

THE "CALL IN" PERIOD FOR THIS SET OF MINUTES ENDS AT 12 NOON ON TUESDAY, 1 MARCH 2011. MINUTE NOS 214 AND 225 ARE NOT SUBJECT TO "CALL-IN".

CABINET

MEETING HELD AT THE TOWN HALL, BOOTLE ON THURSDAY 17TH FEBRUARY, 2011

PRESENT: Councillor Robertson (in the Chair)
Councillors Booth, Brodie - Browne, P. Dowd,
Fairclough, Maher, Moncur, Parry, Porter and
Tattersall

ALSO PRESENT: Councillors Byrom and Ibbs.

206. APOLOGIES FOR ABSENCE

No apologies for absence were received.

207. URGENT BUSINESS

The Chair reported that he had agreed that the Cabinet would consider the report relating to the terms and conditions for Council employees (Minute No. 229) as an urgent item, in view of the need to achieve the agreed budget savings in 2011/12.

208. DECLARATIONS OF INTEREST

The following declarations of interest were received:

Officer	Minute No.	Reason	Action
Steve Pearce - Head of Committee and Member Services	215 – Modernising Democratic Services	Personal – He may be affected by the issues referred to in the report.	Stayed in the room during consideration of the item

209. MINUTES OF PREVIOUS MEETING

RESOLVED:

That the Minutes of the Cabinet Meeting held on 27 January 2011 be confirmed as a correct record.

210. TRANSFORMATION PROGRAMME AND FURTHER OPTIONS

In accordance with Rule 27 of the Council and Committee Procedure Rules, the Cabinet considered a petition signed by 25 residents objecting to the proposed closure of seven youth clubs and a second petition signed by 40 residents objecting to the closure of Crosby Youth Club. Mr. J. Wilson and Ms J. Edgar, the representatives of the petitioners, addressed the Cabinet in support of the petitions and Mr. J. Allan, Branch Officer of Unison, also addressed the Cabinet objecting to the closure of the youth centres.

Further to Minute No. 183 of the meeting held on 27 January 2011, the Cabinet then considered the report of the Chief Executive which provided an update on the previously approved savings and budget reviews undertaken as part of the Transformation Programme. The report also set out the next stage of the budget setting process prior to the final decisions to be taken by the Council on 3 March 2011.

This was a Key Decision and was included in the Council's Forward Plan of Key Decisions.

RESOLVED: That

- (1) the representations from the two petitioners be considered as part of the budget process at the Council meeting to be held on 3 March 2011;
- (2) the progress to date on the Transformation Programme be noted;
- (3) the initial stage of the Learning and Development review be endorsed and the Council be recommended to give approval to officers being mandated to commence the consultation process with employees and Trade Unions with a view to realising the reduction in costs identified, including the issue of relevant statutory and contractual notifications;
- (4) the Terms of Reference for the Children's Centres Strategic Review as outlined in Appendix A of the report and the associated timescales be approved;
- (5) the Council be recommended to approve the proposals relating to Leisure Centres in Appendix B of the report and to mandate officers to continue the consultation process with employees and Trade Unions with a view to realising the reduction in costs identified including the issue of relevant statutory and contractual notifications;
- (6) approval be given to the appropriation of the Earmarked Reserves and the Insurance Fund surplus totalling £12m as detailed in paragraph 7 and Appendix C of the report, subject to officers clarifying that monies from Area Committees and the Environmental

and Technical Services Department identified in Appendix C can be fully appropriated. This funding to be utilised to fund redundancy costs and any delay in implementing approved savings; and

- (7) officers be authorised to prepare for implementation immediately, pending final decisions of Council.

211. CHARGING FOR NON-RESIDENTIAL SOCIAL CARE SERVICES

Further to Minute No. 61 of the meeting of the Cabinet Member - Health and Social Care held on 16 February 2011, the Cabinet considered the report of the Adult Social Care Director on the review of the Council's charging policy for non-residential social care services which had been undertaken in order to make substantial efficiencies as part of the Transformation Programme.

The report also provided a summary of the responses to the proposals following a consultation exercise held with service users who receive home care services and/or attend day centres .

This was a Key Decision and was included in the Council's Forward Plan of Key Decisions.

