

**THE "CALL IN" PERIOD FOR THIS SET OF MINUTES ENDS AT 12 NOON ON TUESDAY, 22 JANUARY 2019. MINUTE NO's 78 AND 84 ARE NOT SUBJECT TO "CALL - IN."**

## **CABINET**

### **MEETING HELD AT THE BIRKDALE ROOM, TOWN HALL, SOUTHPORT ON THURSDAY 10TH JANUARY, 2019**

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

#### **73. APOLOGIES FOR ABSENCE**

No apologies for absence were received.

#### **74. DECLARATIONS OF INTEREST**

No declarations of any disclosable pecuniary interests or personal interests were received.

#### **75. MINUTES OF THE PREVIOUS MEETING**

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

That the minutes of the Cabinet meeting held on 6 December 2018 be confirmed as a correct record.

#### **76. SAND DUNES NURSERY - DETERMINATION OF THE PROPOSAL TO CLOSE THE SCHOOL**

Further to Minute No. 55 of the meeting held on 1 November 2018, the Cabinet considered the report of the Head of Schools and Families which provided details of the officer's response to the alternative options put forward by the Sand Dunes Nursery School staff and parents for the continuation of the Nursery School. The report indicated that no further representations had been received following the publication of the Statutory Notice and Stage 3 consultation period held from 14 November to 12 December 2018.

The report also indicated that the school was currently overspending by approximately £170,100 a year and has now exhausted its available balances. The projected financial position for 2018/19 was a deficit of £306,600. Should the school close at the end of August 2019 the closing school deficit budget was predicted to be -£404,600 and this would need to be met by the local authority. There would also be closure costs that

would need to be factored into the final deficit position but these were unknown at this time and so cannot be quantified.

The Head of Schools and Families referred to the alternative options set out in Section 3 of the report and the officer's views that the options were not financially viable and that no business case had been provided for the options; the decision-making process set out in Section 5; the matters to be considered in determining the proposal to close the school set out in Section 8 and the summary and conclusion set out in Section 9 of the report.

During the deliberations, Members raised the following observations/questions:

Councillor Lappin enquired if the School were in agreement with the officer's assessment of the alternative options submitted?

The Head of Schools and Families indicated that a number of meetings had been held with representatives of the school to discuss the alternative options and the Chair of the Governing Body and the Headteacher had agreed that the options submitted would not balance the school's budget.

Councillor Cummins enquired about the support that would be offered to staff at the school, if a decision was taken to close the school.

The Head of Schools and Families indicated that all of the staff would be provided training on writing CVs and job applications, and on interview techniques. The Personnel Team would meet with each member of staff to develop and produce personalised packages of support for them.

All of the primary schools in Sefton would guarantee an interview for members of staff at Sand Dunes Nursery who met the essential criteria requirements for each job advertised.

If it was decided that the Nursery School should be closed, statutory consultations would be held with the trade unions.

Councillor Hardy enquired about the support that would be offered to families to find new nursery places for their children if a decision was taken to close the school.

The Head of Schools and Families indicated that around half the children at the school would be moving on to primary school reception classes in September 2019 and that officers would contact the families of the remaining children to provide support with the transitions of the children to alternative nursery school provision and any special educational requirements. Bespoke support would be provided to meet the individual needs of each child.

**Decision Made:** That

- 1) the information on the alternative options put forward and the proposal to close Sand Dunes Nursery set out in the report be noted;
- (2) it be noted that no representations had been received following publication of the statutory notice on 14 November 2018;
- (3) the financial position of the school in terms of its significant deficit and the fact there are no viable proposals to address this, be noted; and
- (4) with deep regret, approval be given to the proposal for the closure of Sand Dunes Nursery School with effect from 31 August 2019.

**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:**

All alternative options had been explored by the governing body with support from Officers prior to the governing body making their request for the closure of the school. No viable alternative options to address the financial viability of the school had come from the consultation process. More detail was provided in the body of the report.

**77. LOCAL GOVERNMENT ASSOCIATION PEER REVIEW – ACTION PLAN**

Further to Minute No. 68 of the meeting held on 6 December 2018, the Cabinet considered the report of the Chief Executive which provided details of the proposed action plan to address the findings and recommendations in the Local Government Peer Review report.

**Decision Made:** That

- (1) officers be authorised to progress the proposed actions, set out in the action plan; and
- (2) officers be requested to provide regular monitoring reports highlighting progress against the approved action plan.

