

THE "CALL IN" PERIOD FOR THIS SET OF MINUTES ENDS AT 12 NOON ON TUESDAY 15 OCTOBER, 2019, MINUTE NO'S: 56 AND 58 ARE NOT SUBJECT TO "CALL IN".

CABINET

MEETING HELD AT THE COMMITTEE ROOM, TOWN HALL, BOOTLE ON THURSDAY 3RD OCTOBER, 2019

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

43. APOLOGIES FOR ABSENCE

An apology for absence was received from Councillor Atkinson.

44. DECLARATIONS OF INTEREST

Councillor John Joseph Kelly declared an interest in Agenda Item 4, Minute No: 46 refers, Domiciliary Care Tender, by virtue of his membership of the Sefton New Directions Board and remained in the meeting but took no part in the debate.

Councillor Veidman declared an interest in Agenda Items 15 and 17, Minute No's: 56 and 58 refers, Disposal of former St Wilfrid's School site, by virtue of his position as Chair of the Planning Committee and he left the room during consideration of the items.

45. MINUTES OF THE PREVIOUS MEETING

Decision Made:

That the minutes of the Meeting held on 5 September 2019 be approved as a correct record.

46. DOMICILIARY CARE TENDER

The Cabinet considered the report of the Interim Director for Adult Social Care seeking approval to commence a procurement exercise to secure new Domiciliary Care Lead Provider/s in areas 4 and 5 of Sefton.

Decision Made: That:

- (1) the Interim Director for Adult Social Care in consultation with the Cabinet Member – Adult Social Care be authorised to conduct a procurement exercise to establish new Lead Domiciliary Care Providers in areas 4 and 5 of Sefton with a view to entering into contracts for a maximum period of five years comprising an initial three-year period with an option to extend for up to two periods of twelve months; and

- (2) the Interim Director for Adult Social Care in consultation with the Cabinet Member – Adult Social Care be granted delegated authority to award the Contracts resulting from the procurement, and to award any extensions thereof.

Reason for the Decision:

To secure new Lead Provider contractual arrangements in areas 4 and 5 of Sefton.

Alternative Options Considered and Rejected:

The following options were considered and rejected:

1. Maintaining the status quo – this was not considered a viable option due to the current market capacity issues and the proposed future strategic direction of the current Lead Provider.
2. Conducting a procurement exercise which would encompass transferring existing services in areas 4 and 5 (either whole or in part) – this option was considered and rejected as such transfers could further destabilise the market and therefore would not assist with alleviate market capacity issues. Furthermore, any partial transfer of services could potentially not be viable for any new incoming Provider and the current Provider wishes to retain existing services and therefore existing staff.

47. SECTION 75 AGREEMENT

The Cabinet considered the report of the Interim Director of Adult Social Care and Health in relation to a request to enter into a new arrangement under Section 75 of the National Health Act 2006 Section 75 Agreement with each of the two Clinical Commissioning Groups (CCGs) of Southport and Formby and South Sefton covering the population of Sefton.

Decision Made: That the Cabinet:

- (1) note the work to date on the new Section 75 Agreement; and
- (2) that delegated authority be granted to the Chief Executive, Chief Legal and Democratic Officer and Head of Corporate Resources in consultation with the Cabinet Member, Health and Wellbeing, to complete and enter into a new Section 75 Agreement with Southport and Formby Clinical Commissioning Group and South Sefton Clinical Commissioning Group. The agreement will be for a three-year period.

Reasons for the Decision:

Sefton`s Health and Wellbeing Board has the following statutory responsibilities:

- Duty to encourage integrated working.
- Duty to prepare and publish the Joint Strategic Needs Assessment.
- Duty to prepare and publish the Joint Health and Wellbeing Strategy.

Every year since 2014, Sefton has submitted a Better Care Fund Plan. This plan required each Health and Wellbeing Board to work towards a number of “National Conditions”. Two “National Conditions” have been that

- The Health and Wellbeing Board agrees “The (BCF) Plan”.
- A Section 75 Agreement is in place.

In addition, The Care Act 2014 requires that funds allocated to local areas for the Better Care Fund must be put into pooled budgets established under Section 75 Partnership Agreements.

Alternative Options Considered and Rejected:

None.

48. ST TERESA'S CATHOLIC INFANT SCHOOL - PROPOSAL TO COMMENCE STATUTORY CONSULTATION

The Cabinet considered the report of the Interim Director of Children’s Social Care and Education in relation to a request seeking approval to commence a statutory consultation process on the future of St Teresa’s Catholic Infant School.

