

**THE "CALL IN" PERIOD FOR THIS SET OF MINUTES ENDS AT 12 NOON ON FRIDAY 17 JULY, 2015. MINUTE NOS 16 AND 27 ARE NOT SUBJECT TO "CALL – IN."**

## **CABINET**

### **MEETING HELD AT THE TOWN HALL, SOUTHPORT ON FRIDAY 3RD JULY, 2015**

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

**ALSO PRESENT:** Councillors Ball, Dawson and McGuire

#### **11. APOLOGIES FOR ABSENCE**

No apologies for absence were received.

#### **12. DECLARATIONS OF INTEREST**

The following declaration of pecuniary interest was made and the Member concerned left the room during the consideration of the item:

<b>Member</b>	<b>Minute No.</b>	<b>Nature of Interest</b>
Councillor Veidman	4 - Voluntary, Community and Faith Sector Review	His employer is affected by the proposals in the report

#### **13. MINUTES OF PREVIOUS MEETING**

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

That the minutes of the Cabinet meeting held on 4 June 2015 be confirmed as a correct record.

#### **14. PUBLIC PETITION**

The Cabinet heard representations from Mrs Patricia O'Hanlon who had submitted a petition containing 27 signatures on behalf of the Maghull and Lydiate Action Group which stated: We are concerned that Sefton Council's Local Plan will result in Maghull and Lydiate losing virtually all its prime agricultural land and "We ask the Council to listen to the community, to re-examine Sefton Council's Local Plan and, above all, question the information supplied by Sefton Council officers in the formulation of this Local Plan."

In response to the representations made by Mrs O'Hanlon, Mr S. Matthews, the Local Plan Manager indicated that:

- The Local Plan had not been altered and it was proposed that the Plan agreed by the Council on 22 January 2015 be submitted to the Planning Inspectorate;
- A number of landowners had suggested 17 additional sites as proposed modifications to the Local Plan. These have not been included in the Plan, but would be considered by the Planning Inspector in due course;
- All of the submissions from objectors and landowners would be submitted to the Planning Inspector and published on the Council's website;
- The details of the requirement for 11,070 homes during the period of the Local Plan had been included in the report submitted to the Council meeting on 22 January 2015 which was available on the Council's website;
- Around half of the total supply of 11,070 homes was on brownfield sites. The Council had invited landowners and others on several occasions to suggest brownfield sites, which are capable of being developed, to be considered for inclusion in the Local Plan but the number of those sites submitted to the Council had fallen significantly;
- The additional sites submitted by a private company had not been included in the Local Plan by the Council but they would be examined by the Planning Inspector in due course; and
- Officers are required to produce an Infrastructure Development Plan and need to ensure that studies are undertaken to provide up to date information in the Local Plan

**Decision Made:**

That the petition be noted

**Reasons for Decision:**

The representations made by the Lead Petitioner were considered and responded to at the meeting.

**Alternative Options Considered and Rejected:**

None.

**15. COUNCIL OWNED SITES IDENTIFIED FOR HOUSING DEVELOPMENT IN THE LOCAL PLAN**

The Cabinet considered the report of the Director of Built Environment which sought approval to a Cabinet resolution to progress the disposal of number of Council owned sites which were identified for housing development in the draft Local Plan after the Local Plan was adopted. The Planning Inspector examining the Local Plan later this year would expect

there to be a formal commitment to develop Council-owned sites that are proposed to be allocated for development in order to show that the sites were genuinely available for development.

The report indicated that some of the sites were within the existing urban area, although others currently have a restrictive planning designation such as Green Belt or Urban Greenspace. The draft Local Plan proposed to change the designation of these sites to become 'housing allocations' where new residential development would be promoted. Some of the sites are former schools with playing fields and a current playing pitch study was assessing the Borough's future need for playing pitches. At the time of disposal, all sites would be subject to the Council's asset disposal policy and all other associated considerations

**Decision Made:**

That, subject to the playing fields contained within some of the sites not being needed following the completion of the Playing Pitch Strategy, approval be given to the disposal of the sites identified in Table 1, in Paragraph 1.6 of the report for housing development within the specified timeframe.