RESOLVED That

- (1) in principle, all service users who have in excess of £23,250 (current threshold) in capital or those who refuse to divulge their financial details be charged a maximum amount, to be determined, towards the actual cost of their day centre place and other care services provided by the Council;
- (2) the percentage of disposable income charged against as part of the financial assessment be increased from 65% to an amount to be determined;
- (3) in respect of (1) and (2) above, a further report be submitted to a Special Meeting of the Cabinet Member - Health and Social Care and the Cabinet at its meeting to be held on 3 March 2011 to:
 - (i) agree the maximum amount to be charged for day centre placements and other care services provided by the Council;
 - (ii) agree the increase in the percentage of disposable income from 65%; and
 - (iii) consider the financial implications of (i) and (ii) above with regard to the budget target saving of £650,000;

- (4) couples will only be offered two calculations either as a single person based on their own income, or as a couple based on their combined income;
- (5) the £5.00 per week transitional protection be removed;
- (6) service users be charged for their reserved day centre and reserved transport place whether or not they use either facility;
- (7) the highest rate of Attendance Allowance and the care component of Disability Living Allowance be taken into account as income for those service users who receive night-time services;
- (8) the amendments to the appeals process in relation to the revised charging policy be approved; and
- (9) it be noted that the proposal was a Key Decision but, unfortunately, had not been included in the Council's Forward Plan of Key Decisions. Consequently, the Chair of the Overview and Scrutiny Committee - Health and Social Care had been consulted under Rule 15 of the Access to Information Procedure Rules of the Constitution, to the decision being made by the Cabinet Member/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 savings targets contained within the report are a component in achieving the setting of the Council's balanced budget for 2011/12. The item was not included on the Forward Plan because of the timescales dictated by the Transformation Agenda to achieve significant budget savings across the Council.

212. LOCAL GOVERNMENT ACT 2003 - CHIEF FINANCIAL OFFICER REQUIREMENTS INTERIM REPORT

The Cabinet considered the interim report of the Chief Executive and Section 151 officer on the issues to be addressed prior to the setting of the Budget and Council Tax 2011/12 to enable a final report to be submitted to the Cabinet and Council on 3 March 2011 providing an assessment of the robustness of the estimates, the adequacy of financial reserves and the longer term revenue and capital plans.

RESOLVED:

That the report be noted.

213. CREATION OF A SHADOW HEALTH AND WELLBEING BOARD FOR SEFTON

The Cabinet considered the report of the Chief Executive on the proposed creation of a Shadow Health and Wellbeing Board to drive a collaborative approach to the commissioning of local NHS Services, social care and

health improvement services in Sefton as part of the Health and Social Care Bill.

The Chair reported that the nominees of the three Political Group Leaders could be members of the Shadow Board.

RESOLVED: That

- (1) approval be given to the creation of a Shadow Health and Wellbeing Board from 1 March 2011 as set out in the report; and
- (2) a formal expression of interest be submitted to the Department of Health to join the network of early implementers of such Boards.

214. MEMBERS' ALLOWANCES

Further to Minute No. 15 of the meeting of the Standards Committee held on 3 February 2011, the Cabinet considered the report of the Director of Corporate Services on proposals submitted by the Independent Remuneration Panel for a reduction in the 2011/12 Scheme of Members' Allowances.

RESOLVED:

That the following recommendations be submitted to the Council for consideration on 3 March 2011:

- (1) That the recommendations made by the Independent Remuneration Panel in paragraph 2.2 of the report be accepted.
- (2) That the changes be implemented with effect from 1 April 2011.
- (3) That the proposed Scheme of Members Allowances set out in Annex A of the report be accepted; and
- (4) That the Independent Remuneration Panel be asked to formally review the full Members' Allowances Scheme during 2011/12.

215. MODERNISING DEMOCRATIC SERVICES

The Cabinet considered the report of the Assistant Chief Executive which provided details of proposed changes to the democratic processes, including the Programme of Meetings for 2011/12 in order to meet the savings agreed by the Council on 16 December 2010.

