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To: All Members of the Council

Date: 19 July 2018
Our Ref:CL
Your Ref:

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Dear Councillor

COUNCIL - THURSDAY 19TH JULY, 2018

I refer to the agenda for the above meeting and now enclose the following report which was unavailable when the agenda was printed.

Agenda No.

Item

7. **Questions Raised by Members of the Council (Pages 187 - 198)**

To receive and consider questions to Cabinet Members, Chairs of Committees or Spokespersons for any of the Joint Authorities upon any matter within their portfolio/area of responsibility, of which notice has been given by Members of the Council in accordance with Paragraph 48 to 50 of the Council and Committee Procedure Rules, set out in Chapter 4 of the Council Constitution.

Yours faithfully,

M. CARNEY

Chief Executive

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COUNCIL – 19TH JULY 2018

QUESTIONS RAISED BY MEMBERS OF THE COUNCIL

1. **Question submitted by Councillor Morris to the Cabinet Member for Regeneration and Skills (Councillor Atkinson)**

Freeports - “Do Sefton Council support all 8 of the Metro Mayors’ initiative regarding the £1.3 bn unspent Apprenticeship levy and if so would it be making representations to government for the benefit of the Freeport Area in Sefton?”

Response:

“Sefton Council agrees with the Metro Mayors’ in that unspent Apprenticeship levy in our City Region should be retained within the Region and the Mayoral Combined Authority be given control of this funding to enable us to make the right decisions regarding skills and apprenticeships locally. It is vitally important that we are able to assist our residents in gaining the skills and experience they will need to access employment in the future.”

”With regards to the Freeport area in Sefton, there are no plans to lobby anyone for special consideration. We would expect that if the Government agreed to release this unspent money support would be given to all areas of the City Region.”

2. **Question submitted by Councillor Watson to the Leader of the Council (Councillor Maher)**

“Will the Leader of the Council please advise if Labour Cabinet members meet in private prior to the former Cabinet meeting and if so will he indicate on average how long the meetings last.”

“Will he also advise the average length of time that the Cabinet meeting that is open to the Councillors and members of the public last.”

Response:

“Sefton’s Cabinet Members meet regularly throughout the year and these meetings take as long as necessary.”

“With regards to the formal Cabinet meeting, that takes as long as is needed, subject to the content contained within the relevant agenda.”

3. **Question submitted by Councillor Watson to the Leader of the Council (Councillor Maher)**

A. “When did the Leader of the Council know about the particular problem with the roof in the Strand?”

B. “Who undertook inspection of The Strand initially and what conclusions did they come to concerning the overall structure with reference to the roof.”

C. “What was their fee?”

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- D. “Does the Leader of the Council know if anyone from the private sector commissioned such a structural review before they decided that The Strand was not viable?”
- E. “Will the Council now have to borrow the significant additional sum that has been requested and if so what will be the additional annual loan charges to be met by Sefton Council Taxpayers.”
- F. “What current assessment has been made on what could be the imminent closure of Poundworld and what will be the annual income loss.”
- G. “What percentage of the total rental income will this represent and what provision has been made to cover such a contingency.”
- H. “Will the Leader of the /Council confirm that a new business plan will now be produced for consideration by Council members that will give a more realistic assessment of The Strands commercial and financial liability.”

Response:

- A. “I’m not clear as to which problem you are referring to, but works to replace the whole roof have been underway for some years, prior to Council ownership as part of an ongoing maintenance and replacement programme. The current approved Business Plan will see completion of this programme for the roof within two years of Council ownership.”
- B. “A number of surveys were carried out as part of the diligence process on asset condition, including a building survey, concrete investigations and a vendors (warranted) survey.

A measured survey was carried out by Savills.

A concrete report was carried out by Paragon, testing for chlorine and carbonation.

A building survey was carried out by Lambert Smith Hampton.

A red book valuation was carried out by GVA.

Of course these surveys and reports are lengthy and comprehensive. However, our property Advisors in this regards, LSH, quoted the following in summary:

Suitability for Purchase

“Subject to your acceptance of the issues raised within our report, the anticipated future liability to you as leaseholder and the outcome of your solicitor’s enquiries, we see no reason from a Chartered Building Surveyor’s perspective, why you should not proceed with your proposed acquisition.”