**Reasons for Decision:**

To ensure that the Council-owned sites identified in the report remain in the Local Plan supply of housing development sites.

**Alternative Options Considered and Rejected:**

None.

**16. SEFTON LOCAL PLAN: SUBMISSION DRAFT**

The Cabinet considered the report of the Director of Built Environment which provided an update of key issues arising from the publication of the Local Plan and changes which have taken place since then, prior to the Plan being submitted for examination. The Council on 22 January 2015 had resolved to approve the draft Local Plan for publication and then submission to the Secretary of State for examination unless there was any material change to circumstances. The Department for Communities and Local Government (CLG) had subsequently updated their household projections in February 2015 and further work had been carried out to assess the implications of these for Sefton. These projections had been anticipated, and it had been expected that the housing requirement figure contained in the draft Plan would be able to accommodate any modest change which might result from these updated projections.

The Cabinet also considered a supplementary report of the Director of Built Environment which indicated that over the full 25 year period 2012-2037, the 2012-based household projections published by the CLG in

February 2015 projected annual household growth in Sefton of 533 per annum. This was a significant increase on the previous 2011-based (Interim) projections of 400 per annum between 2011 and 2021, and the 2008-based household projections of 323 per annum between 2008 and 2033. When comparing the 2012-based household projections of 533 per annum with the 2008-based projections of 323 per annum, this was a 65% increase, which was one of the highest rises experienced by any authority in the country.

This unexpected rise related in large part to under-recording of population in Liverpool during previous population projections and the incremental net migration to Sefton arising there from. This only came to light as information from the 2011 Census fed through into the most recent projections. This had been compounded by an ageing population and other trends in household formation in Sefton which had resulted in a growth in smaller households. The cumulative effect of all of these various factors had been significantly higher levels of household growth in the Borough than shown in previous household projections.

The Council's consultants NLP had previously calculated the level of "objectively assessed needs" for housing in Sefton and they had updated their analysis to take account of the latest household projections. However, any update of this kind had to reflect the latest employment forecasts, as required by paragraph 158 of the National Planning Policy Framework. These employment forecasts, and the consequent labour supply implications, had also gone up significantly since earlier forecasts which were reflected in the housing land requirement contained in the draft Local Plan.

The supplementary report set out three potential options as to how the Council might respond to the updated analysis of objectively assessed needs for housing in Sefton which had been produced after taking legal advice from Counsel.

Members of the Cabinet raised questions on the following issues referred to in the report and the Local Plan Manager, Mr S. Matthews responded to the issues as indicated below:

Why are the 2012-household projections so high and can the figures be challenged?

Response:

The projections have increased in large part to under-recording of population in Liverpool during previous population projections and the incremental net migration to Sefton arising therefrom. This only came to light as information from the 2011 Census fed through into the most recent projections.

The Council's consultants NLP have discussed the figures with the Department for Communities and Local Government and the Office for National Statistics.

What are the chances of Option 3 being accepted by the Planning Inspector?

Response:

It was considered that there was a 50/50 chance of the Inspector accepting the proposals set out in Option 3 of the supplementary report. It would depend on the Inspector's interpretation of Government guidance and the application of policy.

The employment forecasts and labour supply implications have gone up significantly. How will this impact on the current objectively assessed needs for housing?

Response:

The Council would need to review and update the Consequences Study and undertake further work to review the implications for new housing of the economic forecasts and related labour supply issues in the Local Plan.

All local authorities have a duty to co-operate. What is the possibility of some of the neighbouring authorities taking up some of the extra household need?

Response:

Discussions would need to be held with officers of the Liverpool City Region authorities and West Lancashire Borough Council to explore the potential for addressing those needs which cannot be met in Sefton through sub-regional housing and employment studies, and a subsequent Green Belt study.

A Cabinet Member enquired how the Council would communicate the message to objectors and other interested parties that the Department for Communities and Local Government (DCLG) had increased the household projections and the Leader of the Council responded that the only way forward at this stage was to accept the proposals set out in Option 3 of the supplementary note and that following the Council meeting the full impact of the increased household projections and the proposed action to be taken be communicated to objectors, other interested parties and the public .