**Reasons for Decision:**

Peer Reviews are a proven tool for sector-led and the Council has always been open to learning from others and sharing our good practice.

The challenge provided external recognition of the things it believes the Council is doing well, highlighted where the Council can learn from other councils in light of best practice elsewhere and recommended a number of key actions.

In December 2018, the Cabinet considered the LGA peer review report, accepted the recommendations and requested the development of an action plan.

**Alternative Options Considered and Rejected:**

Not applicable.

**78. LOCAL COUNCIL TAX REDUCTION SCHEME 2019/20,  
INCREASE TO LONG TERM EMPTY HOMES PREMIUM AND  
COUNCIL TAX BASE 2019/20**

The Cabinet considered the report of the Head of Corporate Resources which provided details of the review of the Council Tax Reduction Scheme 2018/19 and the proposals for no change to be made to 2019/20 Scheme for working age claimants; proposals to increase to the long term empty homes premium from 50% to 100% following the outcome of the consultation; and details of the updated Council Tax Base for Sefton Council and each Parish area for 2019/20.

**Decision Made That**

- (1) the contents of the Council Tax Reduction Scheme 2018/19 review be noted;
- (2) the Council be recommended to make no changes to the existing Council Tax Reduction Scheme for 2019/20 for working age claimants;
- (3) the outcome of the consultation and equality impact assessment on the proposal to increase the long-term empty homes premium as set out in Annex B be noted,
- (4) the Council be recommended to approve an increase to the long-term empty homes premium from 50% to 100% from 1 April 2019, as indicated in section 5.7 of the report; and
- (5) the Council be recommended to approve the relevant 2019/20 Council Tax Base for Sefton Council and each Parish Area as set out in Annex A of the report.

**Reasons for Decision:**

Council Tax Reduction Scheme

Each financial year the Council must consider whether to revise or replace its Local Council Tax Reduction Scheme. The Council must approve and adopt the 2019/20 Council Tax Reduction scheme by 11 March 2019. Note - the deadline has been moved from 31 January to 11 March. This has been delivered through the Council Tax Reduction Scheme (Amendment) (England) Regulations 2017.

The report comments on the impact of various changes made to the scheme for the current year 2018/19 together with the impact of the Government Welfare Reform changes. After consideration of the factors outlined in the report it is proposed that the Local Council Tax Reduction Scheme for 2019/20 remains unchanged for working age claimants.

Long-term empty homes premium

Increasing the long-term empty homes premium is intended to encourage owners of homes that have been empty for more than two years to bring them back into use. Any additional income raised from the premium will help support the provision of Council services.

**Alternative Options Considered and Rejected:**

Council Tax Reduction Scheme

The Council revised its local Council Tax Reduction Scheme in 2018/19 following a consultation process. The changes were introduced in April 2018 and continue to be monitored to fully assess the impact. A longer period is needed to fully evaluate the impact of the changes and to allow a period of stability for residents claiming Council Tax Reduction. As a result, no alternative options for change have been considered for 2019/20.

Empty Homes Premium

The Council could choose not to increase the long-term empty homes premium; however, this would not provide any additional incentive for owners of long-term empty homes to bring them back into use.

**79. REVENUE AND CAPITAL BUDGET PLAN 2018/19 – 2019/20**

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 2018/19 and potential impact on the 2019/20 budget; the current forecast on Council Tax and Business Rates collection for 2018/19 and the current position of the 2018/19 Capital Programme.

**Decision Made: That:**

- (1) approval be given to the implementation of the mitigating actions to deal with the significant budget pressure that have been identified and are detailed within the report;
- (2) in the event that there is material change to the 2018/19 outturn forecast, additional remedial measures should be identified in order that a balanced budget position can be achieved; and
- (3) as a result of the impact of the current financial position in 2018/19, and its subsequent impact on the 2019/20 budget, officers continue to identify new budget saving proposals for Members to consider in order that a robust and sustainable budget can be set for 2019/20.

**Reasons for Decision:**

To ensure Cabinet are informed of the forecast outturn position for the 2018/19 revenue and capital budgets as at the end of September 2018 and to provide an updated forecast of the outturn position with regard to the collection of Council Tax and Business Rates.

