

THE "CALL IN" PERIOD FOR THIS SET OF MINUTES ENDS AT 12 NOON ON MONDAY 24 APRIL, 2017. MINUTE NOS 103(5), 114 AND 119 ARE NOT SUBJECT TO "CALL - IN."

CABINET

MEETING HELD AT THE BIRKDALE ROOM, TOWN HALL, SOUTHPORT ON THURSDAY 6TH APRIL, 2017

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

ALSO PRESENT: Councillors Bennett, Dutton and McGuire
Councillor Pullin (Minute Nos 100 to 118 only)

100. APOLOGIES FOR ABSENCE

No apologies for absence were received.

101. DECLARATIONS OF INTEREST

In accordance with Paragraph 9 of the Council's Code of Conduct, the following declarations of personal interest were made:

Member	Minute No.	Nature of Interest
Councillor Fairclough	Minute No. 112 – Wadham Road, Bootle - Proposed Residents Parking Scheme	He lives in one of the roads referred to in the report (left the room during the consideration of the item:
Councillor John Joseph Kelly and Margaret Carney – Chief Executive	Minute No. 117 - Sefton New Directions Shareholder Report	They are Non-Executive Directors of Sefton New Directions (remained in the room during the consideration of the item)

102. MINUTES OF PREVIOUS MEETING

Decision Made:

That the minutes of the Cabinet meetings held on 9 March 2017 be confirmed as a correct record.

103. REVENUE AND CAPITAL BUDGET UPDATE 2016/17

The Cabinet considered the report of the Head of Corporate Resources which provided details of the current forecast revenue outturn position for the Council for 2016/17, as at the end of February 2017, which was informed by the latest analysis of expenditure and income due to the Council, in addition to the progress in delivering approved savings; the current forecast on Council Tax and Business Rates collection for 2016/17; the current position of the Capital Programme and proposals for three Section 106 schemes to be added to the Capital Programme.

Decision Made: That

- (1) the forecast surplus outturn position of £0.829m as at the end of February 2017, together with the potential impact on the Council's General Fund Reserves position be noted;
- (2) the progress to date on the achievement of approved savings for 2016/17 and residual savings carried forward from previous years be noted;
- (3) the forecast position on the collection of Council Tax and Business Rates for 2016/17 be noted;
- (4) the current position of the 2016/17 Capital Programme be noted; and
- (5) the Council be recommended to give approval to the inclusion of the additional capital allocations, outlined in paragraph 6.7 of the report, in the 2016/17 Capital Programme.

Reasons for Decision:

To ensure Cabinet are informed of the forecast outturn position for the 2016/17 revenue and capital budgets as at the end of February 2017 and to provide an updated forecast of the outturn position with regard to the collection of Council Tax and Business Rates. To ensure additional schemes, financed from Section 106 monies are included in the Capital Programme.

Alternative Options Considered and Rejected:

None.

104. ENERGY PROCUREMENT PLAN – ELECTRICITY 2018/19

The Cabinet considered the report of the Head of Corporate Resources which provided details of the proposed Energy Procurement Plan in respect of the purchase of electricity for the 2018/19 financial year.

Decision Made: That

- (1) approval be given to the proposals for the purchase of electricity for the 2018/19 financial year via the prolongation of the existing Scottish Power electricity supply framework;
- (2) the Head of Corporate Resources and Head of Commissioning Support and Business Intelligence, be authorised in conjunction with the Cabinet Member for Regulatory, Compliance and Corporate Services to accept the most appropriate framework price(s) for electricity supply in 2018/19;
- (3) the Head of Corporate Resources be authorised to explore the potential for joint energy procurement with other Local Authority partners and provided any arrangements are not detrimental to the Council's interests, permit such Local Authorities to join in with the Council's existing arrangement for 2018/19; and
- (4) the Head of Corporate Resources be authorised to explore with other Local Authorities the potential for future collaborative joint working arrangements.

Reasons for Decision:

The report set out the proposals for the procurement of electricity for the 2018/19 financial year. The specific recommendations were made on the basis that it was believed these provided the most advantageous option available.

Alternative Options Considered and Rejected:

The options available were set out within the body of the report. Failure to renew electricity supply arrangements in advance of the relevant expiration date would incur expensive non-contract penalty tariff rates.