**Decision Made:**

- (1) the report and supplementary report be noted; and
- (2) the Council be recommended to:
  - (i) submit the Local Plan for examination using the current agreed objectively assessed needs for housing of 615 a year;
  - (ii) commit to an immediate review of the draft Plan;

- (iii) as part of the Duty to Co-operate, collaborate with the other Liverpool City Region authorities to carry out a sub-regional Housing study, Employment study and Green Belt study; and
- (iv) urgently review and update the 'Consequences Study', and undertake further work reviewing the economic forecasts and related labour supply issues

**Reasons for Decision:**

To brief Members on the issues arising from the publication of the draft Local Plan and the change of circumstances on the household projections since the Plan was published.

**Alternative Options Considered and Rejected:**

Not to brief Members, and to submit the Plan direct to Secretary of State. However, it was considered important to alert Members to the change of circumstances on the household projections as set out in Section 6 of the report.

**17. VOLUNTARY, COMMUNITY AND FAITH SECTOR REVIEW**

Further to Minute No. 48 of the meeting held on 15 January 2015, the Cabinet considered the report of the Director of Corporate Services which provided details of the review undertaken by officers of the services commissioned by the Council from the Voluntary, Community and Faith (VCF) Sector.

The report indicated that in broad terms, those services can be categorised by the following themes: Adult Health and Wellbeing; Children, Young People and Families; Information, Advice and Advocacy; Education, Training and Employability; and Faith and Worship.

It was proposed that discussions be held with the VCF organisations, and in the context of the proposals set out in the report, those discussions would explore the dependencies and interdependencies of proposals in terms of individual organisational impact, including the sustainability of the organisation, other sources and funding, as well as the use of Council funding to match for these funding sources. They would also include the following considerations:-

- The services offered by the organisations in terms of key themes of support e.g. domestic violence, mental health, children's services, social isolation and advocacy.
- The locality presence of the organisations in terms of providing community access to service provision within locality area either by direct provision or by hosting provision.
- Organisational leadership in terms of facilitated development of community capacity and capability and the promotion of community resilience. The discussions would also include funding provided to the VCF sector from the

Clinical Commissioning Groups (CCGs) of Southport and Formby and South Sefton, and officers from the CCGs will be part of that discussion as appropriate.

**Decision Made:**

That:

- (1) a new Integrated Youth Service be commissioned with an indicative budget of £270,000 and the specification for that commissioned service be agreed by the Cabinet Member for Children, Schools and Safeguarding;
- (2) a new Integrated Wellness Service be commissioned and the specification for that commissioned service be agreed as set out in Minute No. 18 below;
- (3) specific elements of Substance Misuse Services be commissioned in accordance with required budget reductions and the specification for those commissioned services be agreed by the Cabinet Member for Health and Wellbeing;
- (4) the Head of Communities be requested to undertake detailed discussions with Sefton Citizen's Advice Bureau and Sefton Council for Voluntary Services with a view to undertaking a new commissioning process within the context set out in paragraph 5.2 of the report;
- (5) the Director of Social Care and Health be requested to undertake detailed discussions with the Sefton Carer's Centre with a view to undertaking a new commissioning process within the context set out in paragraph 5.2 of the report;
- (6) the Head of Communities, in consultation with the Cabinet Member for Communities and Housing implement budget reductions of £27,000 from the budget for voluntary sector infrastructure; and
- (7) the Head of Adult Social Care in consultation with the Cabinet Member for Adult Social Care implement budget reductions of £152,769 from the overall budget of £394,880 relating to small grants in that sector.

**Reasons for Decision:**

To implement the budget savings required and to work towards a more co-ordinated commissioning process for the VCF sector.

**Alternative Options Considered and Rejected:**

None.

**18. PROCUREMENT OF AN INTEGRATED WELLNESS SERVICE**

The Cabinet considered the report of the Interim Director of Public Health which provided details of the proposed procurement exercise to be undertaken for the provision of a new Integrated Wellness Service to replace a number of healthy lifestyle service contracts which were due to expire on 31 March 2016.