The report also referred to a request from the School Governors of St Teresa’s Catholic Infant School to consider the possibility of a merger with their neighbouring Catholic primary school, Our Lady of Lourdes Catholic Primary School, be explored.

The Leader, Councillor Maher highlighted that there had been a typographical error in the report, reference paragraph 5.1 to the report and stated that the figure should read 39% surplus places and not 61%.

Councillor Maher reported that a petition containing 25 signatures had been received and that the Lead petitioner, Mrs L. McCormick would be given five minutes to make her representations to the meeting of Cabinet.

Mrs L. McCormick made representations to the Cabinet in relation to the proposal to commence Statutory Consultation regarding the future of St Teresa’s Catholic Infant School.

Cabinet Members were given the opportunity to ask questions and seek

clarifications. The following comments were made:

- That the Local Authority had received a request to approve a deficit budget for 2019/20 from the Chair of Governors at St Teresa's Catholic Infant School and a request was made for the Local Authority to explore a merger with Our Lady of Lourdes Catholic Primary School.
- Falling numbers were referred to.
- That this report was the first stage of exploring the future options of St Teresa's Catholic Infant School.
- That no decision was being taken today in relation to the outcome of the future of the School.
- The report was seeking approval to commence the statutory consultation process.
- The financial health of the School was highlighted and its deficit position.
- It was highlighted that Local Authority have a responsibility to pick up the costs of the deficit of a School and so all options have to be investigated and consulted upon.

Councillor Maher thanked Mrs L. McCormick for attending the Meeting.

Decision Made: That the Cabinet:

- (1) note the request from the Governing body of St Teresa's Infant School;
- (2) note the statutory process outlined in the report: and
- (3) approve the commencement of the statutory consultation process relating to the future operation of St Teresa's Catholic Infant School via the publication of a consultation paper agreed between the Council and the Archdiocese of Liverpool.

Reasons for the 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 options will be explored through the consultation process and recommendations presented back to Cabinet at its conclusion.

49. LOCALITY SERVICES - VEHICLE PARTS PROCUREMENT EXERCISE

The Cabinet considered the report of the Head of Locality Services in relation to the request to undertake a compliant tender exercise for the procurement of vehicle parts, components and associated services for the vehicle maintenance service in order to provide such parts, components and services at a more economically advantageous rate.

Decision Made: That the Cabinet:

- (1) authorise the Head of Locality Services to conduct a procurement exercise for the provision of vehicle parts, components and associated services with a view to entering into a contract for a maximum period of 5 years comprising an initial 3 year period with an option to extend for up to 2 periods of 12 months; and
- (2) grant delegated authority to the Head of Locality Services in consultation with the Cabinet Member for Locality Services to award the Contract resulting from the procurement and to award any extension thereof.

Reasons for the Decision:

Maintaining and servicing the Council's vehicle fleet requires significant expenditure on vehicle parts, components and services for a wide range of vehicle types. Best Value is always sought in relation to the purchase of parts and components via the obtaining of quotations from a range of suppliers. However, it may also be possible to obtain competitive prices for required parts, components and services from a single supplier. This report seeks permission to undertake a procurement exercise to establish whether any additional savings could be generated.

Alternative Options Considered and Rejected:

Continue to utilise current quotation and procurement methods.

50. SPECIALIST TRANSPORT VEHICLE PROCUREMENT EXERCISE

The Cabinet considered the report of the Head of Locality Services in relation to the procurement of Specialist Transport vehicles. The report detailed that the current Specialist Transport vehicle fleet was initially purchased in 2012/13, with the prudential borrowing being repaid over a five year period up to 2017/18. Following the final repayment of all purchase costs, the fleet is currently being operated for an additional two years (2018/19 and 2019/20). The report also highlighted that as the fleet is seven years old, it will have reached the point at which it is no longer reliable, and an increased number of breakdowns would be expected, coupled with greatly increased maintenance costs. As such, a replacement vehicle fleet will be required.

The report also explained that in order to procure a new fleet during 2020/21, the procurement process must commence in advance of the vehicles being required. Therefore, in order to provide continuity of service, permission is being sought to commence the required procurement process.

Decision Made: That the Cabinet:

- (1) authorise the Head of Locality Services to conduct a procurement exercise for the replacement of the Special Transport vehicle fleet: and
- (2) grant delegated authority to the Head of Locality Services in consultation with the Cabinet Member for Locality Services to award the contract resulting from the procurement.

