

**THE "CALL IN" PERIOD FOR THIS SET OF MINUTES ENDS AT 12 NOON ON WEDNESDAY 12 MARCH, 2014. MINUTE NO's 99, 100, 101, 102 AND 110(2) ARE NOT SUBJECT TO "CALL - IN".**

## **CABINET**

### **MEETING HELD AT THE TOWN HALL, SOUTHPORT ON THURSDAY 27TH FEBRUARY, 2014**

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

**ALSO PRESENT:** Councillors Ball and Hands

#### **95. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor Tweed.

#### **96. DECLARATIONS OF INTEREST**

No declarations of interest were made.

#### **97. MINUTES OF PREVIOUS MEETING**

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

That the minutes of the Cabinet meeting held on 16 January 2014 be confirmed as a correct record.

#### **98. 2013/14 BUDGET UPDATE**

The Cabinet considered the report of the Head of Finance and ICT which provided an update of the progress in the achievement of the approved savings for 2013 - 2015, and other risks within the 2013/14 budget; and a forecast of the collection rates for Council Tax and Business Rates in 2013/14.

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

That:

- (1) the progress to date on the achievement of approved savings for 2013/2014 be noted;
- (2) the potential impact on the Council general balances in 2013/14 should other savings not be achieved elsewhere in the budget, to bridge the current budget gap be noted;
- (3) The wider budget pressures being experienced in the remainder of the Budget be noted; and

- (4) The forecast position on the collection rates of Council Tax and Business Rates be noted;

**Reasons for Decision:**

To ensure Cabinet are informed of the latest position on the achievement of savings for the current financial year and to facilitate the achievement of the savings targets for 2014/15.

To identify wider budget pressures being experienced elsewhere in the Budget and to provide an update on the forecast outturn position on collection of Council Tax and Business Rates.

**Alternative Options Considered and Rejected:**

None:

**99. REVENUE BUDGET 2014 /15**

The Cabinet considered the report of the Head of Corporate Finance and ICT which identified required changes to the Medium Term Financial Plan, arising from the non-achievement of specific savings in 2013/2014, amendments to resources and anticipated expenditure variations for 2014/15; and requested Members to consider how the short fall of £4.781m would be met from a Council Tax increase, one-off resources and/or new sustainable options

The Head of Corporate Finance and ICT reported that the Overview & Scrutiny Committee (Performance and Corporate Services) at its meeting held on 18 February 2014 had considered and noted a report on the budget position.

The report also provided details of the level of fees and charges for 2014/2015 which had previously been considered by the appropriate Cabinet Member.

**Decision Made:**

That:

- (1) the updated Budget position for 2014/15 be noted;
- (2) the comments of the Overview & Scrutiny Committee (Performance and Corporate Services) be noted;
- (3) the level of fees and charges for 2014/15 be approved;
- (4) the Council at its meeting on 6 March 2014 be requested to identify the means of bridging the outstanding budget gap of £4.781m for 2014/15 and the level of the Council Tax increase for 2014/15.

**Reasons for Decision:**

To enable the Cabinet to consider the Budget position prior to the Budget Council to be held on 6 March 2014.

**Alternative Options Considered and Rejected:**

No. The Council has a legal obligation to set a balanced and robust budget and to set the Council Tax for 2014/2015 before 10 March 2014.

**100. TREASURY MANAGEMENT POLICY AND STRATEGY 2014/15**

The Cabinet considered the report of the Head of Corporate Finance and ICT which provided details of the proposed procedures and strategy to be adopted in respect of the Council's Treasury Management Function in 2014/15.

**Decision Made:**

That the Council be recommended to give approval to:

- (1) the Treasury Management Policy Document for 2014/15 as set out in Annex A of the report;
- (2) the Treasury Management Strategy Document for 2014/15 as set out in Annex B of the report;
- (3) the amendment to the Banking arrangements contained within the Financial Procedure Rules of the Constitution, as referred to in paragraph 3 and Annex A of the report; and
- (4) the basis to be used in the calculation of the Minimum Revenue Provision for Debt Repayment in 2014/15.

**Reasons for Decision:**

To enable the Council to effectively manage its treasury activities.