**Decision Made:**

That:

- (1) the Interim Director of Public Health be authorised to conduct an OJEU Light-Touch Regime tender exercise for a new Integrated Wellness Service to run for a period of three years from 1 April 2016 with the option of two further one-year extensions;
- (2) the basis of evaluation of the tenders as set out in the report be approved; and
- (3) the Interim Director of Public Health be given delegated powers to award the new contracts to the highest scoring bidder(s) in accordance with the approved basis of evaluation and to report on the outcome to the Cabinet Member – Health and Wellbeing.

**Reasons for Decision:**

Individual healthy lifestyle services would be replaced by a new integrated wellness service from 2016. This move was to enable services to work collectively to ensure that local residents get all of the information and support they need to improve their health and make lasting behaviour change.

The tender exercise would be required to follow an OJEU Light-Touch Regime Open Procedure. As part of this process; approval was required for Chief Officer delegated authority to award the contract at the end of the tender process.

**Alternative Options Considered and Rejected:**

The implications of deciding not to procure replacement services would be:

- Contracts for individual services would expire resulting in a lack of service provision for local residents. If permission was not granted then there would not be enough time to complete the tender process.
- An increase in residents with multiple unhealthy lifestyle behaviours such as smoking, over weight and obesity and low mental wellbeing.
- A potential increase in expenditure for adult social care services if prevention services do not exist.

**19. CONTRACT EXTENSIONS FOR PUBLIC HEALTH SERVICES**



The Cabinet considered the report of the Interim Director of Public Health which provided details of a breach of the Council's Contract Procedure Rules; the proposed action to be taken on this issue and proposals for the on-going service provision of key public health services for a further 12 months with effect from 1 April 2015.

The Chief Executive indicated that a serious breach of the contract procedure rules had occurred as detailed in the report but no illegal activity had taken place. She apologised to the Cabinet and advised them that the details of a preliminary review into the circumstances of the breach would be submitted to the Leader of the Council as soon as possible and it would form the basis of a more comprehensive review to be undertaken to ensure that the contract procedure rules are fully adhered to in the future.

The Chief Executive also indicated that all Cabinet Members would be consulted during the period of the comprehensive review to ensure that their contributions were taken into account.

**Decision Made:**

That:

- (1) the breach of Contracts Procedure Rules Rule 1.2.8 referred to in the report be noted;
- (2) a waiver of the Council's Contract Procedure Rules be approved with respect to the contracts for:
  - a) Nicotine Replacement Treatment (NRT) and CHAMPIX medication for smoking cessation (intermediate smoking cessation service level 2);
  - b) Smoking Cessation Medicine Management IT system for NRT; and
  - c) NHS Health Checks;
- (3) it be noted that the contracts for the Nicotine Replacement Treatment (NRT) and CHAMPIX medication for smoking cessation (intermediate smoking cessation service level 2) and the Smoking Cessation Medicine Management IT system for NRT would be re-commissioned and procured as part of the previously authorised Integrated Wellness Service referred to in Minute No. 18 above;
- (4) the Head of Commissioning Support and Business Intelligence and the Interim Director of Public Health be authorised to commission the NHS Health Checks Service for 2016/17 immediately. Such commissioning to be the subject of a further report to the Cabinet Members for Health and Wellbeing and Regulatory, Compliance and Corporate Services to confirm the process, the timescale and any other pertinent information;

- (5) it be noted that a preliminary review was being undertaken by officers (Head of Commissioning Support and Business Intelligence supported by colleagues in Public Health) as to how these particular contracts had been allowed to lapse, resulting in a breach of the Council's contract procedure rules. This review would be reported to the Leader of the Council and would inform the basis for a more comprehensive review;
- (6) it be noted that a comprehensive review would be led by the Head of Commissioning Support and Business Intelligence and reported to the Cabinet Member for Regulatory, Compliance and Corporate Services to map current contract procurement processes across the Council, practice against those current processes and to review as appropriate in order to improve confidence and assurance into the Council's contract procurement processes. Such a review is to be completed and reported to the Cabinet Member by no later than 1 September 2015; and
- (7) it be noted 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 (Adult Social Care) had been consulted under Rule 27 of the Access to Information Procedure Rules of the Constitution, to the decision being made by the 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 continued provision of mandatory public health services would cease in the event of a delayed decision.