Reasons for the Decision:

The current Specialist Transport fleet is reaching the end of its effective life cycle and needs replacement. Maintenance and repair costs are increasing as the vehicles become older.

Alternative Options Considered and Rejected:

To not renew the fleet risks the current fleet becoming unmaintainable and the service provision liable to be disrupted. A new fleet greatly reduces/eliminates the risk of service delivery disruption

51. LOCALITY SERVICES - VEHICLE HIRE COLLABORATIVE CONTRACT

The Cabinet considered the report of the Head of Locality Services in relation to the Merseyside Procurement Partnership (MPP) for Commercial Vehicle Hire of which St Helens Council act as lead Authority. The collaborative group consists of St Helens Council, Liverpool City Council, Halton BC, Knowsley BC, Sefton Council and Wirral Council.

The rationale for this collaborative approach is to ensure that competitive pricing is received for the range of hired vehicles required by authorities across Merseyside.

Decision Made:

That the Cabinet grant delegated authority to the Head of Locality Services in consultation with the Cabinet Member for Locality Services to commit to the Collaborative Vehicle Hire Contract renewal exercise organised on behalf of Merseyside Authorities by St Helens Council, for a maximum period of 5 years comprising an initial 4 year period with an option to extend for 1 period of 12 months.

Reason for the Decision:

Sefton Council currently spends over £400,000 per annum on externally hired vehicles which includes specialist cleansing vehicles, refuse vehicles, tippers, cars, light commercial vans, people carriers and minibuses utilised by all Council departments.

The Council has previously participated in the Merseyside Procurement Partnership Commercial Vehicle Hire Contract and benefited from the range of suppliers available, and the competitive prices quoted, providing the latest specification vehicles and equipment at fixed prices for the contract term.

Alternative Options Considered and Rejected:

To not participate in the collaborative contract, but to seek individual prices for this Council alone. This approach has been rejected as the Council would not benefit from the economies of scale delivered via the adoption of a collaborative approach resulting in greater purchasing power.

52. BOROUGH OF CULTURE 2020

The Cabinet considered the report of the Executive Director in relation to Sefton being the Liverpool City Region's Borough of Culture for 2020, and an outline programme and business plan have been developed for the year following consultation and engagement with partners and communities across the borough. This feedback recommends focus on local history and the environment as the two priority areas for the programme, with emphasis in all events, activities and initiatives on participation (inclusive of all communities), permanence (assets, activities and relationships lasting beyond 2020), partnerships (working with partner organisations and communities across the borough), and on engendering local pride in Sefton.

Decision Made: That the Cabinet:

- (1) approved the outline structure of the programme and the business plan;

- (2) granted delegated authority for finalisation of the detailed programme to the Cabinet Member (Communities and Housing);
- (3) noted that a supplementary revenue estimate of £0.200m to be fully funded by the Liverpool City Region, be approved by the Executive Director in consultation with the Cabinet (Communities and Housing) and the Section 151 Officer in accordance with Financial Procedure Rules;
- (4) granted delegated authority for approval of allocations of available funding in excess of £5,000 to the Cabinet Member (Communities and Housing); and
- (5) granted delegated authority for approval of allocations of available funding below £5,000 to the Borough of Culture Steering Group, chaired by the Executive Director, in accordance with the approved detailed programme.

Reasons for the Decision:

These recommendations will support finalisation of the detailed actions relating to key events and initiatives, as well as pursuit of further funding opportunities. They will also enable finalisation of plans for further discussion with partners and communities, including in advance of the proposed launch of the programme in November 2019.

Alternative Options Considered and Rejected:

- (i) Develop an alternative programme structure – this is not recommended due to the quality and quantity of feedback received from partners and communities that has informed the programme development process.
- (ii) Do not delegate authority for finalisation of the programme – this is not recommended given the time constraints it would place on the finalisation of planning for initiatives and events across the year; efficiency in this process will enable maximum investment in the ideas and initiatives proposed by partners and communities.

53. CORPORATE APPRENTICESHIP STRATEGY 2019-2022

The Cabinet considered the report of the Head of Corporate Resources in relation to the Council's Corporate Apprenticeship Programme, progress to date, an overview of recruitment, procurement and the approach to these issues. The report also sets out how the Council intends to deliver the Corporate Apprenticeship Strategy and Action Plan 2019-2022 to ensure that a highly trained, ambitious and flexible workforce is maintained whilst continuing to attract and retain the very highest talent to live and work in Sefton to deliver our Vision 2030 and Core Purpose.

