

THE "CALL IN" PERIOD FOR THIS SET OF MINUTES ENDS AT 12 NOON ON MONDAY 16 SEPTEMBER, 2019, MINUTE NO: 42 IS NOT SUBJECT TO "CALL IN".

CABINET

MEETING HELD AT THE COUNCIL CHAMBER, TOWN HALL, SOUTHPORT ON THURSDAY 5TH SEPTEMBER, 2019

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

32. APOLOGIES FOR ABSENCE

An apology for absence was received from Councillor Maher.

33. DECLARATIONS OF INTEREST

Councillor John Joseph Kelly declared an interest in Agenda Item 5, Minute No: 36 refers, Sefton New Directions Contract, by virtue of his membership to the Board and remained in the Meeting but took no part in the debate.

Councillor Veidman declared an interest in Agenda Item 10, Minute No: 41 refers, Altcar Moss Wellsite, Suttons Lane, Great Altcar: Neighbouring Authority Consultation, by virtue of his position as Chair of the Planning Committee and he left the room during the consideration of the item.

34. MINUTES OF THE PREVIOUS MEETING

Decision Made:

That the Minutes of the Meeting held on 25 July 2019 be approved as a correct record.

35. ADULT SOCIAL CARE - RESIDENTIAL & NURSING CARE SECTOR

The Cabinet considered the report of the Director of Adult Social Care seeking approval for the commencement of a project and consultation relating to the way in which the Council makes payments to the care home sector and to provide an update on work taking place within the sector.

Decision Made: That:

(1) the ongoing work taking place within the Residential and Nursing care home sector be noted;

- (2) the commencement of a project to review the way in which the Council makes payments to the care home sector be approved; and
- (3) the fact that following the completion of Stage 1 of the above project, as detailed in Section 3.9 of the report, a further report will be submitted to the Cabinet in January 2020, be noted.

Reason for the Decision:

To update Cabinet on work taking place relating to the sector and to seek approval for the commencement of a project concerning the way in which the Council makes payments to care homes.

Alternative Options Considered and Rejected:

Maintaining the Status Quo – this option was considered and rejected as there is a need to review current mechanisms for payments to the care home sector and to conduct activities to better engage with, and support the sector to ensure that services remain viable and able to meet Sefton's needs.

36. SEFTON NEW DIRECTIONS CONTRACT

The Cabinet considered the report of the Director of Adult Social Care seeking approval on the terms of the extension to the Sefton New Directions Limited contract and to update Members on joint working with Sefton New Directions Limited to review services.

for the commencement of a project and consultation relating to the way in which the Council makes payments to the care home sector and to provide an update on work taking place within the sector.

Decision Made: That:

- (1) Authorise an extension to current contractual arrangements with Sefton New Directions Limited, consisting of an initial three-year period from 1st October 2019 with the further option to extend for a further twelve months after the initial extension period;
- (2) Authorise that future decisions on any variations to the contract, and the option to implement the further twelve-month extension to the contract (beyond the initial three-year extension) be delegated to the Director of Adult Social Care in consultation with the Cabinet Member – Adult Social Care; and
- (3) Note the contents of the report with respect to the continued joint working taking place with Sefton New Directions Limited to review services.

Reason for the Decision:

To establish new contractual arrangements with Sefton New Directions Limited, hereinafter referred to as New Directions, thus ensuring that services continue to be delivered.

Alternative Options Considered and Rejected:

Not Awarding a Contract Extension – this option was considered and rejected as New Directions is both a Council wholly owned council company and an organisation which remains a key partner to the Council, delivering a range of strategically important services. Furthermore, if the contract was not extended then services to vulnerable people may be affected as new providers would need to be procured.

37. COMMUNITY SUBSTANCE USE: ASSESSMENT, TREATMENT AND RECOVERY SERVICE

The Cabinet considered the report of the Head of Health and Wellbeing advising that in July 2016, Mersey Care NHS Foundation Trust was awarded a contract to provide Adult Substance Use: Assessment, Treatment and Recovery Services with effect from 1 October 2016. The contract was awarded for three and a half years with an option to extend for up to a further two years. Consideration was now required on exercising continuation options as the core contract was due to expire on 31 March 2020.

Decision Made:

That delegated authority be granted to the Director of Public Health, in consultation with the Cabinet Member - Health and Wellbeing, to exercise the option to combine both twelve-month extension / continuation options and exercise an extension to the existing contract for a period of two years from 1 April 2020.

Reasons for the Decision:

For the past two and a half years, Mersey Care NHS Foundation Trust has provided Adult Substance Use: Assessment, Treatment and Recovery Services and has made significant improvements in both the effectiveness of treatment delivery and the reliability of data recording and reporting. The service has demonstrated an overall improvement in the numbers of people successfully engaged and completing treatment with abstinence rates for opiates, crack cocaine and alcohol all within the expected range as calculated by the National Drug Treatment Monitoring System (NDTMS). Local treatment engagement rates for opiates, crack cocaine and alcohol use all exceed national rates while no clients have waited longer than three weeks to receive an intervention.