**Reasons for Decision:**

This was due to:

- Officers must comply with the Council's Contract Procedure Rules (Chapter 11 of the Constitution section H rule 129). Under the Contracts Procedure Rules contract extensions must be dealt with in line with Rule 1.2.8. Extension of contracts with a value below the applicable EU Spend threshold would require the written approval of the Cabinet Member following consideration of a written report from the Service Director setting out a justifying business case. Variations should only be granted in exceptional circumstances if it was established that this would achieve best value for the Council. Cabinet Member approval was not sought. Extending the contracts for these particular services in this way would not breach EU procurement rules.
- The current contractual arrangements expired on the 31 March 2015.
- The services covered by these contracts make an important contribution to improving public health outcomes particularly in

relation to cardiovascular disease and cancer and were included in the Council's public health responsibilities as outlined in the Health and Social Care Act 2012. The NHS Health Checks contract was a mandatory public health service.

- A 12 month extension of this particular contract would ensure that the service continued to be delivered during 2015/16. A new service specification would be issued with the 2013 Public Health contract for the 2015/16 contractual term. These services were delivered by NHS providers; predominantly through Sefton's 52 General Practitioners.
- Preparations for the procurement of the NHS Health Checks programme from 2016/17 onwards were currently being considered. Discussion would be initiated with the Clinical Commissioning Groups to explore integrated commissioning opportunities which would strengthen clinical governance, training and contract management arrangements.
- Each of these services sits within the umbrella of the new Integrated Wellness Service agreed by the Cabinet under Minute No. 18 above. The smoking services would be procured as part of the Integrated Wellness Service procurement process. As the most appropriate provider of the NHS Health Checks service, it was possible that local GPs would continue to deliver the service and there was a desire to explore integrated commissioning arrangements with the Clinical Commissioning Groups. This service would be commissioned and procured separately, whilst ensuring an effective route is implemented from and to the Integrated Wellness Service.

**Alternative Options Considered and Rejected:**

1) Procure a new service

Re-tendering was a protracted process which would result in cessation of key public health services in the interim. Furthermore, alternative providers are very limited. Following contract expiration, providers have continued to deliver services from 1 April 2015. Commissioning arrangements for 2016/17 were currently being developed. The smoking cessation contracts would be included in the Integrated Wellness Service tender and discussions would be initiated with the Clinical Commissioning Groups to explore integrated commissioning arrangements for the NHS Health Checks programme.

2) Cease service delivery

Within the Health and Social Care Act 2012, Local Authorities are required to provide NHS Health Checks which are a mandatory Public Health service. The implications of deciding not to procure replacement services would be a reputational and financial risk to the authority by the potential

failure to perform its statutory duty to deliver these services. In addition to potential litigation, the Public Health Grant may be compromised as this could constitute a failure to meet the grant conditions.

## **20. REFRESHED STRATEGY FOR DEMENTIA FOR SEFTON**

The Cabinet considered the report of the Director of Older People on the draft Dementia Strategy 2014 – 2019 which provided an overarching framework within which the Council and partners can provide positive, proactive approaches to service development and individualised support to ensure that older citizens experiencing dementia can access appropriate, joined-up services that are provided safely and effectively to maximise independence, choice and quality of life.

A Cabinet Member requested that executive summaries of strategy documents be submitted to the Cabinet in future together with the details of any action plans.

### **Decision Made:**

That

- (1) the content of the report and the feedback from the consultation and engagement process, as described in the report be noted;
- (2) the Draft Equality Analysis Report and the actions therein be approved;
- (3) the Dementia Strategy and associated papers be approved; and
- (4) in future, when any strategy documents are submitted to the Cabinet / Council for approval, the officers be requested to ensure that an executive summary of the strategy and any action plan is submitted with the report and that the full strategy document be included as a background document which would be accessible on the Council's website.