RESOLVED: That

- (1) the system of electronic decision-making for decisions delegated to Cabinet Members be implemented from the 2011/12 Municipal Year;

- (2) the Council be recommended to give approval to the Scheme of Delegation for Cabinet Members being revised in the Council Constitution to allow all non-key decisions to be delegated to the Cabinet Members;
- (3) the Programme of Cabinet Meetings for 2011/12 set out in Appendix B of the report be approved;
- (4) the Council be recommended to give approval to the Programme of Meetings for the Council and Regulatory Committees; Overview and Scrutiny Committees; and Members' Briefings for the 2011/12 Municipal Year, as set out in Appendices C and D of the report; and
- (5) the Programme of Meetings for the Area Committees for the 2011/12 Municipal Year be referred to the Leaders Group for further review and subsequently submitted the next Cabinet meeting prior to consideration by the Council; and
- (6) the Cabinet Member meetings set out in paragraph 4.7 of the report be cancelled and the Council be recommended to approve the cancellation of the remainder of the meetings set out in the same paragraph.

216. REPRESENTATION ON OUTSIDE BODIES

The Cabinet considered the report of the Assistant Chief Executive on a request submitted by Councillor Parry to change the nominations of her political group for representation on a number of Outside Bodies for the remainder of the current Municipal Year 2010/11.

RESOLVED: That

- (1) approval be given to the following changes to the Council's representation on Outside Bodies for the period up until 31 May 2011:

Mersey Port Health Committee

Councillor Dorgan to replace Councillor Glover as a Member of the Committee

Councillor Ibbs to replace Councillor Pearson as the Substitute Member for Councillor Dorgan

Sefton Council for Voluntary Services

Councillor Porter to replace Councillor Doran as the Council representative.

Sefton Cycling Forum

Councillor Jones to replace Councillor Pearson as the Council representative on the Forum.

Standing Advisory Committee for Religious Education (SACRE)

Councillor Dutton to replace Councillor Doran as the Substitute Member for Councillor Cuthbertson; and

- (2) the proposed changes in the representation on the North West Sea Fisheries Committee and the North West Inshore Fisheries and Conservation Authority be referred to the Leaders' Group for consideration and subsequently submitted to the next meeting of the Cabinet.

217. SELECTION OF THE DEPUTY MAYOR FOR 2011/12

The Cabinet considered the report of the Assistant Chief Executive which provided details of the Selection Procedure previously agreed for the selection of the Deputy Mayor and sought the nomination of the Deputy Mayor for the Municipal Year 2011/12.

Under the present political management framework, the nomination of the Deputy Mayor Elect was a matter on which the Cabinet should make a recommendation to the Council.

RESOLVED: That

- (1) it be noted that Councillor P. Cummins stands nominated as Mayor Elect for 2011/12; and
- (2) the Conservative Group nomination for the post of Deputy Mayor for 2011/12 be referred to the Mayoral Working Group for consideration and subsequently submitted to the next meeting of the Cabinet.

218. PRIMARY CAPITAL PROGRAMME - ADDITIONAL WORKS

Further to Minute No. 78 of the meeting of the Cabinet Member - Children's Services held on 18 January 2011, the Cabinet considered the report of the Strategic Director - Children, Schools and Families seeking approval to the second phase development scheme at Aintree Davenhill Primary school up to the tender stage, which would be funded from the Primary Capital Programme Allocation for 2010/11.

RESOLVED:

That the scheme be included in the Children, Schools and Families Capital Programme for 2010/11.

219. AIMING HIGH FOR DISABLED CHILDREN - ADDITIONAL SCHEMES

Further to Minute No. 85 of the meeting of the Cabinet Member - Children's Services held on 8 February 2011, the Cabinet considered the report of the Strategic Director, Children, Schools and Families seeking approval to the implementation of schemes to be funded from the Aiming High for Disabled Children Capital Allocation for 2010/11.

RESOLVED:

That the scheme be included in the Children, Schools and Families Capital Programme for 2010/11.

220. A REVIEW OF THE EVIDENCE SUPPORTING THE CORE STRATEGY OPTIONS

Further to Minute No. 112 of the meeting held on 30 September 2010 and Minute No. 145 of the meeting of the Planning Committee held on 9 February 2011, the Cabinet considered the report of the Planning and Economic Development Director on the findings of the Green Belt study and how this would inform the Options stage of the Core Strategy.

