

**THE "CALL IN" PERIOD FOR THIS SET OF MINUTES ENDS AT 12 NOON ON WEDNESDAY, 18 NOVEMBER 2015. MINUTE NOS. 67 AND 70 ARE NOT SUBJECT TO "CALL - IN."**

## **CABINET**

### **MEETING HELD AT THE COMMITTEE ROOM, TOWN HALL, BOOTLE ON THURSDAY 5TH NOVEMBER, 2015**

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

**ALSO PRESENT:** Councillors Dowd, Hands and Preece

#### **53. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor Cummins.

#### **54. DECLARATIONS OF INTEREST**

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

<b>Member</b>	<b>Minute No.</b>	<b>Nature of Interest</b>
Councillor Veidman	69 - Former Beach Road School and Training Centre Beach Road Litherland	He is the Cabinet Member for Planning and Building Control
Councillor Veidman	70 - Former Maghull Library and Youth Centre, Liverpool Road North, Maghull	He is the Cabinet Member for Planning and Building Control

#### **55. MINUTES OF PREVIOUS MEETING**

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

That the minutes of the Cabinet meeting held on 1 October 2015 be confirmed as a correct record.

**56. ST AMBROSE BARLOW CATHOLIC COLLEGE - PUBLIC PETITION**

The Cabinet heard representations from Lorraine Fay who had submitted a petition on behalf of the St Ambrose Barlow Parent Action Group containing 27,478 signatures (of which 3,860 signatures were from residents in Merseyside) which stated: Save St Ambrose Barlow High School.”

**Decision Made:**

That the petition and the representations made by the lead petitioner be noted and considered further during the consideration of the report by the Head of Schools and Families under Minute No. 57 below.

**Reason for Decision:**

To enable the Cabinet to consider the report by the Head of Schools and Families on the same issue in Minute No. 57 of the meeting.

**Alternative Options Considered and Rejected:**

None.

**57. ST AMBROSE BARLOW CATHOLIC COLLEGE - OUTCOME OF CONSULTATION ON THE PROPOSED CLOSURE OF THE SCHOOL**

Further to Minute No. 27 of the meeting held on 3 July 2015, the Cabinet considered the report on the Head of Schools and Families which provided details of the outcome of the consultation on the proposed closure of St Ambrose Barlow Catholic College (known as St Ambrose Barlow Catholic High School) and sought approval to publish a Statutory Notice relating to the proposal.

The Head of Regulation and Compliance referred to a letter of 3 November 2015 circulated to Members of the Cabinet and Officers by Turner’s Solicitors of Bridgend relating to the content of the report and advised the Cabinet that the correspondence did not delay Cabinet’s consideration of the officer report before them today. The Council will be responding to the correspondence in the near future.

The Head of Schools and Families outlined the content of the report and the next steps to be taken subject to the Cabinet agreeing to publish the statutory notice.

Members of the Cabinet raised questions to the following issues and the Head of Schools and Families responded to the issues as indicated below:

Paragraph 4.6 of the report indicates “no sustainable viable financial proposals have been put forward as of the consultation process.” Have
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any viable proposals been submitted since the publication of the report?

Response:

A number of representations have been received since the publication of the report but no sustainable viable financial proposals have been submitted.

Please can you outline the transitional arrangements to be made in the event of the school closing to protect the welfare of the children.

Response:

The school would continue to be operational until it was closed and provide support to pupils and families. The school would also work with the local authority and other schools to ensure that bespoke transitional arrangements are put in place for each pupil. Vulnerable children who have health and care plans and/or require high needs support would be supported by the local authority Special Education Needs and Inclusion Service to ensure that those children have a smooth transition into their new school.

Paragraph 6.1 in the report indicates that there are significant surplus pupil places in secondary schools in the south of the Borough. Are you confident that there is sufficient capacity in other Catholic schools in the area to accommodate all of the pupils from St Ambrose Barlow?