### **Reasons for Decision:**

Sefton's current strategy for Dementia, written following the publication of "Living Well with Dementia: A National Dementia Strategy" in 2009, ran from 2009 - 2014. There is therefore a need to refresh this in order to reflect changes in national policy and guidelines and the changes in structure to health services in Sefton.

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

None

## **21. COMMUNITY ADOLESCENT SERVICE - RESIDENTIAL ACCOMMODATION**

The Cabinet considered the report of the Director of Director of Young People and Families which provided details of proposals to invite tenders for a four bedded residential children's home as part of the Department for Education Innovation Programme to develop an adolescent service to commence in Summer 2015.

### **Decision Made:**

- (1) the tender process for the provision of a four bedded residential children's home as part of the adolescent service be approved;
- (2) the Director of Young People and Families be authorised to approve the short list of providers for the contract subject to the appropriate review of the Pre- Qualification Questionnaire;
- (3) the tenders be evaluated using the evaluation criteria set out in paragraph 2.3 of the report; and
- (4) the Director of Young People and Families be authorised to award the contract to the highest scoring tenderer.

### **Reasons for Decision:**

Sefton Council was currently developing a comprehensive Community Adolescence Service with significant financial support from the Department for Education Innovation Programme in the shape of a £1.1m grant. As part of this development and in keeping with the detail of the grant application the Council was seeking a partner from the Independent Sector to provide a dedicated residential care home. For the chosen provider of the residential care home, this represented an exciting opportunity to contribute to a new way of working with a high DfE profile.

The successful application by the Council to the Department for Education (DfE) outlined the partnership of the programme across statutory partners, the voluntary and the independent sector. The application specifically outlined the proposal to engage with an independent children's home provider for the supply of a four bedded home. This multi-sector partnership was seen as demonstrating the innovation that the DfE were seeking in making awards. There were currently 30 children's homes registered with Ofsted in the Borough, of these 3 (10%) are provided by the Council with the others being provided by the independent sector including some voluntary sector provision. In total these homes provide more than 130 beds with less than 30 of those beds being occupied by Children "Looked After" by the Council. In 2014/15 the Council spent £4.3m on residential care. Reducing the high costs of this provision is one of the purposes and success factors of the Innovation Programme.

The average cost of each of these beds was £2,500 per week, therefore the potential gross turnover of this sector, assuming full occupancy, is £16.9 million per annum.

The DfE Innovation Programme was a pilot and if it is not successful in supporting fewer adolescent children coming into care then it would not continue. Partnering with the independent sector was therefore not only innovative but reduced the risk to the Council during and beyond the lifetime of the programme.

There would be no capital costs incurred by the programme. It was expected that the conditions of the contract would achieve a 25% reduction in unit costs due to the “block” nature (4 beds) of the contract as opposed to “spot” purchase (individual beds).

Working in partnership across sectors including the independent sector was a critical element of the successful application for the £1.1m DfE grant. The partnership minimises the on-going risk to the Council during and beyond the programme lifetime. The contract would deliver improved value for money including reduced unit cost per bed in the residential sector.

**Alternative Options Considered and Rejected:**

The Council could provide this service itself but it was not consistent with the grant and it would be unlikely to be seen as “innovation” and therefore would not attract the grant award (£1.1m). In addition it would place significant recurrent cost to the Council and would not be provided at the projected cost.

**22. HIRED PASSENGER TRANSPORT FRAMEWORK AGREEMENT - EXTENSION**

The Cabinet considered the report of the Director of Street Scene which provided details of proposals to utilise the option of a 12 month extension of the current Hired Passenger Transport Framework Agreement for a period of 12 months from 1 January 2016 until 31 December 2016.

**Decision Made:**

That approval be given to the utilisation of the extension option of the current Hired Passenger Transport Framework Agreement for a period of 12 months from 1 January 2016 until 31 December 2016.