Public Health Commissioners have no concerns over the quality, performance or governance of the current service. Moreover, the above

recommendation would provide a longer period of service stability and enable the service to further develop and consolidate important collaborative projects that have been recently initiated. The option would also reduce cost to the Council from engaging in an early procurement exercise.

Alternative Options Considered and Rejected:

- i) Exercise one year extension / continuation option. This option would provide a degree of continuity and stability. However, any continuity / stability derived from exercising this option would be limited to twelve months at which point the Council would still need to consider exercising the second extension / continuation option or re-tender the service.
- ii) Conducting a full procurement exercise would not bring about any significant benefits for Sefton Council, health and social care partners or for users of the substance use service.

Considerable savings were realised throughout the 2016 procurement exercise with a contract value reduced from £3,599,574 per year to £3,276,454 per year. The contract was awarded following robust assessment and evaluation procedures and it was clear that there were only a limited number of acceptable options available within the open market. Mersey Care NHS Foundation Trust is a large local health care provider and is able to draw on a variety of specialist services within the Trust to further compliment service provision, including community mental health and psychology services. Moreover, recent innovative collaborative projects between Mersey Care NHS Foundation Trusts' Substance Use Service, Ambition Sefton and the Trusts Life Room facilities, as well as with Sefton Council Housing Options Team, are showing extremely encouraging outcomes with the option to firm up these arrangements via contract variations should an extension be authorised.

38. 0-19 HEALTHY CHILD PROGRAMME

The Cabinet considered the report of the Head of Health and Wellbeing advising that in September 2016, North West Boroughs Health Care Trust was awarded a contract to provide Integrated 0-19 Healthy Child Programme (HCP) Nursing Services with effect from 1 April 2017. The contract was awarded for three years with an option to extend for up to a further two years.

HCP is an early intervention and prevention public health programme based on a model of "progressive universalism". This means all families receive a number of standard services (universal). Additional services are available to those who need them or are identified as being at risk.

Consideration was now required on exercising continuation options as the main contract was due to expire on 1 April 2020.

Decision Made:

That authority to exercise the option to extend the current contract for a period of two years from the 1st April 2020, be granted.

Reasons for the Decision

The current contract is from 1 April 2017 to 31 March 2020, with the option to extend for a further 2 years. Approval is sought by the Cabinet to extend the current commission of the HCP Service by an additional two years to March 2022.

This option would provide a longer period of service stability and reduce cost to the Council from engaging in a procurement exercise.

This would enable further review of the service and allow for development of a fully integrated 0-19 public health nursing service, which will influence whether the contract should be varied or recommissioned after this period.

Alternative Options Considered and Rejected:

- i) Exercise one year extension / continuation option. This option would provide a degree of continuity and stability. However, any continuity / stability derived from exercising this option would be limited to twelve months at which point the Council would still need to consider exercising the second extension / continuation option or re-tender the service.
- ii) Conducting a full procurement exercise would not bring about any significant benefits for Sefton Council or for users of the 0-19 service.

39. REGIONAL SUPPORTED AND INDEPENDENT LIVING (SAILS) FRAMEWORK

The Cabinet considered the report of the Director of Children's Social Care and Education seeking to agree the procurement of semi-independent living placements (SailLs) for young people (aged 16+) for the period September 2019 to March 2020 via the Dynamic Purchasing System (DPS) hosted by Tameside Council, and to authorise the procurement for such services beyond April 2020 via the new North West Regional Flexible Purchasing System (FPS) hosted by Bolton Council.

Decision Made: That

- (1) approval be granted for Sefton Council to continue to purchase SailLs placements from the Tameside hosted DPS, for the period 1 October 2019 to 31 March 2020;

- (2) the Director of Children's Social Care and Education be authorised to participate in the development and procurement of the North West Regional FPS for supported and independent living placements for young people age 16+, to be hosted by Bolton Council, scheduled to commence 1st April 2020 to replace the current DPS;
- (3) the Director of Children's Social Care and Education be authorised to continue to purchase SaLLs placements from the Bolton hosted FPS from 1st April 2020 for the duration of the FPS, providing the procurement is compliant with Sefton's Contract Procedure Rules;
- (4) that should it be identified that the purchasing systems do not meet Sefton' requirements, that delegated authority be granted to the Director of Children's Social Care and Education to conduct individual procurement exercises as and when required and be granted delegated authority to award contracts following such exercises.

Reasons for the Decision:

To ensure that the Council continues to have in place robust mechanisms to procure Semi-Independent Residential Placements (SaLLs) for Young People age 16+.