**Alternative Options considered and Rejected:**

None

**101. THE PRUDENTIAL CODE FOR CAPITAL FINANCE IN LOCAL AUTHORITIES - PRUDENTIAL INDICATORS 2014/15**

The Cabinet considered the report of the Head of Corporate Finance and ICT on proposals to establish the Prudential Indicators required under the Prudential Code of Capital Finance in Local Authorities. This would enable the Council to effectively manage its Capital Finance Activities and comply with the Chartered Institute of Public Finance and Accountancy Prudential Code of Capital Finance in Local Authorities.

**Decision Made:**

That the Council be recommended to:

- (1) approve the Prudential Indicators as detailed in the report, and summarised in Annex A of the report, be approved as the basis for compliance with The Prudential Code for Capital Finance in Local Authorities;
- (2) give approval to the relevant Prudential Indicators being amended, should any changes to unsupported borrowing be approved as part of the 2014/2015 Revenue Budget;
- (3) note that estimates of capital expenditure may change as grant allocations are received (paragraph 2.2); and
- (4) grant delegated authority to the Head of Corporate Finance & ICT to manage the Authorised Limit and Operational Boundary for external debt as detailed in Section 5 of the report.

**Reasons for Decision:**

To enable the Council to effectively manage its Capital Financing activities, and comply with the CIPFA Prudential Code for Capital Finance in Local Authorities.

**Alternative Options Considered and Rejected:**

None

**102. CAPITAL PROGRAMME 2013/14 AND CAPITAL ALLOCATIONS 2014/15**

The Cabinet considered the report of the Head of Corporate Finance and ICT which provided details of the 2014/2015 Capital Allocations received to date and to consider their use in the development of a new starts programme for 2014/2015.

**Decision Made:**

That:

- (1) the 2014/2015 capital allocations received to date as set out in paragraph 3.2 of the report be noted;
- (2) the capital schemes to be self financed as outlined in Appendix B of the report be included within the Capital Investment Plan;

- (3) the Council be recommended to approve for inclusion within the Capital Investment Plan, the Capital schemes to be funded from the 2014/15 Single Capital Pot as outlined in Appendix A of the report;
- (4) the Council be recommended to approve for inclusion in within the Capital Investment Plan, the Property Intervention Fund 2014/2015 allocation of £500,000 to be funded from Capital Receipts as outlined in paragraph 5 of the report; and
- (5) approval be given to Sefton Council acting as the lead Authority for the Port Access Scheme included in Appendix B of the report.

### **Reasons for Decision**

To update Members on the 2013/2014 Capital Investment Plan; inform Members of the 2014/15 Capital Allocations received to date; allow Members to consider how those allocations should be utilised and to seek approval for schemes that are self financed.

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

None.

### **103. BETTER CARE FUND**

Further to Minute No. 57 of the meeting of the Health and Wellbeing Board meeting held on 19 February 2014, the Cabinet considered the report of the Deputy Chief Executive which provided details of background to the Better Care Fund (BCF) (formerly the Integration Transformation Fund) and outlined the approach being taken in developing Sefton's Better Care Plan. The first stage of which, is that a BCF template had to be submitted by 14 February 2014 to NHS England (North), which would then be assured by that organisation, with support from the Local Government Association, to assess whether Seftons BCF, is sufficiently robust to deliver the Governments vision for the integration of health and social care.

### **Decision Made:**

That the first iteration of the Better Care Plan, as agreed by the Chair of the Health and Wellbeing Board, in consultation with the Cabinet Member - Older People and Health, which was submitted to the Government on the 14 February 2014 be approved.

### **Reasons for Decision:**

The Government is pooling resources within the Better Care Fund, and had nominally proposed the amount for each local area, subject to jointly developing with its Clinical Commissioning Groups a joint plan. The first stage of the process is to submit a planning template, which would be assured, to assess whether the plan was likely to deliver the governments

vision for integration of health and social care. The deadline for the template to be submitted was 14 February, 2014, and the Cabinet Member - Older People and Health, in consultation with the Cabinet Member - Children, Schools, Families and Leisure, as Chair of the Health and Wellbeing Board, agreed to submit the template by the deadline, but subject to the approval of the Cabinet on formal recommendation of the Health and Wellbeing Board. It is not known what the impact would be of none compliance with the process, but it is possible that the resources nominally allocated to Sefton would not be available. Therefore to ensure the resource is secured, the process has been complied with.