Response:

The Archdiocese have indicated that they can provide places for all Catholic and non-Catholic pupils from St Ambrose Barlow in other Catholic secondary schools in the area. There are significant alternative options should families wish to go to other schools.

**Decision Made:** That:

- (1) the responses to the statutory consultation process be noted;
- (2) it be noted that the Archdiocese of Liverpool had requested the Council to proceed with the publication of the statutory notice: and
- (3) approval be given to the publication of the Statutory Notice on the closure of St Ambrose Barlow Catholic College.

**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.

**58. DRAFT POST 16 SEN TRANSPORT POLICY STATEMENT FOR 2016-17**

Further to Minute No. 52 of the meeting held on 15 January 2015, The Cabinet considered the report on the Head of Schools and Families which provided details of the outcome of the consultation on Post 16 Special Education Needs (SEN) transport provision and proposals for the Post 16 SEN transport provision moving forward.

**Decision Made:** That:

- (1) the outcome of the consultation process on post 16 SEN transport to date be noted;
- (2) the pre scrutiny undertaken by Overview and Scrutiny Committee (Children's Services and Safeguarding) be noted;
- (3) the draft Post 16 Transport Policy statement 2016/17 set out in the report be approved for statutory consultation; and
- (4) a further report be submitted to the Cabinet on the final version of the Post 16 Transport policy following the statutory consultation period.

**Reasons for Decision:**

To agree the proposed changes to the Post 16 Transport Policy Statement

**Alternative Options Considered and Rejected:**

None - it is a statutory requirement to publish a Post 16 Transport Policy Statement.

**59. SCHOOL PERFORMANCE REVIEW - FINAL REPORT**

The Cabinet considered the report on the Head of Schools and Families which provided details of the review of the performance of secondary education in Sefton given the difference in Ofsted outcomes between primary and secondary schools particularly in the south of the borough. The report concluded the review undertaken by the School Performance Working Group and set out the recommendations to continue improving standards in secondary schools which were agreed by the Overview and Scrutiny Committee (Children's Services and Safeguarding) at its meeting on 22 September 2015.

**Decision Made:**

That approval be given to the recommendations for continued improvement in secondary school standards, as set out in paragraph 6 of

the report, together with the required resources as set out in paragraph 7 of the report.

**Reasons for Decision:**

The report concludes the review of the School Performance Working Group and makes recommendations to continue improving standards in secondary schools.

**Alternative Options Considered and Rejected:**

None

**60. CHILD SEXUAL EXPLOITATION - QUARTERLY DATA 2015/16**

The Cabinet considered the report on the Director of Social Care and Health which provided details of the referrals received by the Sefton Multi Agency Safeguarding Hub (MASH) which were related to child sexual exploitation (CSE) during Quarter 1 (1 April – 30 June 2015) and Quarter 2 (1 July – 30 September 2015) and the action that had been taken as a result.

A report had previously been submitted to the Cabinet on 26 March 2015 on the work being undertaken to safeguard children from Child Sexual Exploitation, in respect of the duties under the Local Government Act 1999 regarding governance and scrutiny of children and young people's services.

Members of the Cabinet referred to the recent informal meeting they had held with the Chief Constable and the Merseyside Police and Crime Commissioner when they were advised that the Government requires Merseyside Police to make £48 million of cuts by the end of the financial year 2018/19 and sought assurances that the budget cuts would not have an impact on the work undertaken by the Police on CSE issues. The Chief Executive indicated that she had written to the Chief Constable and requested details of the budget reductions and their impact upon Sefton once they are in the public domain.

**Decision Made:** That:

- (1) The work taking place in Sefton regarding Child Sexual Exploitation be noted;
- (2) it be noted that an update report will be submitted to the Cabinet at the end of each quarter and that the Cabinet Member – Children, Schools and Safeguarding will be updated on a regular basis; and
- (3) that the Chief Executive submit a report to the Cabinet on the impact of the Merseyside Police budget reductions on the Borough

of Sefton and in particular on the work undertaken by the Police on CSE issues, once they are in the public domain.