**Reasons for Decision:**

The current Framework Agreement, core period from 1 January 2014 to 31 December 2015, had an option to extend by 2 x 1 year extension periods at the discretion of Sefton Council and the extension was approved due to the successful performance of the existing suppliers over the preceding

two year period and the pricing remaining stable over the core period of the Framework Agreement.

**Alternative Options Considered and Rejected:**

None.

**23. SUSTAINABLE TRANSPORT ENHANCEMENT PROGRAMME – INCLUSION IN CAPITAL PROGRAMME**

The Cabinet considered the report of the Director of Built Environment which provided details of the allocations from the Local Growth Fund and sought approval for the inclusion of the allocation of £1,740,000 within the approved Capital Programme for the Sustainable Transport Enhancement Programme.

**Decision Made:**

That:

- (1) the allocations from the Combined Authority be noted;
- (2) approval be given to the inclusion of the allocation of £1,740,000 in the Capital Programme; and
- (3) officers be authorised to commence the commitment of the funds

**Reasons for Decision:**

To allow the funds to be committed to commence delivery of the bid and ensure the required spend is made in the current financial year.

**Alternative Options Considered and Rejected:**

None.

**24. ACCOUNTABLE BODY STATUS FOR AN ERDF APPLICATION**

The Cabinet considered the report of the Director of Built Environment which sought authority to progress the European Regional Development Fund application for a Liverpool City Region Low Carbon Retrofit Programme, and for the Council to act in the role of accountable body for the programme should it be approved.

**Decision Made:**

That:

- (1) approval be given to the progression of a European Regional Development Fund full application for a Liverpool City Region Low Carbon Retrofit Programme;
- (2) the business case for Sefton Council to assume accountable body status for a City Region Low Carbon programme be accepted in principle, and officers be requested to submit a risk assessment and mitigation plan to the Cabinet Member - Regeneration and Skills for approval; and
- (3) approval in principle be given to the use of approved expenditure within the Council's capital and revenue budgets to match funding made available through the European Programme, with detailed decision-making on availability, eligibility, monitoring, audit and other safeguards being delegated to the Head of Investment & Employment and Chief Financial Officer in order to advise the Cabinet Member - Regeneration and Skills.

**Reasons for Decision:**

The VIRIDIS (home energy saving) Partnership had explored the opportunity of being accountable body; however VIRIDIS was not an economic entity and therefore was unable to apply for ERDF funding directly or act as an accountable body. VIRIDIS was the collective name for a group of social landlords and local authorities in the Liverpool City Region. All six local authorities are members along with major social landlords with properties throughout the city region, including One Vision, Liverpool Mutual Homes, Liverpool Housing Trust, Helena Partnerships, Magenta Living, Your Housing, Regenda, Plus Dane, South Liverpool Housing, Villages Housing and Halton Housing Trust.

The activity and the majority of the members of the partnership fall outside of the remit of the Combined Authority and therefore it was not appropriate for the Combined Authority to act as Accountable Body for this type of initiative.

**Alternative Options Considered and Rejected:**

None. - Not to apply for European funding and act in an accountable body function would be to forego the opportunities arising from the European Structural Investment Fund programme available to the City Region.

**25. THE SEFTON COUNCIL PERMIT SCHEME**

The Cabinet considered the report of the Director of Built Environment which sought approval for officers to make an order as required by Government to confirm that the Sefton Council Permit Scheme is fully compliant with the revised statutory regulations and guidance.

**Decision Made:**



That:

- (1) the Head of Regulation and Compliance be granted authority to make an order to the effect that the Sefton Council Permit Scheme was compliant with the Government's revised statutory regulations and guidance;
- (2) authority be delegated to the Head of Regeneration and Housing to make any further necessary revisions to the scheme and report to Cabinet Member – Locality Services as appropriate; and
- (3) it be noted 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 (Regeneration and Skills) had been consulted under Rule 27 of the Access to Information Procedure Rules of the Constitution, to the decision being made by the 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 Council is required to make an order confirming that the Sefton Council Permit Scheme complies with revised statutory guidance (not yet published) no later than 1<sup>st</sup> September 2015.