105. COMMUNITY EQUIPMENT STORE

The Cabinet considered the report of the Director of Social Care and Health which provided details of proposals to extend the current Section 75 Partnership Agreement between Sefton Council and Liverpool Community Health Trust for the operation of the Sefton Community Equipment Store which was due to end on 31 March 2017, to enable the review on the operation of the equipment store to be concluded and the findings and recommendations to be reported to a future Cabinet meeting.

Decision Made: That

- (1) approval be given to the extension of the current Section 75 Agreement for a maximum period of one year from 1 April 2017 to 31 March 2018;

- (2) it be noted that the work that was being done to review of the Community Equipment Store which would shortly be reported to Cabinet; 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 (Adult Social Care and Health) 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 existing partnership agreement to provide community equipment stores in Sefton between Liverpool Community Health Trust and Sefton MBC will terminate on 31 March 2017.

Reasons for Decision:

The Section 75 Agreement governs the arrangements between the Council and Liverpool Community Health Trust. The current Agreement ceased on 31 March 2017 and a maximum extension of one year was requested to enable the review to conclude and to ensure that the "incoming Partner" is proportionately consulted.

Alternative Options Considered and Rejected:

None.

106. CHILD SEXUAL EXPLOITATION AND MISSING CHILDREN

The Cabinet considered the report of the Director of Social Care and Health which provided details of the work that agencies had undertaken to safeguard children from child sexual exploitation; and the children who have been reported as missing from home / care / education.

Decision Made: That

- (1) the report be noted; and
- (2) future reports on the work undertaken to safeguard children from child sexual exploitation and children who have been reported as missing, be submitted to Cabinet on an annual basis.

Reasons for Decision:

To ensure Cabinet Members are aware of the partnership activity undertaken to safeguard children from child sexual exploitation in Sefton and when they had been reported as missing, in respect of their duties

under the Children Act 1989 the general duty of every local authority to safeguard and promote the welfare of children within their area who are in need.

Alternative Options Considered and Rejected:

None.

107. SEFTON YOUNG CARERS

The Cabinet considered the report of the Head of Schools and Families which provided details of proposals to commence an external EU compliant procurement process for a young carers service.

Decision Made: That

- (1) the Head of Schools and Families be authorised to conduct an external EU compliant procurement process for a new contract to deliver the Young Carers Service, to run for a period of three years, with the option of 2 further one-year extensions;
- (2) approval be given to the basis of the evaluation of tenders as set out within the invitation to tender and in line with the contract procedure rules;
- (3) the Head of Schools and Families be authorised to accept the highestscoring tender in accordance with the approved basis of evaluation and to report on the outcome to the Cabinet Member - Children, Schools and Safeguarding; and
- (4) the Head of Schools and Families in consultation with the Cabinet Member - Children, Schools and Safeguarding be authorised to award the contract on completion of the tender process.

Reasons for Decision:

The current service provider was awarded the contract many years ago and the service has not gone to open market in the interim. The service to be provided, linked directly to the Council's aims in relation to Children and Young People and its responsibilities arising from statutory legislation.

Alternative Options Considered and Rejected:

The current contract was awarded many years ago, and the Council could continue with the current contractual agreement. This would lead to the Council being open to challenge from other providers who could provide the service.

Completing an external EU compliant procurement process for a young carers service would ensure the Council is procuring a service in line with

its contract procedure rules and the Council obtains best value in regard to cost and quality.

108. SKY MUSIC HUB (SEFTON AND KNOWSLEY YOUTH MUSIC HUB)

Further to Minute No. 21 of the meeting held on 21 July 2016, the Cabinet considered the report of the Head of Schools and Families which provided details of proposals for continuation of the Sefton and Knowsley Music Education Hub for a further three years until 31 March, 2020.

Decision Made: That

- (1) approval be given to Option 2 set out in the report, to continue the Sefton and Knowsley Youth Music Hub as the single Music Hub for the two Local Authority Areas, with Sefton Council acting as the Lead Hub organisation until 31 March 2020;
- (2) officers be authorised to enter into a Partnership Agreement for the continued joint Music Hub with Knowsley MBC from April 2017-March 2020 to meet the requirements of Music Hub funding, and
- (3) the annual progress report from the SKY Music Hub be submitted to the Cabinet Member - Children, Schools and Safeguarding.