**Reasons for Decision:**

To ensure the Cabinet Members are aware of the partnership activity undertaken to safeguard children from child sexual exploitation in Sefton.

**Alternative Options Considered and Rejected:**

None

**61. COMMUNITY EQUIPMENT SERVICE**

The Cabinet considered the report on the Director of Social Care and Health which indicated that the current NHS and Local Authority Community Equipment Store operates under a Section 75 Partnership Agreement between Sefton Council and Liverpool Community Health Trust under the National Health Act 2006; and that the Council and NHS had to consider how this service is best designed and provided for in the future.

The report set out proposals in respect of the current agreement, which is due to end on the 31 March 2016, in the context of ensuring the ongoing provision of this valuable service and the timetable for succession / replacement of the current NHS Community Services provider.

**Decision Made:** That:

- (1) approval be given to the implementation of a new Section 75 Agreement with Liverpool Community Health Trust for the provision of a Community Equipment Store for the period 1 April 2016 to 31 March 2017; and
- (2) the Director of Social Care and Health be authorised to commission a new Community Equipment Service with effect from 1 April 2017.

**Reasons for Decision:**

Community equipment services play a vital role in supporting people of all ages to develop their full potential and to maintain their health, well-being and independence. Community equipment services are crucial to support;

- Reducing community acquired pressure ulcer incidents
- Supporting increasingly more complex discharges from hospital
- Supporting the End of Life pathway
- Supporting hospital admission avoidance
- Maintaining independence in the community

The operating costs of the present Community Equipment Store are jointly funded by Sefton's Clinical Commissioning Groups and the Council and run by Liverpool Community Health Services under a Section 75

partnership agreement with Sefton Council. Equipment budgets do not form part of the agreement, these costs are charged separately and directly to the appropriate organisation.

**Alternative Options Considered and Rejected:**

This service is required to provide essential health and wellbeing services. If these specialist services were to cease or become unavailable to Sefton residents this would have a major impact on the quality of life for the individuals concerned and on the health and care system as a whole.

The other options considered were:

- to commence an immediate procurement exercise to replace the existing service from 1 April 2016 - this option was not considered favourable due to the extremely tight timescale, the plans and timescales for replacement of the current NHS community services provider and because a procurement exercise would be more effective as an outcome of a comprehensive review of the current services and consideration of more effective, innovative, integrated and cost-effective ways of delivering the required outcomes. Some of the possible alternatives to be considered in identifying the best future service model, would involve developing a completely different service offer, merger of services currently delivered by different organisations and potentially completely different business models, consequently this review would be quite complex and needs sufficient time to undertake properly.
- Delivering the service in-house – the current service was largely staffed by Sefton Council employees and operates from a building that is leased by Sefton Council (the lease runs until 2017). There may be some TUPE implications related to the small number of NHS employees involved in delivery of the service and clinical oversight of the NHS elements of the service would need to be resolved. However, the key reason for rejection of this option at this point in time is the same as the above, that it is important to first determine the best future service model rather than simply re-procuring or internalising the existing service model.

**62. NHS HEALTH CHECKS AND INTEGRATED 0 - 19 YEARS' SERVICE**

Further to Minute No. 19 of the meeting held on 3 July 2015, the Cabinet considered the report on the Interim Head of Health and Wellbeing which provided details of the proposed commissioning arrangements for NHS Health Checks 2016 – 2018 based on a review of the existing local programme, national guidance and the requirements included in the Local Authorities (Public Health Functions and Entry to Premises by Local Healthwatch Representatives) Regulations 2013. The report also set out details of the proposed change of approach for the commissioning and procurement of an integrated 0 – 19 years' service.