**Alternative Options Considered and Rejected:**

None

**104. ADULT SOCIAL CARE CHANGE PROGRAMME**

The Cabinet considered the report of the Director of Older People and the Head of Transformation which provided details of the Adult Social Care Change Programme which aimed to develop a model for Sefton Council's Adult Social Care (ASC) that was sustainable, modern and flexible, in the delivery of the four strategic priorities set out in the ASC Strategic plan 2013-20.

The strategic plan highlighted the Council's commitment to safeguarding; how the Council would focus resources on the most vulnerable; the need to work with our partners and the community; and the development of the market to deliver the required change.

**Decision Made:**

That:

- (1) it be noted that the changes associated with the Care Bill would be managed within the Adult Social Care Change Programme;
- (2) it be noted that £900,000, transferred from Health under Section 256 National Health Service Act 2006, would be invested to support the delivery of the new reablement pathway and increase the number of people being offered the benefit of reablement services;
- (3) officers be authorised to negotiate with New Directions the required variation in contract, subject to appropriate dialogue, so that the implementation of a payment by results arrangement for reablement activity would run in parallel to notice on the existing block contract arrangement;
- (4) the decision making process associated with respite be noted and officers be authorised to negotiate with New Directions the required variation in contract, subject to appropriate dialogue, so that when appropriate the new ways of working and associated

commissioning would run in parallel to notice on the existing block contract arrangement;

- (5) the resource allocated to the delivery of the change programme be continued for a further 12 months from the Modernisation Fund;
- (6) the financial and other risks to the Council be noted;
- (7) the ongoing consultation be noted and where appropriate, approval be given to commencement of consultation and engagement processes with service users, the community, partners, providers, key stakeholders, employees and Trade Unions;
- (8) officers be authorised to consult with care home providers on appropriate proposals for setting the Council's Usual Cost of Care, within the context and constraints of available resources, as set out in the Medium Term Financial Plan and as agreed with the Council's Section 151 Officer;
- (9) the Cabinet Member - Older People and Health be granted delegated authority to set the Council's Usual Cost for 2013/14 and 2014/15 within the context and constraints of available resources, as set out in the Medium Term Financial Plan and as agreed with the Council's Section 151 Officer, following conclusion of the consultation process;
- (10) approval be given to the virement of £1.056m from the Housing Related Support budget to the Community Care budget, with effect from April 2014;
- (11) the Contracts Procedure Rules be waived and approval given to the extension of existing Housing Related Support Contracts, for between 3-9 months (dependent upon the particular service and where a service is within the scope of another Council review, the timeline for that review) to enable the development of new Housing Related Support Commissioning Plans and subsequent Commissioning activity within the remaining budget available.

**Reasons for Decision:**

The Council had significant existing responsibilities for Adult Social Care (ASC) and invests considerable resources (£91 million per annum) into this service. The Adult Social Care Change Programme's overall aim was to develop a model for Sefton Council's Adult Social Care that is sustainable, modern and flexible, delivering the four strategic priorities as set out in the ASC Strategic Plan 2013-20 as approved in November 2013, and the delivery of the changes associated with the Care Bill.

New requirements, duties and responsibilities associated with the Care Bill would be designed, developed and implemented from April 2015 with full implementation planned for April 2016. In the light of the timescale,

breadth of changes and associated risks, it is important that the Council prepared for implementation despite of a lack of clarity about some of the key features.

**Alternative Options Considered and Rejected:**

Maintaining the status quo is not an option due to demographic and budgetary pressures and new legislation (Care Bill). The Council could wait for greater clarity in relation to the legislation before acting but this would pose significant risk that the Council would not be in a position to meet its statutory responsibilities when the Bill is enacted.