The report itself:

- *Focuses on any material issues which may impact on investment value Issues highlighted relate to general repair and maintenance of the roofs and refurbishment/replacements of lifts.*
 - *10 year budget cost of repairs - £4.7m/covered by PPM (planned preventative maintenance programme –funded entirely through service charges paid by tenants).*
 - *Recommend to undertake concrete test reports/letter of reliance or warranty on previous tests.*
 - *Building well managed and subject to a regular planned maintenance regime.*
 - *Mechanical and electrical services well considered and remain focused on matters relating to fire safety and general welfare of public and staff.”*
- C. “Ten separate organisations delivered the full spectrum of expertise required to ensure full and appropriate diligence was carried out prior to making an Investment decision. The overall cost of pre-acquisition diligence has already been reported as £699k, 2.1% of the purchase price. This is a very typical percentage amount for a commercial transaction of this type where thorough diligence has been carried out.”
- D. “It’s not possible for the Council to know this, but a warranted vendor’s survey was provided as part of the diligence process and the Council took further steps to provide independent assurance as to the validity of this survey. There were no documents in the data room that suggested structural reviews conducted by third parties.”
- E. “Sefton Council Tax Payers make NO contribution to any loan repayments. Any debt is serviced entirely from Net Operating Income. In fact, after interest and tax payments, the Strand contributed £1m to the Council in 2017/18, some of which has already been allocated to services.”
- F. “This is commercially confidential information, but the shopping centre continues to perform ahead of its business plan.”
- G. “Again, this is commercially confidential information. At any given time, both the asset managers and lettings agent, highly regarded professionals in their field, are managing a pipeline of enquiries and negotiations and have a detailed understanding of each tenancy position. The Business Plan provides for contingency and mitigation under such circumstances. In any given month there are several tenancy transactions made - we do not intend to provide tenant by tenant commentary, of commercially confidential decisions.”
- H. “No - the current Business Plan for 3 years is ahead of performance and was produced in the full knowledge of all the commercial, financial, property, legal and corporate due diligence. There is no reason to produce a new Business Plan or review the existing plan.”

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4. Question submitted by Councillor Watson to the Cabinet Member for Locality Services (Councillor Fairclough)

“The Cabinet member responsible for Highway Repairs (Councillor Fairclough) will no doubt be aware of the very great concern that there is in Southport over the repair work now required on the recent refurbished Lord Street

Will the member advise:

1. What is the average length of time before road repairs are required following a major refurbishment programme
2. What is the area expressed both in sq meters and as a percentage of the total work that is now subject to repair
3. What has been the cost of the repair work
4. Will the Cabinet member confirm that this cost will be met in full by the contractor?”

Response:

- 1, “You would typically not expect to undertake any significant repairs for at least 5-10 years subject to traffic volumes, weather and also whether Utility companies have excavated within the new surfacing and completed trench reinstatements as these can cause premature failures to the surrounding materials.”
2. “The original works covered approximately 19,000m². The remedial works were undertaken on approximately 2,260m² (i.e. approximately 12% of the total surface area).”
3. “This is not available, see below.”
4. “All works costs associated with the remedial works have been covered in full by the Contractor.”

5. Question submitted by Councillor Jones to the Cabinet Member for Regulatory, Compliance and Corporate Services (Councillor Lappin)

“Sunday 1st July Southport held an Armed forces day parade and the turnout to watch and pay respect to our amazing Armed forces has increased over the past couple of years. The Mayor this year requested and had the Town hall opened for purposes of those on parade.

Could I request that this Council look at ways to help support and promote this worthy cause moving forward to help it become bigger and better, allowing us to show how grateful we are for all their sacrifices.”

Response:

“Since the start of Armed Forces Day back in 2009 Sefton Council have had little involvement with the event. However, from 2009 to 2015 the Veterans Fund based in Southport took responsibility for organising this event but when the Veterans Fund disbanded, since 2015 a branch of SSAFA took ownership of the event.