Reasons for Decision:

The continuation of the single Music Education Hub across Sefton and Knowsley would continue to extend the range and improve the quality and impact of music education opportunities for children and young people across the two Local Authority Areas by harnessing complementary strengths.

The single music education hub for Sefton and Knowsley brings an economy of scale and therefore cost efficiencies. For example, the joint commissioning of Continuing Professional Development for teachers and shared activities for children and young people.

Alternative Options Considered and Rejected:

The options were set out in the report.

109. YOUNG PEOPLE AND FAMILY SUBSTANCE MISUSE SERVICE

The Cabinet considered the report of the Director of Public Health which provided details of the key findings of a review of the current arrangements for the provision of the Young People Substance Misuse (SMASH) Service and Breaking Intergenerational Family Substance Misuse (Breaking the Cycle) for the residents of Sefton and sought authorisation to commence a procurement process to establish an Integrated Young People and Family Substance Misuse Service.

Decision Made: That

- (1) the Director of Public Health be authorised to conduct an OJEU Light-Touch Regime tender exercise to establish a Young Person and Family Substance Misuse Service to run for a period of two-and-half years from 1st October 2017 with the option of two further one-year extensions with a ceiling price of £350,000 per annum; and
- (2) Director of Public Health be authorised in consultation with the Cabinet Member – Health and Wellbeing to award the contract to the highest scoring bidder, within the context of the approved budget and Medium Term Financial Plan.

Reasons for Decision:

The procurement of an Integrated Young People and Family Substance Misuse Service would enable the Council to realise savings by rationalising the management and administration cost of two separate services. Currently the SMASH Service is provided in-house by Sefton Council and Breaking the Cycle is provided by Addaction. The development of an integrated service specification would enable officers to incorporate findings from the Young Person's Health Needs Assessment and commission a flexible and responsive service in line with local need and national guidelines.

The procurement process would be required to follow an OJEU Light-Touch Regime Open Procedure. The value of the total contract requires Cabinet authorisation and delegation to a Chief Officer to award the contract at the end of the tender process.

Alternative Options Considered and Rejected:

- 1) To extend both the SMASH Young Peoples Substance Misuse Service contract and the Breaking the Cycle contract for a further twelve months.

This option would only provide a short-term solution with the option of re-procurement and possible integration having to be considered in twelve months.

- 2) To re-procure separate SMASH and Breaking the Cycle service providers.

This option would incur additional costs associated with the procurement process and not enable the Council to realise the efficiencies associated with an integrated service delivery model. It would not realise the benefits to families and young people of accessing and being treated by a single integrated service.

110. STREET LIGHTING MAINTENANCE AND INSTALLATION PRE-PROCUREMENT REPORT

The Cabinet considered the report of the Head of Locality Services - Commissioned which provided details of the proposed method of procurement and the basis of tender evaluation for the street lighting maintenance and installation term service contract.

Decision Made: That

- (1) approval be given to the proposed method of procurement and evaluation as set out within the report;
- (2) the Head of Locality Services Commissioned be authorised in consultation with the Cabinet Member – Locality Services to award the contract to the highest scoring bidder; and
- (3) the Head of Regulation and Compliance be authorised to enter into contracts with the successful Tenderer.

Reasons for Decision:

The Council had a statutory duty to maintain its Street Lighting asset. Historically this had been delivered via the in-house Street Lighting Team with support from external sub-contractors. Following the recent budget savings report, the Council had decided in March 2017 to decommission the in-house Street Lighting service. Therefore due to no other suitable alternative arrangements being available, the Council now needed to source an external provider / Contractor to deliver the service. By procuring a new service provider the Council would continue to fulfil its statutory duty.

Alternative Options Considered and Rejected:

The Council had consulted with the five other Authorities within the Liverpool City Region Combined Authority to establish how they deliver their own street lighting maintenance activities and whether they would have the ability to deliver Sefton's service moving forward through their existing service provision. The responses received confirmed that they would be unable to assist due to their existing contractual arrangements.

Therefore this only left the option to undertake a competitive procurement exercise.