**Decision Made: That:**

- (1) approval be given to Option 4 as outlined in section 4 of the report for NHS Health Checks for the contractual period 2016 – 2018 and the Interim Head of Health and Wellbeing be authorised to award the relevant contracts, within the identified budget
- (2) approval be given to the proposed changes in respect of the commissioning and procurement of an integrated 0 -19 years' service to commence 1 April 2017 and the Interim Head of Health and Wellbeing be authorised to award the relevant contracts, within the identified budget.

**Reasons for Decision:**

Cabinet previously agreed to extend the current contract arrangements for this Service in July 2015 and it was agreed that the future commissioning arrangements for the NHS Health Checks programme be subject to a further report to Cabinet to confirm the process, timescale and any other pertinent information. The current contractual arrangements would expire on 31 March 2016.

NHS Health Checks are a national, mandatory service included within the Local Authorities (Public Health Functions and Entry to Premises by Local Healthwatch Representatives) Regulations 2013 and the Health and Social Care Act 2012. NHS Health Checks make an important contribution to improving public health outcomes particularly in relation to cardiovascular disease and cancer.

**Alternative Options Considered and Rejected:**

This report includes consideration of the following procurement options for consideration and decision:

- Tender exercise via the Chest.
- Co-commissioner to CCG Quality Contract.
- Section 75 Agreement.
- Re-contract directly with GP's which requires waiver to Contract Procedure Rules.

**63. SEFTON LOCAL PLAN - FURTHER POST-SUBMISSION CHANGES**

Further to Minute No. 51 of the meeting held on 1 October 2015, the Cabinet considered the report on the Chief Executive which provided details of a number of proposed changes to the Local Plan following its submission for examination to take account of representations where they will help to secure that the Plan is 'sound', updated evidence and minor editorial changes which is regarded as good practice.



The Head of Regulation and Compliance referred to a letter of 4 November 2015 circulated to Members of the Cabinet and Officers by Burnett Planning and Development Limited relating to the proposed changes to Policy ED2 in the Local Plan, which were referred to in the report and advised the Cabinet that as the letter was addressed to the Local Plan Inspector, the issues raised in the letter were a matter for him to consider at the Local Plan examination, rather than the Cabinet to deal with.

**Decision Made:**

The list of proposed post submission changes to the Local Plan as set out in Annex 1 of the report be approved for consideration by the Planning Inspector at the Local Plan examination.

**Reasons for Decision:**

To have in place a number of proposed changes to the Local Plan prior to the examination hearings which are due to begin in mid-November 2015. This would help show how the Council intends to respond to a number of representations where it accepts the premise of the argument and which would help to make the Plan sound.

**Alternative Options Considered and Rejected:**

None. It is good practice to suggest post submission changes which the Council supports before the hearings stage of the examination of the Local Plan. This would also help to reduce the length of the hearings.

**64. CROSBY INVESTMENT STRATEGY**

The Cabinet considered the report on the Chief Executive which sought authorisation to publish the final report of the Crosby Investment Strategy following the final round of public consultation on the final draft document. The report indicated that the strategy provided a long term view in respect of the potential opportunities for development and improvements which would be used to guide future developments and attract investment in Crosby.

**Decision Made:**

That the Crosby Investment Strategy be approved to guide future development and investment strategies.

**Reasons for Decision:**

An approved Crosby Investment Strategy would help promote the opportunity for investment and development potential that can support the Crosby town centre.

**Alternative Options Considered and Rejected:**

None

**65. ANNUAL SERVICE CONTRACTS FOR HIGHWAY MAINTENANCE WORKS - EXTENSION OF CURRENT CONTRACTS**

The Cabinet considered the report on the Head of Locality Services – Commissioned which sought approval for the extension of the current Annual Service Contracts for Highway Maintenance Works from 1 April 2016 to 30 September 2016 at the latest to allow sufficient time for the the new arrangements for the new Annual Service Contracts to be made.

**Decision Made: That:**

- (1) the current Annual Service Contracts for Highway Maintenance Works be extended from 1 April 2016 to 30 September 2016 at the latest; and
- (2) the Head of Regulation and Compliance be authorised to make the necessary changes to the Contractual arrangements with each Contractor.