In March 2017 Council approved a three-year budget plan to March 2020. The final two years of this plan were revised in March 2018 as part of the process of setting the 2018/19 budget. The Council is half way through the second year of the budget plan and remains confident that the strategic approach to budget planning alongside good financial management and extensive community engagement means that it will secure future sustainability to 2020 and beyond. However, in year demand for social care services is currently resulting in the costs for these services exceeding the budget. Corrective action will be required to bring the overall budget into balance before the end of the financial year if the position worsens over the coming months.

**Alternative Options Considered and Rejected:**

None.

**80. PROCUREMENT OF QUALITY TRAINING AND ASSESSMENT PROVIDERS FOR APPRENTICESHIPS**

The Cabinet considered the report of the Head of Corporate Resources which provided details of the Council's current procurement arrangements for the delivery of apprenticeships and a proposed procurement route for the delivery of apprenticeship standards, using the Public Sector purchasing consortium Yorkshire Purchasing Organisation (YPO) framework.

**Decision Made:** That

- (1) approval be given to the use of the OJEU-compliant YPO Framework for the delivery of apprenticeship training standards. This new procurement approach will be used to identify and deliver all future apprenticeship training standards with immediate effect; and
- (2) the Head of Corporate Resources in consultation with the Cabinet Member - Regulatory, Compliance and Corporate Services be granted delegated authority to award the Contract resulting from the procurement

**Reasons for Decision:**

To have an appropriate and best value contract in place for the delivery of apprenticeship training standards.

The YPO framework provided a flexible approach, enabling the Council to respond in a timely manner to any requests for new apprenticeship training opportunities that are not currently available. This approach would enable the Council to make the most of the apprenticeship levy by supporting the training, development and succession planning of the Council's core service areas and Sefton Schools.

**Alternative Options Considered and Rejected:**

None.

**81. SEFTON HOMELESSNESS AND ROUGH SLEEPING STRATEGY 2018 - 2023**

The Cabinet considered the report of the Head of Economic Growth and Housing which provided details of the draft Homelessness and Rough Sleeping Strategy for 2018 to 2023. The report indicated that the Homelessness Act 2002 requires every Local Authority to carry out a homelessness review in its Borough every 5 years, to develop and publish a Homelessness and Rough Sleeping Strategy based on this review and to consult with other statutory and voluntary organisations. This is Sefton's fourth review and builds upon the work of the first three carried out in 2003, 2008 and 2013.

The draft Strategy takes account the requirements of the recent Homeless Reduction Act 2017, which places more emphasis on prevention of homelessness and the subsequent duties which have now been placed on the Housing Authority and Public Authorities.

**Decision Made:** That

- (1) the Council's Homelessness and Rough Sleeping Strategy be approved; and
- (2) the Head of Economic Growth and Housing in consultation with Cabinet Member - Communities and Housing be given delegated authority to put in place a Homelessness and Rough Sleeping Strategy action plan, which will help deliver the strategy and monitor delivery.

**Reasons for Decision:**

The Homelessness Act 2002 required every Local Authority to publish a Homelessness and Rough Sleeping Strategy at least every 5 years. The existing Strategy was published in September 2013 and is due to be renewed.

**Alternative Options Considered and Rejected:**

The Homelessness Act 2002, makes it a legal requirement for every Local Authority to carry out a homelessness review every 5 years, and to develop and publish a Homelessness and Rough Sleeping Strategy based on this review. The only options relate to the agreed contents of a Strategy.

**82. PROCUREMENT OF LAND BASED, COASTAL REMOTE SENSING SERVICES**

The Cabinet considered the report of the Head of Locality Services which provided details of proposals to invite tenders through an OJEU Open procurement procedure, for the provision of a land based coastal remote sensing services to collect a range of datasets to support sustainable coastal management decisions as the total contract value (£5m) exceeds 3 x the relevant OJEU Threshold, currently £181,302, totalling £543,906.

**Decision Made:** That

- (1) approval be given to the procurement of land based coastal remote sensing services, using an OJEU Open Tender procedure, as outlined in the report;
- (2) approval be given to the contract period of 2 years from 1 May 2019 to 31 March 2021, with 2 x 12-month option periods available following the core period; and
- (3) the Head of Locality Services, in consultation with the Cabinet Member – Health and Wellbeing be granted delegated authority to award the contract resulting from the procurement.