111. HIRED PASSENGER TRANSPORT FRAMEWORK AGREEMENT 2018/20

The Cabinet considered the report of the Head of Locality Services - Commissioned which provided details of proposals to conduct a tender exercise in accordance with OJEU regulations and the Council's procurement regulations to establish a Framework Agreement for Hired Passenger Transport service providers

Decision Made: That

- (1) the Head of Service – Locality Services Commissioned be authorised to conduct an OJEU Open Procedure tender exercise for a new Framework Agreement to run for a period of two years from 1 January 2018, with the option of two further one-year extensions;
- (2) the basis of the tender evaluation will be MEAT (Most Economically Advantageous Tender) taking into consideration a balance between Price and Quality.
- (3) the Cabinet Member - Locality Services be granted delegated authority to establish the 2018/20 Framework Agreement on completion of the tender process.

Reasons for Decision:

The current framework agreement was made up of 24 hired passenger transport companies, in 4 lots, divided up into vehicle seating capacity. The core period will expire on 31 December 2017.

As part of this process, approval was needed for the Cabinet Member - Locality Services to have delegated authority to establish the Framework Agreement at the back end of the tender process

Alternative Options Considered and Rejected:

No. Based upon the level of requests from commissioning departments there was currently an ongoing need for the Council to provide specialist transport to some service users. As such, this procurement exercise and the subsequent establishment of a Framework Agreement provides the Council with the opportunity to procure services at the most economically advantageous rates, whilst also meeting the stringent Health and Safety and Safeguarding issues associated with transporting vulnerable adults and children.

112. M58 JUNCTION 1 NEW SLIP ROADS - COMPULSORY PURCHASE ORDER

Further to Minute No. 85 of the meeting held on 14 January 2016, the Cabinet considered the report of the Head of Locality Services - Commissioned which sought approval to make the Sefton Metropolitan Borough Council (M58 Junction 1 Improvements) Compulsory Purchase Order 2017 to enable the major transport scheme to be progressed by the Council.

The report indicated that in order to carry out the works it would be necessary to acquire land outside the ownership of the Council and whilst every effort was being made to acquire the land and other interests by negotiation it was considered necessary to make a compulsory purchase order to acquire those areas which were necessary to achieve the works, should negotiations not be successful.

Decision Made: That

- (1) approval be given to the Sefton Metropolitan Borough Council (M58 Junction 1 Improvements) Compulsory Purchase Order 2017 being made under Section 239 of the Highways Act 1980 and the Acquisition of Land Act 1981 to secure the compulsory acquisition of the land shown coloured pink on the plan attached at Appendix 1 of the report;
- (2) approval be given to the draft Statement of Reasons for making the said Order and the Head of Locality Services - Commissioned in consultation with the Head of Regulation & Compliance be authorised to finalise the Statement of Reasons for making the Order based on the draft set out in the report;
- (3) the Head of Locality Services – Commissioned be authorised in consultation with the Head of Regulation and Compliance to make, if necessary, minor or technical amendments to the Compulsory Purchase Order boundaries as shown on the plan at Appendix 1 of the report;
- (4) the Head of Regulation and Compliance be authorised to seal the Order and take all necessary and ancillary steps, including the publication and service of all statutory notices and the presentation of the Council's case at any public inquiry to secure the confirmation of the Compulsory Purchase Order by the Secretary of State;
- (5) the Head of Regulation and Compliance be authorised, once the Order has been confirmed, to take all necessary steps, including the publication of any notices to secure the vesting of the land in the Council, including as necessary the making of any General Vesting Declaration under the Compulsory Purchase (General Vesting Declarations) Act 1981 or to serve notices to treat and notices to

enter pursuant to the Compulsory Purchase Act 1965 or any legislation replacing or amending the same and thereafter to pay compensation due to affected landowners;

- (6) the Head of Locality Services - Commissioned be authorised to confirm the Order in the event that the Secretary of State notifies the Council that it has been given the power to confirm the Order, if it is still considered appropriate to do so;
- (7) approval be given to a Side Roads Order being made pursuant to Section 14 of the Highways Act 1980 to connect the new slip roads to the M58 motorway; and
- (8) the Head of Regulation and Compliance be authorised to seal the Side Roads Order and take all necessary and ancillary steps, including the publication and service of all statutory notices and the presentation of the Council's case at any public inquiry to secure the confirmation of the Side Roads Order by the Secretary of State.