**Reasons for Decision:**

It is necessary to ensure that the transition of the delivery of Highway Maintenance works between the current Contractor and the Contractor appointed to deliver the Annual Service Contracts from 2016 onwards is as smooth as possible.

**Alternative Options Considered and Rejected:**

The programme of procurement of the Contractors to deliver the Annual Service Contracts for 2016 onwards had been developed to ensure that Contracts should be in place for April 2016. However there was a risk that the intensive process of assessing all the responses from potential suppliers to the OJEU notice, shortlisting contractors, progressing through a rigorous tender appraisal exercise and completing any potential negotiations over the transfer of workforce under the TUPE regulations may not be fully completed before April 2016. To mitigate this risk and to ensure a smooth delivery of all the works under each contract it was proposed to extend the timescale of the existing contracts to allow for services to continue to be delivered.

**66. FUTURE ARRANGEMENTS FOR REFUSE AND RECYCLING POST AUGUST 2016**

The Cabinet considered the report on the Head of Locality Services – Provision which provided details of an assessment of proposed future arrangements for refuse and recycling collections, and the changes that

would be required to implement a recommended option for all collection services post August 2016.

**Decision Made:**

That approval be given to the implementation of Option 2, (Introduce a fully co-mingled recycling collection service, whilst also continuing to deliver a food collection service, a residual waste collection service and a green “garden waste” collection service), as detailed within paragraph 37 of the report.

**Reasons for Decision:**

In September 2013 a report was presented to Cabinet outlining proposals to operate the Refuse Collection Service, the Green Composting Service, and to introduce plastic and card recycling collections, for the financial years 2014/15 and 2015/16. By utilising existing resources and funding streams, it was envisaged that all of the proposals contained within that report would be able to be delivered over the coming two years without the requirement for additional revenue support. During this two year period any impact arising from the amendments to the existing Alternating Weekly Collection (wheelie bin) service, and the changes to the garden waste collection service, were to be fully assessed.

In addition, the core period of the current contract for dry recycling was due to end in July 2016. It had been established that the option to extend for a further two years would not be acceptable to the existing Contractor on the current terms and conditions. A number of options have been developed and considered for the future provision of recycling collections. However, it was considered that Option 2 as detailed within the report was the most advantageous both financially and practicably for the Council.

It should also be noted that since January 2015 the Council has had a legal duty to assess whether the separate collection of key materials (paper, metal, plastic and glass) should be provided, especially if consideration is given to a change in collection methods. This is known as a ‘TEEP Assessment Process’ (Technically, Environmentally, Economically and Practicable) which is monitored, and may be challenged by the Environment Agency on behalf of the Department of Food and Rural Affairs.

A TEEP Assessment had been undertaken within Sefton to inform this report and it is felt that there is sufficient, suitable and adequate justification within the assessment to justify the changes to collection methods proposed within this report.

**Alternative Options Considered and Rejected:**

All options considered suitable are contained within the report.

## **67. EUROPEAN FUNDING APPLICATIONS**

Further to Minute No. 35 of the meeting held on 3 September 2015, the Cabinet considered the report on the Head of Inward Investment and Employment which provided details of the urgent decision taken by the Leader of the Council on 12 October 2015 to authorise the submission of full and final funding applications for two project proposals to the European Structural and Investment Fund for Liverpool City Region

### **Decision Made:**

That the report be noted.

### **Reasons for Decision:**

To note the decision taken by the Leader of the Council which would provide additional resources in line with the Cabinet's economic priorities to positively impact on the prosperity of Sefton and provide support for the most vulnerable (NEET, young unemployed, long-term workless).

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

There are currently no other funding options available for this work. Not to fund this project would severely reduce the Council's ability to support new business growth and attract inward investment in line with its economy priorities and objectives.