**Reasons for Decision:**

The Government required that each authority operating a permit scheme 'makes an order' to confirm their scheme complies with revised statutory guidance.

**Alternative Options Considered and Rejected:**

None. The permit scheme would become illegal should the Council not proceed with the order

**26. FORMER BIRKDALE LIBRARY LIVERPOOL ROAD SOUTHPORT**

The Cabinet considered the report of the Director of Built Environment which provided details of the tenders received as a result of the marketing exercise for the sale of the Council's freehold interest in the former Birkdale Library Liverpool Road, Birkdale.

**Decision Made:**

That:

- (1) subject to the receipt of planning permission, approval be given to the Council disposing of its freehold interest in the former Birkdale

Library to the tenderer submitting the most advantageous bid, as detailed in Appendix 1, on the terms set out in the report; and

- (2) the Head of Regulation and Compliance be authorised to prepare the necessary legal documentation on the terms and conditions detailed in the tender documents, by way of a Building Lease followed by Conveyance of the freehold interest, or an appropriate alternative means of Transfer, if required.

**Reasons for Decision:**

Birkdale Library was declared surplus to operational requirements and the premises closed in December 2013. The premises were included in the Council's Asset Disposal Programme for 2015/16. Disposal would bring the premises into productive use and relieve the Council of an ongoing liability. The premises were registered as an Asset of Community Value so the obligations contained in the Localism Act legislation need to be followed by the Council.

**Alternative Options Considered and Rejected:**

The Council could retain the premises and continue to incur the holding costs.

(In accordance with Section 100B (4) (b) of the Local Government Act 1972, the Chair has agreed that the report be considered as a matter of urgency by reason of the need for the Cabinet to consider the commencement of the statutory consultation process relating to the proposal to close the School)

**27. ST AMBROSE BARLOW CATHOLIC HIGH SCHOOL - APPROVAL TO CONSULT ON THE CLOSURE OF THE SCHOOL**

The Cabinet considered the report of the Director of Young People and Families which indicated that the Governing Body of St Ambrose Barlow Catholic High School had met on 29 June 2015 to consider the financial position of the school going forward in the light of no foreseeable increase in pupil numbers and increasing costs, which were exacerbated by pension changes which would increase staffing costs by around 3% and the continued freeze in education funding at 2010 levels. The Governing Body had decided that they could not reduce costs further and be able to operate as a school delivering a suitable broad curriculum and a good standard of education. Given the legal requirement to set a balanced budget they had come to the sad conclusion that St Ambrose Barlow was no longer viable as a school and passed a resolution asking the Archdiocese of Liverpool to request Sefton Council to consult on the closure of St Ambrose Barlow High School in August 2016. The Archdiocese of Liverpool had subsequently requested the Council to consult on the closure of the School.

The report set out the current financial position of the School, the Ofsted classification of the School, number of pupil places and the statutory process and timetable for consultations to be held on the proposed closure of the School.

The Director of Young People and Families reported that the details of the proposed consultation arrangements would be submitted to an additional meeting of the Public Consultation and Engagement Panel to be held on 9 July 2015 for approval.

**Decision Made:**

That :

- (1) the request from the St Ambrose Barlow's Catholic High School Governing Body to close the school because they are no longer financially viable due to falling pupil rolls be noted;
- (2) the statutory process outlined in the report for the closure of the school be noted;
- (3) approval be given to the commencement of the statutory consultation process relating to the proposal to close St Ambrose Barlow Catholic High School with effect from 31 August 2016;
- (4) it be noted 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 consultation should commence before the end of term; and
- (5) it be noted that the Leader of the Council and the Chair of the Overview and Scrutiny Committee (Children's Services and Safeguarding) had given her consent under Rule 46 of the Overview and Scrutiny Procedure Rules for this decision) to be treated as urgent and not subject to "call in" on the basis that it cannot be reasonably deferred because the consultation should commence before the end of term.

**Reasons for Decision:**

The local authority has the statutory power to close a maintained school following the statutory process detailed in the report

**Alternative Options Considered and Rejected:**

None.