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The Council's involvement has been to send the Mayor to the event to take the salute for the Parade and represent the Borough.

Previously the Town Hall had not been opened for this event, but having seen the event grow each year the Mayor made the request to have the Town Hall open for this year's event and, following agreement with SSAFA on the opening times, it was put in place that the Town Hall be opened from 9.00am -1.00pm.

Sefton is working with the Liverpool City Region (LCR) who are focusing on a funding strategy to support veterans through the newly signed LCR Armed Forces Covenant. Councillor Brennan, Sefton's Armed Forces Champion, continues to work on many issues related to Veterans day-to-day concerns."

6. **Question submitted by Councillor Dawson to the Cabinet Member for Adult Social Care (Councillor Cummins)**

"When precisely and by whom was the decision on behalf of Sefton MBC to procure new domiciliary care contracts for Sefton MBC jointly with Knowsley MBC taken?"

Response:

"Cabinet - on 22nd June 2017."

7. **Question submitted by Councillor Dawson to the Cabinet Member for Adult Social Care (Councillor Cummins)**

"On what date and in what format was the fact that Sefton MBC was about to procure new domiciliary care contracts for Sefton MBC jointly with Knowsley BC communicated to;

- (a) the existing providers and
- (b) the clients and carers in Dukes Ward, Cambridge Ward and Ainsdale Ward?"

Response

- (a)
 - "Providers were notified of the Cabinet decision made on 22nd June 2017
 - As part of the Procurement process the Local Authorities also held a workshop on 27th July 2017 and a 'Supplier event' on 8th November 2017. Providers attended both these events
- (b)
 - Service Users were sent a leaflet in early November 2017."

8. **Question submitted by Councillor Dawson to the Cabinet Member for Adult Social Care (Councillor Cummins)**

"On what date and how did the tenders go out for the new procurement of domiciliary care for Dukes Ward, Cambridge Ward and Ainsdale Ward? - and what was the deadline for the tender bids being returned?"

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Response

- “The Domiciliary Care Procurement was submitted to the Official Journal of the European Union (OJEU) on 20/10/17 via The Chest and subsequently published in the OJEU on 23/10/27.
- The Procurement was then openly advertised and published on the Chest Portal on 24/10/17.
- The Deadline for responses submitted via the Chest Portal was 9:30 am on 21/11/17.”

9. **Question submitted by Councillor Dawson to the Cabinet Member for Adult Social Care (Councillor Cummins)**

“On what date(s) was the result of the tendering process for domiciliary care for Dukes Ward, Cambridge Ward and Ainsdale Ward announced to;

- (a) the existing contract holders
- (b) the clients/carers
- (c) the general public?”

Response

- (a)
 - “Final Award letters were issued to the successful tenderers on 01/05/18.
- (b) and (c)
 - 18th May 2018 – letter sent to Service Users
 - 18th June 2018 – further letter sent to Service Users
 - Communications were also sent out to Stakeholders
 - Cabinet report regarding the awarding of the contracts was approved on 21st May 2018.”

10. **Question submitted by Councillor Dawson to the Cabinet Member for Adult Social Care (Councillor Cummins)**

“On what date and how were clients of the Sefton MBC contracted domiciliary care service resident in Dukes Ward, Cambridge Ward and Ainsdale Ward first notified by the Council:

- (a) of the possibility of their availing themselves of access to independent advocacy in the situation of the domiciliary care contract transfer?
- (b) of the possibility of their remaining with their existing care provider through using 'Direct Payments?’

Response

- (a)
 - “No specific advocacy services were referred to, however in the leaflet sent in early November 2017 Service Users were advised that they could contact the Council should they require any further information. At the time this leaflet was sent out the tender had not been advertised, come of the tender was not known.

As a result, advocacy services were not promoted as there was no presumption that the procurement exercise would result in a change of Provider for Service Users.

- (b)
 - The letter to Service Users dated 18th June 2018 made reference to Direct Payment applications.”