**Reasons for Decision:**

The Council host the North West Regional Monitoring Programme which is 100% grant funded by the Environment Agency. The programme collects a range of coastal monitoring data across the North West. A number of frameworks exist for the collection of these datasets using traditional methods such as aerial photography and ground surveys. There have been a number of significant advances in data collection using remote sensing technology. A framework was required to enable installation of these systems as and when opportunities and funding become available. A framework would be the most efficient method of procurement for these services. As the value of the framework (£5m) exceeded 3 x the relevant OJEU Threshold, currently £181,302, totalling £543,906, approval is sought from Cabinet for the procurement process

**Alternative Options Considered and Rejected:**

Deployments would be considered on a case by case basis, but this would significantly increase the number of procurement exercises and associated officer time. It could also result in several different systems being introduced that would reduce the efficiencies and compatibility across the region.

**83. SEFTON NEW DIRECTIONS LIMITED - APPOINTMENT OF SHAREHOLDER REPRESENTATIVE**

The Cabinet considered the report of the Executive Director which sought authorisation to appoint a nominated shareholder representative for Sefton New Directions Limited (“New Directions”), in order to strengthen governance and support continued growth of the business.

**Decision Made:** That

- (1) Councillor Cummins, Cabinet Member – Adult Social Care be appointed as the shareholder representative for New Directions;
- (2) the shareholder representative be granted delegated authority to appoint new members (excluding elected members) of the New Directions Board; and
- (3) the shareholder representative be granted delegated authority to approve the updated articles of association for the New Directions Board, and the Strategy and Business Plan.

**Reasons for Decision:**

To ensure more robust governance is in place for the New Directions business, as well as an approach that is consistent with governance structures for the Housing Development Company.

To support strengthening of the capacity and capability of the New Directions Board, and in turn the continued improvement of service delivery on behalf of clients and end users, and the profitable growth of the business with existing and new clients.

**Alternative Options Considered and Rejected:**

Maintain existing board structure and membership

Maintenance of the existing composition, structure and working cadence of the board would fail to address the feedback raised in respect of the opportunities to strengthen governance, relationships and performance.

Widen board membership, also establishing an Executive Committee

Although this would entail addition of new board members and their expertise, there is a risk that the formation of an Executive Committee above the Board itself would undermine the status of the latter, and potentially create a “board within a board”. Such a structure may also add increasing complexity to governance process, and would be inconsistent with the board structure of the Housing Development Company.

**84. MAKING THE LYDIATE AND MAGHULL NEIGHBOURHOOD PLANS**

The Cabinet considered the report of the Chief Planning Officer which provided details of proposals to adopt the Lydiate and Maghull Neighbourhood Plans part of the statutory Development Plan for Sefton as required by the Town and Country Planning Act 1990 and the Localism Act 2011, to enable the plans to be used to determine planning applications in Lydiate and Maghull Parishes in addition to the Local Plan.

Neighbourhood Plans can be prepared by the local community to guide development in their local area. Once they have been submitted to the Council, the Local Planning Authority has a legal duty to arrange an independent examination of the submitted Plan to make sure it meets the ‘basic conditions’ and determine whether it can go to referendum.

Following examination, the respective Examiners have recommended that both the Lydiate and Maghull Neighbourhood Plans can proceed to referendum. These were held on 18 December 2018. As a result of the Referendum, the Council is required, in accordance with legislation to formally ‘make’ both the Lydiate and the Maghull Neighbourhood Plans as over 50% of those who voted were in favour of the Plans.

As long as a simple majority of those who vote (50% + 1) in each parish vote in favour of their respective Plans (i.e. agree with the proposals in their respective Plan) being approved, the Council has a legal duty to adopt the Neighbourhood Plans as part of the Development Plan for Sefton.

**Decision Made: That**

- (1) it be noted that the Lydiate and Maghull Neighbourhood Plans were passed at referendum; and
- (2) the Council be recommended to adopt Council the Lydiate and Maghull Neighbourhood Plans part of the Development Plan for Sefton.

**Reasons for Decision:**

The preparation of the Lydiate and Maghull Neighbourhood Plans have followed the statutory procedures set out in The Neighbourhood Planning (General) Regulations 2012 (as amended). The plans have successfully undergone examination, have satisfied the basic conditions and are in conformity with the Sefton Local Plan. Where a Referendum results in a majority 'yes' vote, the Local Planning Authority was required to adopt the Neighbourhood Plan within 8 weeks of the referendum decision in accordance with Regulations. This would enable the Council to use the Lydiate and Maghull Neighbourhood Plans to determine planning applications in the respective parishes.

**Alternative Options Considered and Rejected:**

The Council does not have any option other than to make the plans.