Alternative Options Considered and Rejected:

The Local Authority carrying out its own EU compliant tender exercise to put its own FPS in place was considered and rejected having considered the benefits and strengths of a regional approach.

40. REVENUE AND CAPITAL BUDGET UPDATE 2019/20

The Cabinet considered the report of the Head of Corporate Resources informing the Cabinet of: -

1. The current forecast revenue outturn position for the Council for 2019/20;
2. The current forecast on Council Tax and Business Rates collection for 2019/20; and,
3. The monitoring position of the Council's capital programme to the end of July 2019, the forecast expenditure to year end, variations against the approved budgets and an explanation of those variations for consideration by Members. Updates to spending profiles and proposed amendments to capital budgets necessary to ensure the efficient delivery of capital projects are also presented for approval.

Decision Made: That

- (1) the current forecast revenue outturn position for 2019/20 and the current position relating to delivery of savings included in the 2019/20 revenue budget be noted;
- (2) the mitigating measures being used to ensure a balanced forecast outturn position be noted;
- (3) the updates to the spending profiles within the capital programme across financial years, as set out at paragraph 5.1.1 of the report, be noted;
- (4) the latest capital expenditure position as at 31 July 2019 to date of £3.3m, as set out at paragraph 5.2.2 of the report, with the latest full year forecast being £26.7m, as set out at paragraph 5.3.1, be noted;
- (5) explanations of variances to project budgets, as set out at paragraph 5.3.2 of the report, be noted;
- (6) the new scheme added to the Capital Programme under delegated authority for 2019/20, as set out at paragraph 5.9.1 of the report, be noted;
- (7) approval of the Town Centre Commission Fund grant for inclusion in the capital programme be granted, once final approval for the grant is received from Liverpool City Region Combined Authority, as set out at section 5.5 of the report; the Executive Director be granted delegated authority to sign the Grant Agreement; and the S151 Officer be granted delegated authority to authorise grant claim submissions; and
- (8) the fact that capital resources will be managed by the Head of Corporate Resources to ensure the capital programme remains fully funded and that capital funding arrangements secure the maximum financial benefit to the Council, be noted
- (9) the Council be recommended to approve for inclusion in the capital programme the Town Centre Commission Fund grant once final approval for the grant is received from Liverpool City Region Combined Authority, as set out at section 5.5 of the report;

Reasons for the Decision:

To ensure the Cabinet is informed of the forecast outturn position for the 2019/2020 Revenue Budget as at the end of July 2019, including delivery of agreed savings, and to provide an updated forecast of the outturn position with regard to the collection of Council Tax and Business Rates.

To keep Members informed of the progress of the Capital Programme against the profiled budget for 2019/20 and agreed allocations for future years.

To progress any changes that are required in order to maintain a relevant and accurate budget profile necessary for effective monitoring of the Capital Programme.

To approve any updates to funding resources so that they can be applied to capital schemes in the delivery of the Council's overall capital strategy.

In March 2017 Council approved a three-year budget plan to March 2020. The final year of this plan was revised in February 2019 as part of the process of setting the 2019/20 budget. The Council is in the final year of the budget plan and remains confident its strategic approach to budget planning alongside good financial management and extensive community engagement means that the plan continues to develop on solid foundations; it remains flexible and will secure the future sustainability to 2020 and beyond. However, in-year demand for social care services is currently resulting in the costs for these services significantly exceeding the budget. If further budget pressures are identified between now and the end of the year additional remedial action will be required to bring the overall budget into balance.

Alternative Options Considered and Rejected:

None.

**41. ALTCAR MOSS WELLSITE, SUTTONS LANE, GREAT ALTCAR:
NEIGHBOURING AUTHORITY CONSULTATION**

The Cabinet considered the report of the Chief Planning Officer indicating that Sefton Borough Council had been consulted by Lancashire County Council (LCC as the decision-making body) on a planning application for the construction of a temporary wellsite and associated access track, drill, hydraulically stimulate and test two petroleum exploration boreholes including drilling rig (maximum height 60m) and associated plan and equipment, followed by wellsite and restoration.

There was a restricted timeframe to comment on the planning application and approval was sought to respond to LCC, in the form of an objection.

Members of the Cabinet asked the following questions and the following responses were given by the Head of Economic Growth and Housing:

The Council has a resolution opposing fracking. What weight does this carry in the planning process?

- The Council's opposition to fracking in general and the planning process are two separate considerations.

Whilst the Council may object to a particular type of development, it carries little weight in the planning process as the Council is still legally obliged, as the local planning authority, to assess each planning proposal on its individual merits.

This is what we have done as part of this consultation, and we believe that the proposal does not form a reliable basis to assess the impacts on residents of this Borough. To avoid any argument that the Council is predetermined on such proposals, the Planning Portfolio Holder (who is also Chair of Planning Committee), has left the room during this item and taken no part in the discussion or decision. This will allow him to chair any Planning Committee meeting where a fracking proposal is on the agenda.