11. **Question submitted by Councillor Dawson to the Cabinet Member for Adult Social Care (Councillor Cummins)**

“What arrangements were made by Sefton Council, given the experience when the Southport domiciliary care contracts were last transferred from AllCare to Mears and Delta, to ensure a timely increase of resources within the Council for the consideration of Direct Payment expressions of interest?: What, if any, were these additional arrangements; what were the existing arrangements/resource level: how many requests could it process per week or month and when were any additions implemented?”

Response

“Since the Domiciliary Care contracts were last procured Sefton Council has implemented a Pre-Paid Card System which streamlines the processes for people to manage their Direct Payments.

The letters that were sent to Service Users contained the telephone number for the Care Arrangers’ team. This team are a new resource put in place since the last contracts were implemented. The six staff were dedicated to taking calls and dealing with queries from Service Users. This included explaining to Service Users what would be involved in the provision of care, how direct payments worked, and if users wanted to pursue an application for Direct Payments then making a referral to Social Care colleagues.

Social Workers in both North and South were allocated to this work and they made contact with Service Users to discuss Direct Payments in more detail to ensure that it was appropriate to the client’s individual circumstances and where appropriate then making referrals to the Direct Payment team. Some Service Users did not want to pursue a Direct Payment once they had more information, or where not eligible for a Direct Payment as their client contribution was higher than their cost of care. Those Service Users who rang expressing confusion were offered home visits.

The Direct Payment team contacted Service Users to ensure that they understood the responsibility of taking on a Direct Payment and then sent information packs, some Service Users at this stage did not want to proceed.

On average three Direct Payments Officers would usually process 30 applications per month.”

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12. **Question submitted by Councillor Dawson to the Cabinet Member for Adult Social Care (Councillor Cummins)**

“How many expressions of Direct Payment interest were received from clients resident in Dukes Ward, Cambridge Ward and Ainsdale Ward by Sefton MBC after clients and carers had been made aware of the proposed transfer of the Sefton MBC domiciliary care contract? How soon were these clients/carers (a) notified by the Council that their expressions of interest were being addressed and (b) what time frame were they provided with in correspondence for the likely completion of processing of their requests?”

Response

Ward	Expression of interest
Dukes	22
Cambridge	26
Ainsdale	33

“In addition to the above, there were other Service Users who have contacted the Care Arrangers for initial information about the transfer process.

No timeframes were given on the likely completion of Direct Payment applications as the timeframes will differ due to the individual circumstances of the applicant, for example the time they take to consider the Direct Payment Agreements documentation.

The Care Arrangers informed Service Users of this when they first made contact, and made clear that applications may not be processed before 2 July 2018, this was reiterated in a letter sent to all Service Users on 18th June 2018. “

13. **Question submitted by Councillor Dawson to the Cabinet Member for Adult Social Care (Councillor Cummins)**

“What has been the average time for the Direct Payments requests/expressions of interest received after the announcement of the contract transfers for clients resident in Dukes Ward, Cambridge Ward and Ainsdale Ward to be processed to completion? How many such requests/expressions of interest have been 'discontinued' by the clients' carers?”

Response:

“Those that have been approved for Direct Payments have taken 21 days on average to be approved from date of first contact, until the Service User has completed and returned the Direct Payment forms. The time taken will vary depending also on how quickly Service Users complete the forms, their level of understanding of the responsibilities involved and whether there is anyone to support users who don't have the ability or are unwilling to manage the Direct Payment themselves.”

To-date:

Ward	Expression of interest discontinued by clients/ reps
Dukes	8
Cambridge	16
Ainsdale	17

14. **Question submitted by Councillor Dawson to the Cabinet Member for Locality Services (Councillor Fairclough)**

“How many small street trees or saplings have been planted in:

- (a) Southport
- (b) within the Borough of Sefton as a whole this spring?”

Response

- (a) “In winter 2017/18 planting season: 109 trees were planted in Southport.
- b) In winter 2017/2018 planting season: 210 highway trees were planted in total.”

15. **Question submitted by Councillor Dawson to the Cabinet Member for Locality Services (Councillor Fairclough)**

“For each of (a) and (b) in Q14 above, how many street trees are presently known to have been lost due to:

- (i) vandalism and
- (ii) failure to thrive through drought and other causes?”