Reasons for Decision:

The Council, had determined a programme for the delivery of the scheme in order to ensure that the £5.5m Growth Fund allocation to the scheme was claimed in full. In order to achieve this, costs needed to be expended before June 2019 (this is a condition within the Liverpool City Region Funding Offer). This required the land and associated rights to be secured and works to be delivered in advance of this date. As the acquisition of the necessary land was a key element of this programme, the Council had determined that a Compulsory Purchase Order would need to be served on affected properties surrounding the junction. Whilst negotiations were ongoing with landowners affected by the proposals, the tight timescales involved mean that it was necessary to make the proposed Order to guarantee delivery of the land.

The recommendation to make the compulsory purchase order is in line with the recommendations and considerations set out in the previous report to the dated on 3 September 2015.(Minute No. 37 refers)

The new slip roads would be constructed as highway that joins a trunk road (the M58), which was also being improved under the proposals, and therefore a Side Roads Order was necessary to effect the connection.

Alternative Options Considered and Rejected:

The Council could agree not to make a compulsory purchase order for the scheme, but would then be wholly dependent upon the various elements of land and associated rights to be secured by agreement with the landowners. Should this not be achieved within the programme then either the scheme wouldn't progress or, if the land was secured later than the programmed date and hence the construction extended beyond June

2019, the Council would be liable for additional costs as the full allocation from the Liverpool City Growth Fund wouldn't be drawn down in full.

113. WADHAM ROAD, BOOTLE - PROPOSED RESIDENTS PARKING SCHEME

Further to Minute No. 21 if the meeting of the South Sefton Area Committee held on 16 January 2017, the Cabinet considered the report of the Head of Locality Services - Commissioned which provided details of the proposed introduction of a Residents Privileged parking scheme in the Wadham Road area of Bootle following further consultation with local residents on the proposals and the proposed way forward.

The report indicated that as the Cabinet Member – Locality Services lived within one of the affected roads of the proposed parking scheme, he had declared an interest in this item and as such would be unable to determine the matter. Consequently and in line with Paragraph 33 of Chapter 5 of the Councils Constitution, the matter had been referred to the Cabinet for a decision.

Decision Made: That

- 1) the results of the public consultation on the proposed parking scheme be noted:
- (2) approval be given to the introduction of the Residents Privileged Parking scheme in Wadham Road (part), Bedford Road (part), Miranda Road (part), Queens Road (part), Bootle, together with associated 'limited waiting' restrictions as shown in Annex B of the report, subject to the necessary funding being confirmed by the Linacre and Derby Ward Members;
- (3) approval be given to the revocation of all existing Traffic Regulation Orders, as described within the report;
- (4) approval be given to the progression of the necessary Traffic Regulation Orders, including those of public consultation and the advertising the Council's intention to implement the Order;
- (5) in the event that no objections are received during the consultation process, referred to in (4) above, the Head of Regulation and Compliance be authorised to make the Order(s) and the Service Manager of Traffic and Transportation be authorise to implement the Order; and
- (6) In the event that objections are received during the consultation process the matter be referred to the appropriate South Sefton Area Committee for consideration in accordance with Rule 21 of Chapter 8 (Area Committees) of the Council's Constitution.

Reasons for Decision:

The Council had the power to revoke a Traffic Regulation Order (Part IV of Schedule 9 to the Road Traffic Regulation Act 1984) as well as the power to make a new Traffic Regulation Order (Section 1 of that Act). The authority to advertise new Traffic Regulation Orders was under the remit of Cabinet Member - Locality Services but in view of the Cabinet Member's interest in this item, it had been referred to the Cabinet for determination.

Alternative Options Considered and Rejected:

None.

114. ADOPTION OF THE SEFTON LOCAL PLAN

Further to Minute No. 22 of the Council meeting held on 16 June 2016, the Cabinet considered the report of the Head of Regeneration and Housing which provided details of the Inspector's Report on the Examination of the Sefton Local Plan which had been received by the Council and published on the website, in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012.

The Inspector's report indicated that, as submitted, the Local Plan had a number of deficiencies in relation to soundness and/or legal compliance for the reasons set out in the report. However, with the Main Modifications recommended by the Inspector to the Plan, the Sefton Local Plan now satisfied the requirements of Section 20(5) of the Planning and Compulsory Purchase Act 2004 (as amended) and met the criteria for soundness set out in the National Planning Policy Framework.