Decision Made: That the Cabinet:

- (1) Noted the performance of Sefton's Corporate Apprenticeship Programme; and
- (2) approved the Corporate Apprenticeship Strategy and Action Plan for 2019 – 2022.

Reasons for the Decision:

The Corporate Apprenticeship Strategy and Action Plan 2019 - 2022 is a key driver that will support and underpin the work of the Corporate Apprenticeship Team (CAT). This includes our ambition to achieve our annual apprenticeship target for Sefton Council and Schools, whilst also contributing to the Government's wider ambition of achieving 3 million new apprenticeship starts by 2020.

Alternative Options Considered and Rejected:

The Strategy and Action Plan was not adopted as a way forward, however such an approach would lead to a lack of co-ordination and guidance in workforce planning issues.

54. REVENUE AND CAPITAL BUDGET UPDATE 2019/20

The Cabinet considered the report of the Head of Corporate Resources in relation to:

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 August 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 the Cabinet:

- (1) note the following in relation to the Revenue Budget;
 - (a) 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;

- (b) the mitigating measures being used to ensure a balanced forecast outturn position;
- (2) note the following in relation to the Capital Programme;
 - (a) the latest capital expenditure position as at 31 August 2019 to date of £4.7m (paragraph 5.2.2) with the latest full year forecast being £26.7m (paragraph 5.3.1);
 - (b) the explanations of variances to project budgets (paragraph 5.3.2); and
 - (c) 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.

Reasons for the Decision

To ensure Cabinet are informed of the forecast outturn position for the 2019/2020 Revenue Budget as at the end of August 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.

55. EXCLUSION OF PRESS AND PUBLIC

Decision Made:

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 ground that it involves the likely disclosure of exempt information as defined in Paragraph 3 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.

56. DISPOSAL OF FORMER ST WILFRID'S SCHOOL SITE

The Cabinet considered the report of the Head of Corporate Resources with a request to exchange a conditional contract for the disposal of the former St Wilfrid's RC High School site to Bellway Homes in accordance with the Council's Asset Disposal Policy.

Decision Made:

That the exempt information be considered as part of the public report in relation to this matter, reference Minute No: 58 refers.

Reason for the Decision:

The exempt information is required to be considered with the information in the public report in order that an informed decision may be made.

Alternative Options Considered and Rejected:

None.

57. RE-ADMIT PRESS AND PUBLIC

Decision Made:

That the press and public be re-admitted to the meeting.

58. DISPOSAL OF FORMER ST WILFRID'S SCHOOL SITE

The Cabinet considered the report of the Head of Corporate Resources with a request to exchange a conditional contract for the disposal of the former St Wilfrid's RC High School site to Bellway Homes in accordance with the Council's Asset Disposal Policy.

Decision Made: That the Cabinet:

- (1) notes that the proposal is 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) has 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 Cabinet in November due to the requirement to conclude the legal position and exchange contracts with Bellway Homes, arising from external contract and project plan commitments;
- (2) notes that the Chair of the Overview and Scrutiny Committee (Regulatory, Compliance and Corporate Services) has been consulted under Rule 46 of the Access to Information Procedure Rules of the Constitution, waiving call in due to the need to resolve on the basis that the decision cannot be reasonably deferred because of the urgency to conclude the legal position and exchange of contracts, arising from external contract and project plan commitments.
- (3) notes the progress of negotiations with Bellway Homes and the beneficiary of the restrictive covenant for its release and a further report on the sum required for such covenant release be submitted to the Cabinet Member - Regulatory Compliance and Corporate Services in conjunction with the Head of Corporate Resources for approval once the outstanding matters have been resolved;
- (4) confirms that there is no objection to exchanging conditional contracts with Bellway Homes to achieve best consideration;
- (5) notes the current strategy that officers are pursuing with the Education Funding and Skills Agency (EFSA) to secure Section 77 consent under the School Standards and Framework Act 1998; and
- (6) approves that the Chief Legal and Democratic Officer complete the necessary legal documentation for the disposal of the site subject to the resolution of the conditions of contract for sale.

Reasons for the Decision:

To ensure that the Council's interest in the land is disposed of in accordance with its legal obligations.

Alternative Options Considered and Rejected:

The Council could wait until August 2022 when the 10-year rule for disposal of playing fields under S77 no longer applies. This has been rejected because of the difficulty of then securing a comprehensive redevelopment of the site in partnership with the Archdiocese who are the owners of the school building footprint.

The Council could retain the site for a future disposal however this would be problematic for a variety of reasons including access. This has been rejected because of it fails to recognise the Councils aspirations for the site under the Local Plan