**105. FUTURE ARRANGEMENTS FOR THE PROCUREMENT OF EDUCATION, DAY AND RESIDENTIAL PLACES AT INDEPENDENT AND NON- MAINTAINED SPECIAL SCHOOLS**

The Cabinet considered the report of the Director of Young People and Families which provided details of the current position regarding the Authority's use of education, day and residential places at Independent and Non- Maintained Special Schools; and which sought approval to conduct a procurement process to establish a Framework Contract for the provision of Pre-16 education, day and residential places at independent and non- maintained special schools. The Contracts would take effect as from September 2014, with referrals for new placements being made from July 2014.

**Decision Made:**

That:

- (1) the developments regarding the authority's use of education, day and residential places at Independent and non-maintained special schools be noted;
- (2) the evaluation criteria for tenders to provide Pre-16 day and residential places at independent and non- maintained special schools from September 2014, as set out in paragraphs 6.1 and 7.1 of the report, be approved;
- (3) the Director of Young People and Families be authorised to accept the highest scoring tenders based on the evaluation criteria agreed; and
- (4) the contract be for 2 years with the option to extend for 1x2 year periods, subject to a satisfactory review.

**Reasons for Decision:**

To ensure that children and young people with the most severe and complex special educational needs are provided with high quality



specialist provision, matched to their individual needs, in line with the principles of best value.

**Alternative Options Considered and Rejected:**

None

**106. FUTURE ARRANGEMENTS FOR THE PROVISION OF OUTREACH SUPPORT FOR CHILDREN AND YOUNG PEOPLE WITH A DIAGNOSIS OF AN AUTISTIC SPECTRUM DISORDER**

The Cabinet considered the report of the Director of Young People and Families which provided details of the current position regarding the provision of support for children and young people with a diagnosis of an autistic spectrum disorder; sought approval to extend the existing arrangements with the current provider until the end of July 2014; and sought approval to conduct a procurement process to establish a Framework Contract for the provision of Outreach Support Services for children and young people with a diagnosis of an autistic spectrum disorder. The Contract(s) would take effect as from July 2014.

**Decision Made:**

That:

- (1) the developments regarding the support for children and young people with a diagnosis of an autistic spectrum disorder be noted;
- (2) approval be given to a notice been issued to the current provider to terminate the existing agreement with effect from July 2014.and to the extension of the current arrangements from 1 April 2014 to July 2014 while the tender process is conducted to select the appropriate provider;
- (3) the evaluation criteria for tenders to provide the outreach support service for children and young people with autistic spectrum disorder from 1 September 2014 be approved;
- (4) the Director of Young People and Families be authorised to accept the highest scoring tenders based on the evaluation criteria agreed; and
- (5) the contract be for 1 year with the option to extend for 1 year subject to a satisfactory review.

**Reasons for Decision:**

To ensure that children and young people with autistic spectrum disorder are provided with high quality outreach support, matched to their individual special educational needs, in line with the principles of best value.

**Alternative Options Considered and Rejected:**

None.

**107. EUROPEAN STRUCTURAL AND INVESTMENT FUNDS STRATEGY 2014 -2020**

The Cabinet considered the report of the Director of Built Environment which provided details of the final version of the European Structural and Investment Funds Strategy 2014-20 for the Liverpool City Region, and sought approval to the next steps with regard to the commissioning, investment and delivery of the Strategy.

Cabinet Members referred to the action being taken by Rotherham Borough Council (on behalf of Sheffield and Liverpool city regions) in taking the Secretary of State for Business, Innovation and Skills to Judicial Review on the grounds that he misallocated the UK's EU funding to former Objective 1 regions. The allocation to Liverpool City Region is 40% below what was received in 2007-13, well below expectations. The Chief Executive reported that the hearing was concluded in late January 2014 and Members would be advised of the outcome as soon as it is made available and the implications per head of population in Sefton if the allocation remains the same.

**Decision Made:**

That:

- (1) the European Structural and Investment Funds Strategy 2014-20 for the Liverpool City Region be endorsed; and
- (2) the Director of Built Environment be requested to assess Sefton's readiness to deliver the new programme, and identify appropriate projects for consideration under the EU programme.

**Reasons for Decision:**

To inform the Cabinet of the funding opportunities presented by the £190 million spending programme for Liverpool City Region.