## **68. REVENUE BUDGET 2015/16 UPDATE**

The Cabinet considered the report on the Head of Corporate Support which provided details of the progress in the achievement of the approved savings for 2015/16 (and any residual savings carried forward from 2014/15); other financial risks elsewhere in the budget; the forecast on Council Tax and Business Rates collection; an update on the Government announcement of future years finance settlements; and the Council's potential financial impact (and proposed response to the Department of Health on the "Public Health grant allocation formula for 2016/17".

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

- (1) the progress to date on the achievement of approved savings for 2015/16 and residual savings carried forward from previous years be noted;
- (2) the wider financial pressures being experienced in the remainder of the Budget be noted;
- (3) the forecast position on the collection of Council Tax and Business Rates be noted;

- (4) the update on future years finance settlements as outlined in paragraph 7 of the report be noted; and
- (5) the proposed response to the Department of Health regarding the Council's significant concerns with the "Public Health grant allocation for 2015/16 and 2016/17", as set out in paragraph 8 of the report be approved and the Cabinet Member - Health and Wellbeing be granted delegated authority to agree the final response.

**Reasons for Decision:**

To ensure Cabinet are informed of the latest position on the achievement of savings for the current financial year and to identify wider budget pressures being experienced elsewhere in the budget. To provide an update on the forecast outturn position on the collection of Council Tax and Business Rates. An update on the announcement of future years Government finance settlements and the implications for the Budget timetable

**Alternative Options Considered and Rejected:**

None

**69. FORMER BEACH ROAD SCHOOL AND TRAINING CENTRE  
BEACH ROAD LITHERLAND**

The Cabinet considered the report of the Head of Corporate Support 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 School and Training Centre at Beach Road, Litherland.

**Decision Made: That:**

- (1) subject to the receipt of planning permission, the Council disposes of its freehold interest in the former School and Training Centre in Beach Road Litherland to the tenderer submitting the highest 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 Building Lease followed by Conveyance of the freehold interest, or an appropriate means of Transfer, if required.

**Reasons for Decision:**

Beach Road School was closed in 2008 and Ruthven Road Training Centre closed in 2013. The premises were declared surplus to operational

requirements. The Council is demolishing the premises leaving a cleared site for development. Both premises are included in the Council's Asset Disposal Programme for 2015/16. Disposal will bring the cleared site back into productive use.

**Alternative Options Considered and Rejected:**

The Council could retain the site and continue to meet the holding costs.

**70. FORMER MAGHULL LIBRARY AND YOUTH CENTRE,  
LIVERPOOL ROAD NORTH, MAGHULL**

Further to Minute No. 43 of the meeting held on 3 2015, the Cabinet considered the report of the Head of Corporate Support 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 Maghull Library and adjoining Youth Centre, Liverpool Road North, Maghull.

The previous decision of the Cabinet had been called-in and was considered by the Overview and Scrutiny Committee (Regulatory, Compliance and Corporate Services) on 22 October 2015. The Committee had decided that it should be referred back to Cabinet to enable information to be provided on the following issues:-

1. that the views of local residents were not taken into account
2. the local housing needs were not given adequate consideration particularly bearing in mind the ageing population of Maghull
3. the principle of social value was not taken into account
4. the requirement for a different mix of shopping opportunities on the site
5. the Maghull Neighbourhood Plan was not taken into account
6. the strategic opportunity for the development of the wider site/area, to provide a greater development opportunity, was not considered

The report provided information on the above issues in Paragraph 4.5 of the report.

**Decision Made:** That:

- (1) the additional information set out in Paragraph 4.5 of the report be noted;
- (2) subject to the receipt of planning permission, approval be given to disposal of the Council freehold interest in the former Maghull Library and Youth Centre to the highest bidding tenderer detailed in Appendix 1, on the terms set out in the report; and.
- (3) 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:**

Maghull Library relocated to new premises within the Meadows Leisure Centre in Maghull and the existing property was declared surplus to operational requirements. The adjoining Youth Centre had also been closed and declared surplus to requirements. The premises are 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.

**Alternative Options Considered and Rejected:**

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