Having received the report, which indicates that the Local Plan has been found to be 'sound' the Council was now able to adopt the Local Plan and this would become the Development Plan for Sefton, which would enable the policies in it to be given full weight when determining planning applications and it would replace the Unitary Development Plan.

Decision Made: That

- (1) the Chief Planning Officer be granted delegated authority in conjunction with the Cabinet Member - Planning and Building Control to approve any additional minor modifications to the Local Plan consequential to the Main Modifications recommended by the Inspector, and any other minor editorial changes that do not amend the substance of the Plan; and
- (2) the Council be recommended to:
 - (a) give approval to the adoption of the Sefton Local Plan, including the Main Modifications set out in the Appendix to the Inspector's report (as attached to the report) and any

consequential changes to the Local Plan and the Policies Map and any minor changes as set out in this report or as agreed (1) above, as part of the statutory Development Plan for Sefton; and

- (b) note that the decision to adopt the Sefton Local Plan would be subject to a statutory legal challenge period of 6 weeks from the date of adoption.

Reasons for Decision:

When the Council adopts the Local Plan it would be given full weight when planning applications are determined, and would enable the jobs, homes and supporting infrastructure that Sefton needs to be delivered.

Alternative Options Considered and Rejected:

The Council could choose not to adopt the Local Plan. However, this would mean that it would lose control over where development takes place and that the infrastructure required to support development was not provided.

115. ERDF ACCOUNTABLE BODY STATUS

The Cabinet considered the report of the Head of Regeneration and Housing which provided details of proposals to progress a European Regional Development Fund application on behalf of Viridis for a Liverpool City Region Low Carbon Retrofit Project, and for the Council to act in the role of accountable body for the project should it be approved.

Decision Made: That

- (1) approval be given to Sefton Council acting as accountable body status for the Liverpool City Region low carbon retrofit project should the European Regional Development Fund application be successful;
- (2) approval be given to the full submission of the project for European Development Fund application on behalf of Viridis; 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 Viridis had not decided to progress with an European Regional Development Fund proposal at the point at which the Forward Plan was published.

Reasons for Decision:

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 and the associated benefits for the citizens of Sefton and wider Liverpool City Region.

Alternative Options Considered and Rejected:

The Viridis was not an economic entity and therefore was unable to apply for funding directly or act as an accountable body. Viridis is the collective name for a group of Registered Housing Providers (social landlords) and local authorities in the Liverpool City Region which Sefton Council project manages and therefore receives fees for acting in that capacity.

Registered Housing Providers had been approached about acting as accountable body and the response had been that they do not have the necessary skill, expertise and experience to fulfil the role.

As the activity would be undertaken by registered providers and falls outside of the remit of the Liverpool City Region Combined Authority, it was not appropriate for the Combined Authority to act as Accountable Body for this type of initiative.

116. TENDER FOR PROVISION OF ELECTORAL PRINTING FOR THE MERSEYSIDE REGION AND ASSOCIATE AUTHORITIES

The Cabinet considered the report of the Head of Compliance and Regulation which provided details of the proposed method of procurement and the basis of tender evaluation for the provision of electoral printing for the Merseyside authorities of Knowsley, Liverpool, St Helens, Sefton, Wirral and the associate authorities of Halton, Preston and West Lancashire, and sought delegated authority for the acceptance of the most advantageous bids received.

Decision Made: That

- (1) approval be given to proposed method of procurement and evaluation as set out within the report;
- (2) the Head of Regulation and Compliance be granted delegated authority to award the Contracts resulting from the procurement exercise; 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 (Regulatory, Compliance and

Corporate Services) had been consulted under Rule 27 of the Access to Information Procedure Rules of the Constitution, to the decision being made by 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 current print expires on the 30 June 2017 and sufficient time is required to undertake the necessary procurement process to ensure a new contract can be in place from the 1 July 2017.

Reasons for Decision:

The Returning Officer and Electoral Registration Officer had a statutory responsibility for the administration of elections and referenda and the compilation of the electoral register. These services require the sourcing of specialist printing in the form of poll cards, ballot papers, postal vote packs, annual canvass forms and other statutory documents.