The report provided an update on a review of the Strategic Housing Land Availability Assessment which would determine how much land was available in the urban areas and would need to be subject of consultation with stakeholders including the Sefton, Knowsley and West Lancashire Housing Market Partnership.

The report also referred to the future need to update Sefton's retail evidence in order to ensure that the Council had robust evidence when the Core Strategy was independently examined in early 2012.

This was a Key Decision and was included in the Council's Forward Plan of Key Decisions.

RESOLVED: That

- (1) it be noted that consultation has taken place with the Area Committees and some of the parishes on the Green Belt Study since the previous report was deferred by the Cabinet on 30 September 2010;
- (2) the Green Belt Study and Strategic Housing Land Availability Assessment update be approved for consultation purposes; and
- (3) the need for a future review of the retail evidence that will support the Core Strategy be noted, the costs of which would be contained within the Department's consultancy budget.

221. CORE STRATEGY FOR SEFTON - OPTIONS PAPER

Further to Minute No. 146 of the meeting of the Planning Committee held on 9 February 2011, the Cabinet considered the report of the Planning and Economic Development Director seeking approval to the Core Strategy Options Paper for the purposes of consultation.

This was a Key Decision and was included in the Council's Forward Plan of Key Decisions.

RESOLVED: That

- (1) the Core Strategy Options Paper be approved for consultation; and
- (2) the Planning and Economic Development Director be given delegated authority to make minor editorial changes to the draft Options Paper, including making sure that it is in Plain English, and other presentational changes.

222. JOINT WASTE DEVELOPMENT PLAN: CONSULTATION ON PREFERRED OPTIONS 2 - NEW SITES CONSULTATION

Further to Minute No. 194 of the meeting held on 27 January 2011, the Cabinet considered the report of the Planning and Economic Development Director seeking the reaffirmation of the Council's commitment to identify a replacement site in accordance with its agreement to support the adoption of the joint Merseyside Waste Development Plan Document.

RESOLVED: That

- (1) the Cabinet reaffirms the Council's commitment to identify a replacement site in accordance with its agreement to support the adoption of the joint Merseyside Waste Development Plan Document; and
- (2) it be noted that all Merseyside Waste will be exported outside the Merseyside Sub-region in due course.

223. PRIVATE SECTOR HOUSING ENFORCEMENT FEES AND CHARGES

Further to Minute No. 76 of the meeting of the Cabinet Member - Regeneration held on the 16 February 2011, the Cabinet considered the report on the proposed set of charges to be adopted for taking Private Sector Housing Enforcement action under the provision of the Housing Act 2004.

RESOLVED:

That approval be given to the scale of Charges under the Housing Act 2004 as set out in Appendix A of the report.

224. MERSEYSIDE SUB - REGIONAL CHOICE BASED LETTINGS SCHEME - ALLOCATIONS POLICY

Further to Minute No. 77 of the meeting of the Cabinet Member - Regeneration held on 16 February 2011, the Cabinet considered the report of the Neighbourhoods and Investment Programmes Director seeking approval to a new Choice Based Allocation Policy to be adopted by the five Merseyside Local Authorities participating in the sub-regional Scheme following a recent consultation exercise.

The report also provided an update on the progress towards the introduction of the sub-regional Choice Based Lettings Scheme.

This was a Key Decision and was included in the Council's Forward Plan of Key Decisions.

RESOLVED: That

- (1) the revised Choice Based Allocations Policy be approved; and
- (2) the progress toward the introduction of the sub-regional Choice Based Lettings Scheme be noted.

225. ADDITIONAL GRANT FUNDING FROM HOMES AND COMMUNITIES AGENCY TO FUND ACQUISITIONS IN THE KLONDYKE AREA OF BOOTLE

Further to Minute No. 4 of the meeting of the Cabinet Urgent Business Committee held on 13 January 2011, the Cabinet considered the report of the Neighbourhoods and Investment Programmes Director which provided details of a further offer from the Homes and Communities Agency to provide funding of £849,000 to the Council in the current financial year towards further acquisitions of properties in the Klondyke area of Bootle which are intended for demolition (Phase 2 and 3).

