and
- (2) the Cabinet Member – Children, Schools, Families and Leisure receive updates on the delivery of the programme and successful outcomes of interventions.

#### **57. EXCLUSION OF PRESS AND PUBLIC**

RESOLVED:

That under Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following item of business on the grounds that it would involve the likely disclosure of exempt information as defined in Paragraph 6 of Part 1 of Schedule 12A to the

Act. The Public Interest Test has been applied and favours exclusion of the information from the press and public.

(The Chair agreed that the following item be considered as an urgent item under Section 100 B (3) (b) of the Local Government Act 1972 (as amended by the Local Government (Access to Information) Act 1985)

**58. HAWTHORNES' FREE SCHOOL - UPDATE**

The Cabinet considered the report of the Director of Corporate Support Services and the Director of Young People and Families which provided details of the action been taken by Council officers to resolve the position relating to the former staff from St George of England and St Wilfrid's High Schools who do not have a job in the Hawthorne's Free School . The report also provided Counsel's advice and to sought the views of the Cabinet on whether steps should be taken to seek a High Court Declaration.

Prior to commencing deliberations on the matter a leaflet was distributed to Members that had been submitted by the Pals of St. Georges relating to request for hardship loans.

RESOLVED: That:

- (1) the legal advice provided by Counsel (dated 29 August 2012) appended to this report and in particular the 'on balance' conclusion reached by Counsel with respect to an application of TUPE law and to the application to the High Court seeking a Declaration be noted;
- (2) following consideration of Counsel's advice, the Head of Corporate Legal Services be authorised to apply to the High Court for a Declaration as to the applicability of TUPE to the former staff of both St Wilfrid's Catholic High School and St George of England Specialist Engineering College;
- (3) consistent with the Council's belief that TUPE applies, the Cabinet's view was that it is not appropriate to grant hardship loans in these circumstances;
- (4) the Cabinet notes the difficult circumstances that the staff are in and the dignified manner in which they are conducting themselves in relation to the matters raised;
- (5) it be noted that the proposal is a Key Decision but it has 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) had given his consent under Rule 28 of the Access to Information Procedure Rules for these decisions to be treated as urgent on the basis that they cannot be reasonable deferred because the Council needs to instigate High Court proceedings as soon as is practicable; and

- (6) It be noted that the Leader of the Council and the Chair of the Overview and Scrutiny Committee (Children's Services) had given his consent under Rule 46 of the Overview and Scrutiny Procedure Rules for these decisions to be treated as urgent and not subject to "call in" on the basis that they cannot be reasonably deferred because they cannot be reasonable deferred because the Council needs to instigate High Court proceedings as soon as is practicable.