A collaborative approach had been undertaken by all the Merseyside authorities on the administration and delivery of elections and electoral registration since 2004. As a result of this collaboration, the costs to each authority have been reduced due to economies of scale. Other authorities outside of Merseyside have recognised this approach in terms of offering best value and consistency in delivery of the service. As such, Halton, Preston and West Lancashire Councils have requested to be included in the process, which will strengthen the group and attract greater efficiencies.

Alternative Options Considered and Rejected:

That each authority, within the group, undertakes an individual procurement process. However, a recent joint procurement exercise to produce and print a booklet for the Liverpool City Region Combined Authorities Mayoral Election delivered a 30% saving on projected costs.

117. SEFTON NEW DIRECTIONS SHAREHOLDER REPORT

The Cabinet considered the report of the Head of Commissioning Support and Business Intelligence which provided an update on the Local Authority Controlled Company – Sefton New Directions

Decision Made: That

- (1) the report be noted;
- (2) an annual Shareholder report be provided to Cabinet;
- (3) the Council's commitment to continue to contract with Sefton New Directions for a further 24 month period to 31 March 2019 be re-affirmed;

- (4) a review of the contractual arrangements and governance of the company be undertaken and reported back to Cabinet in due course;
- (5) the ongoing review of the service specifications be noted; and
- (6) the Board of Sefton New Directions be requested to submit a report to the Cabinet on the use of surpluses identified, including the possibility of the payment of a dividend to the Council.

Reasons for Decision:

The Council was the sole shareholder in Sefton New Directions as it is a local authority controlled company established under the Local Government and Housing Act 1989.

Cabinet is authorised through the terms of delegation contained in the Constitution (Chapter 5, Paragraph 59) to take all necessary steps to manage and safeguard any shareholding the Council owns in a company. To improve the Council's governance of its shareholdings and oversight of the activities of the local authority controlled company it was recommended that reports of this nature be received by Cabinet.

Alternative Options Considered and Rejected:

It was an option to not bring a Shareholder Report to Cabinet as there was no explicit requirement to do so. This option was rejected as it was considered that receipt of such a report by Cabinet would improve the Council's governance of its shareholdings and oversight of the activities of the local authority controlled company.

118. EXCLUSION OF PRESS AND PUBLIC

The Head of Regulation and Compliance reported that in accordance with Regulation 5(6) of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, the Vice Chair of the Overview and Scrutiny Committee (Regeneration and Skills) had given his consent to the following item being considered in private by the Cabinet for the reasons set out below.

RESOLVED:

That, under the Local Authorities (Executive Arrangements) (Meetings and Access to Information)(England) Regulations 2012, the press and public be excluded from the meeting for the following item on the grounds that it involves the likely disclosure of exempt information as defined in Paragraphs 3 and 5 of Part 1 of Schedule 12A to the Local Government Act 1972. The Public Interest Test has been applied and favours exclusion of the information from the Press and Public.

119. COMMERCIAL ACQUISITION

The Cabinet considered the report of the Executive Director which provided details of proposals to make a commercial acquisition within the Borough and sought the relevant permissions accordingly.

Decision Made: That

- (1) the recommendations set out in the Business Case, appended to the report, be approved;
- (2) 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 Vice 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. The basis for this decision is that it is impracticable to defer the decision until the commencement of the next Forward Plan. It did not become clear to officers until the end of March 2017 following a comprehensive due diligence exercise that a recommendation could be made to proceed to make this strategic acquisition. Having reached such a conclusion and in line with the Heads of Terms agreed between the parties, officers are seeking permission from Cabinet to proceed to negotiate with the vendors; and
- (3) it be noted that the Leader of the Council and the Vice Chair of the Overview and Scrutiny Committee (Regeneration and Skills) had given consent Rule 46 of the Overview and Scrutiny Procedure Rules for these decisions to be treated as urgent and not subject to "call in" on the basis that they cannot be reasonably deferred because of the commercial nature of the transaction. In addition the Heads of Terms, to which the Council had committed to conclude the due diligence process included a specific timetable with which the Council is expected to comply.

Reasons for Decision:

The reasons for the decision are detailed in the Business Case appended to the report.

Alternative Options Considered and Rejected:

A detailed options appraisal is set out in Appendix 1 to the report.