**Alternative Options Considered and Rejected:**

None.

**108. FOULING OF LAND BY DOGS - DOG CONTROL ORDER**

The Cabinet considered the report of the Director of Built Environment which provided details of the outcome of the consultation relating to the intention to create a new Dog Control Order under section 55 of the Clean Neighbourhoods and Environment Act 2005 and the Dog Control Orders (Prescribed Offences and Penalties Etc) Regulations 2006, the effect of

which would be to make it an offence to fail to remove dog faeces, forthwith, from land to which the Order relates.

**Decision Made:**

That approval be given to the making of a Dog Control Order under Section 55 of the Clean Neighbourhoods and Environment Act 2005 and the Dog Control Orders (Prescribed Offences and Penalties Etc) Regulations 2006; to be known as the Fouling of Land by Dogs (Metropolitan Borough of Sefton) Order 2014.

**Reasons for Decision:**

To allow the Council to proceed with a new order relating to the fouling of land by dogs.

**Alternative Options Considered and Rejected:**

None.

**109. PROCUREMENT OF GREEN (GARDEN) WASTE COMPOSTING OUTLET**

The Cabinet considered the report of the Director of Street Scene which provided details of an EU-compliant tender exercise to be conducted, in collaboration with other Merseyside Councils for the provision of a green (garden) waste composting outlet.

**Decision Made:**

That:

- (1) the Director of Street Scene be authorised to conduct an OJEU Open Procedure tender exercise, in collaboration with other Merseyside Councils and with Sefton being the lead authority for the tender exercise, for a new contract to run for a period of two years from 1 November 2014, with the option of three one-year extensions;
- (2) approval be given to the basis of evaluation of tenders as set out in paragraph 2.2 of the report; and
- (3) the Director of Street Scene be authorised to approve the contract award to the highest scoring tenderer in accordance with the approved basis of evaluation and to report on the outcome to the Cabinet Member for Communities and Environment.

**Reasons for Decision:**

The current contract held by White Moss Horticulture expires on 31 October 2014. The undertaking of a collaborative tender exercise with

other Merseyside Councils for the new contract would realise benefits and economies of scale by combining the different requirements under the one contract and it would be required to follow an OJEU Open Procedure in collaboration with the Merseyside Councils.

**Alternative Options Considered and Rejected:**

If the collaborative tendering process was not undertaken, Sefton Council would be required to undertake such an exercise on its own in order to have a contracted disposal outlet in place by November 2014. It is likely that the disposal cost per tonne would increase if the Council were to undertake the exercise alone.

**110. PROGRAMME OF MEETINGS 2014/15**

The Cabinet considered the report of the Director of Corporate Services which provided details of the proposed Programme of Meetings for the 2014/15 Municipal Year.

The Director reported that the dates of meetings for the Health and Wellbeing Board in 2014/15 were subject to further review and indicated that the revised dates would be incorporated into the report to be submitted to Council on 24 April 2014.

**Decision Made:**

That:

- (1) the Programme of Meetings for the Cabinet, Public Engagement and Consultation Panel, Sefton Borough Partnership Operations Board, and Sefton Safer Communities Partnership for 2014/15 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, Area Committees and the Health and Wellbeing Board for 2014/15 as set out in Annexes B, C, D and E of the report.

**Reason for Decision:**

To enable the business of the Council and the various Committees to be conducted during the 2013/14 Municipal Year.

**Alternative Options Considered and Rejected:**

None.

**111. MERSEY FOREST STEERING GROUP - CHANGE IN COUNCIL'S APPOINTED REPRESENTATIVE**

The Cabinet considered the report of the Director of Corporate Services seeking approval to a proposed change in the Council's representation on the Mersey Forest Steering Group for the remainder of the 2013/14 Municipal Year.

**Decision Made:**

That Councillor Lappin be appointed as the Council's representative on the Mersey Forest Steering Group for the remainder of the 2013/14 Municipal Year in place of Councillor Hardy.

**Reasons for Decision:**

The Cabinet has delegated powers to approve the Council's representatives to serve on Outside Bodies.

**Alternative Options Considered and Rejected:**

None