- Is it normally a requirement for any relevant traffic impacts beyond the area of the lead planning authority to be taken into consideration in determining the acceptability of any proposal, and if so, do you feel this has satisfactorily occurred here?

All traffic impacts should be properly assessed, and they include those within the area controlled by the relevant planning authority and the area of neighbouring authorities.

With this proposal, traffic will use roads and junctions within Sefton, and we believe that the Transport Statement does not adequately address this because it does not take into account forecast traffic flows and committed development in Sefton and does not consider the impact of large and heavy construction traffic on our junctions and bridges.

- We take impact on air quality very seriously. Do you believe that this proposal will have a harmful effect on the air quality of Sefton residents?

The situation is unclear at present. The air quality impact assessment has been based on modelling rather than using local data, and we feel it would be more beneficial to gather actual data on ambient air quality to help verify the modelling undertaken. This would provide a more reliable basis to assess any impacts and identify appropriate mitigation.

- Will this proposal have a harmful impact on Sefton residents in terms of noise from associated machinery and traffic?

There could be harmful effects on the amenity of Sefton residents from potential changes in machinery used on site, and we suggest that this operate within ranges to ensure new machinery does not breach any agreed thresholds and harm residents. No details are provided to show how noise will impact on the nearest Sefton residents, including noise associated with construction traffic, and we feel appropriate monitoring must be provided, with a clear action

plan on what will be done if noise levels or hours of movement are breached.

- The proposed drilling mast at 60m in height is quite significant. Do you think this will harm wildlife?

Our ecological advisors (MEAS) believe that the mast could pose a danger to birds (bird strike), yet their Environmental Statement does not give any consideration to this. The Habitats Regulations Directive also requires the proposal to consider the in-combination effects of other schemes, but provides no details of this.

Decision Made: That:

- (1) 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 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 of the tight timeframes in order to respond to the neighbourhood consultation from Lancashire County Council, in order to make the authority aware of the views regarding the planning application;
- (2) it be noted that on 25 January 2018 the Council resolved to oppose fracking in the Borough of Sefton, or fracking outside its Borough, which could affect residents within its Borough;
- (3) to agree the Council's response to this application as this Council objects to the proposal and wishes to see the application refused, for the reasons set out in paragraphs 3.3 and 4.1 of the report, and that Lancashire County Council be reminded of the Council's position, as set out in paragraph 1.5 of the report.

Reasons for the Decision:

To ensure Lancashire County Council is aware of the Council's views regarding the planning application in the interest of Sefton Borough residents and for such views to be considered as material considerations in the determination of the planning application.

Alternative Options Considered and Rejected:

Alternatively, the Council could not respond to the neighbouring authority consultation. However, any views of the Council would not be considered in the Lancashire County Council's determination of the planning application and this is deemed inappropriate.

42. GAS FRAMEWORK TRANSFER

The Cabinet considered a report, that was deemed by the Deputy Leader of the Council as a report of Urgent Nature pursuant to Chapter 11, Rule 29 of the Access to Information Rules of the Constitution. The report was presented by the Head of Corporate and sought approval for the termination of the CCS Gas framework and subsequent appointment to the NEPO Gas Framework for a two year interim contract, in order to secure early financial savings.

Decision Made: That:

- (1) it be noted that the proposal was a Key Decision that 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 29 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 Cabinet in October due to the contract termination date;
- (2) it be noted that the Chair of the Overview and Scrutiny Committee (Regulatory, Compliance and Corporate Services) had been consulted under Rule 46 of the Access to Information Procedure Rules of the Constitution, waiving call in due to the need to procure quickly;
- (3) the termination of the current Crown Commercial Services (CCS) procurement framework contract for gas supplies for all Council buildings, including schools;
- (4) Sefton be authorised to join the North-East Purchasing Organisation (NEPO) for the supply of gas on an interim contract to cover the period 1st April 2020 – 31 March 2022; and
- (5) the continuation of the authority previously delegated to Head of Corporate Resources and the Head of Strategic Support to sign the Customer Access Agreements for the NEPO framework and approve purchasing decisions, be approved.

Reasons for the Decisions:

Sefton have recently reviewed our options within the CCS gas supply framework. Although the market price is low currently, CCS were not able to offer opportunities to capture this saving (approaching £200K in year 1 2020/1 and £175K in year 2 2021/2).

In order to achieve these savings and remain OJEU compliant, Sefton Officers are suggesting the course of action outlined above to achieve a two year financial saving (based on current prices).

Alternative Options Considered and Rejected:

Do nothing – remain on the current contracts and take a price in April 2020, based on purchasing made during October 2019 – March 2020. This was rejected due to government advice that market conditions during this time were likely to be volatile, hence an increased risk across our portfolio.