RESOLVED: That

- (1) the offer of £849,000 of grant funding made by the Homes and Communities Agency to fund further acquisitions in the Klondyke area of Bootle be accepted;
- (2) the Acting Head of Corporate Legal Service be authorised to enter into a Grant Agreement with the Homes and Communities Agency;
- (3) in view of the timescales for utilising this funding, the Neighbourhoods and Investment Programmes Director be granted delegated authority to approve the individual additional acquisitions to be funded, up to this amount; and

- (4) it be noted that the Chair of the Overview and Scrutiny Committee (Performance and Corporate Services) had given her consent under Rule 17 of the Scrutiny Procedure Rules for this decision to be treated as urgent and not subject to "call-in" because of the need to complete the legal agreement with the Homes and Communities Agency; certain acquisitions of properties and claim the resources before the deadline of 15 March 2011

226. ROK BUILDING LTD (IN ADMINISTRATION)

Further to Minute No. 200 of the meeting held on 27 January 2011, the Cabinet considered the report and supplementary note of the Environmental and Technical Services Director on the latest position relating to the contractors, ROK Building Limited based in Rochdale, who had been placed in administration and the options available for the completion of the works at Southport Indoor Market, Lander Road Primary School and Kew Woods Primary School and the outstanding works at St. Peter's House.

RESOLVED: That

- (1) the Acting Head of Corporate Legal Services be authorised to terminate the existing contract with ROK Building Ltd and enter into a formal contract with Lockwoods Construction (Liverpool) Limited of Bootle, in the sum of £2,228,588 for the completion of the outstanding works at Southport Market;
- (2) the Acting Head of Corporate Legal Services be authorised to terminate the existing contract with ROK Building Ltd and enter into a formal contract with D. Henderson and Son of Southport, in the sum of £548,591 for the completion of the outstanding works at Kew Woods CP School; and
- 3) subject to Capita Symonds establishing costs to complete the outstanding works at Lander Road Primary School which are reasonable and where the total amount which is unrecoverable does not exceed £26,000, the Acting Head of Corporate Legal Services be authorised to terminate the existing contract with ROK Building Ltd and enter into a formal contract with Eaga Contract Services Limited of Prescot, in the maximum sum of £768,745, or alternatively, in the event that this is not achievable, the Environmental and Technical Services director be authorised to invite new competitive tenders.

227. LEISURE AND TOURISM DEPARTMENT - FEES AND CHARGES 2011/12

Further to Minute No. 59 of the meeting of the Cabinet Member - Leisure and Tourism held on 9 February 2011, the Cabinet considered the report and supplementary note of the Leisure and Tourism Director on the

proposed fees and charges for services to be delivered by the Leisure and Tourism Department in 2011/12.

RESOLVED:

That the fees and charges for 2011/12 as set out in Annex A of the report and the supplementary note be approved.

228. EXCLUSION OF PRESS AND PUBLIC

RESOLVED: That

- (1) under Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following items of business on the grounds that it would involve the likely disclosure of exempt information as defined in Paragraph 1 of Part 1 of Schedule 12A to the Act. The Public Interest Test has been applied and favours exclusion of the information from the press and public; and
- (2) the representatives of the Trade Unions be permitted to remain in the meeting during the consideration of Minute No. 229.

229. BUDGET SAVINGS - TERMS AND CONDITIONS OF EMPLOYMENT

Further to Minute No. 69(4) of the Council meeting held on 27 January 2011, the Cabinet considered the report of the Director of Corporate Services on the negotiations which had taken place with Trade Unions on the terms and conditions of employment for Council employees.

The Director of Corporate Services and Mr. G. Williams, Branch Secretary of Unison, commented on the current position on the proposals set out in the report.

RESOLVED: That

- (1) the verbal update given by the Director of Corporate Services, relative to the current position of the trade unions concerning the proposals set out in Section B of the report be noted;
- (2) the proposals set out in Section B of the report be endorsed as the preferred option;
- (3) consultations on the preferred option continue, including communication with potentially affected employees. The object of such consultation being to endeavour to reach an agreement; and
- (4) in the absence of an agreement, the Director of Corporate Services be given delegated authority to take the necessary action to

achieve the implementation of the proposals set out in Section B of the report, subject to consultation with the Party Leaders.