Response

- (i) “The Tree and Woodland Team is only aware of 2 trees (of the 210 mentioned in response to Q14 above) lost to vandalism.”
- (ii) “We don’t have figures on those lost due to lack of establishment; we would normally asses this next spring.”

16. **Question submitted by Councillor Dawson to the Cabinet Member for Locality Services (Councillor Fairclough)**

“What is the prescribed watering regime which has been normally required by the Council for newly-planted street trees during this spring and early summer? What, if any, supplementary regime has been put in place or will be put in place to address the severe water shortage being experienced by the roots of these small new trees?”

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Response

“The tree planting contract does not prescribe a specific watering regime as this is weather dependent. In periods of dry weather the contractor prioritises watering of new tree stock rather than other maintenance issues such as weeding of tree pits. If trees fail to establish within the first two years after planting they are replaced as part of agreement laid out within the contract.

This year we have seen an unprecedented period of dry hot weather which we are expecting to have an effect on next year’s survival rates. The contractor is doing all they can to ensure survival.”

17. Question submitted by Councillor Dawson to the Cabinet Member for Adult Social Care (Councillor Cummins)

“Could the Cabinet Member inform Councillors, with respect to Barton Park and any other residential care homes owned by and/or operated by Choice Classic Ltd and/or any other companies known to be operated by or closely associated with David Barton Senior, formerly of Oxford Road, Birkdale, . . .

- (a) how many Sefton MBC-funded residents are currently resident in such homes?
- (b) whether Sefton MBC remains satisfied that the arms-length management arrangements which have been operating during the past year or so for Barton Park continue to be operating appropriately, safely and in the interest of the residents concerned?
- (c) whether, given the obvious uncertainty and concerns which will press on all current residents of Barton Park etc. however their care is funded, arising from the recent trial verdicts, Sefton MBC has ensured or will ensure that all these residents and, where appropriate, their relatives, are made aware of appropriate counselling and advocacy services so that their questions may be addressed with completely independent and impartial advice?”

Response

- (a) “None - all Sefton funded residents have been assisted to relocate to other care homes in the area. “
- (b) “The Council gave notice and terminated its contract with Choice Classic effective of 11th July 2018, following the conviction of one of the Directors of the Home, David Barton Senior. The Care Home regulator the Care Quality Commission are currently assessing the management arrangements in place but at present the home is still registered to operate - social workers and district nurses are continuing to monitor.”
- (c) “Advocacy services are fully engaged and have been working with the Council and its statutory partners in supporting all residents and/or their relatives and will continue to do so. A further meeting has been offered by the Head of Social Care to families and residents in order to provide support given this difficult situation.”

18. **Question submitted by Councillor Pugh to the Cabinet Member for Locality Services (Councillor Fairclough)**

“What plans have the Council to open up Foul Lane to through traffic?”

Response

“At present, the Council has no plans to open up Foul Lane to through traffic.”

19. **Question submitted by Councillor Pugh to the Cabinet Member for Regulatory, Compliance and Corporate Services (Councillor Lappin)**

“Whether the council would consider air quality monitoring in the vicinity of Meols Cop School at peak times?”

Response

“Meols Cop School is not considered to be in an area where air quality is of concern. As you are aware the Council operates a Community Air watch programme using Nitrogen Dioxide diffusion tubes which are changed by the participants. I will arrange for the appropriate officer to contact the School to enquire whether they would want to participate in this scheme which would entail us setting up a holder at the school and sending replacement tubes to a nominated person.”

20. **Question submitted by Councillor Shaw to the Cabinet Member for Locality Services (Councillor Fairclough)**

“Roots from street trees can cause flagstones etc. to raise thereby creating a trip hazard. This is frequently addressed by removing flagstones and replacing with tarmac.

1. Does the Cabinet Member agree that it is important such works should be done in such a way that ensures the long term health of the street tree, for instance where we see long periods of hot, dry summers?
2. Is permeable tarmac specified in such situations? If not, could it be in future?
3. Is a minimum size specified for the remaining tree pit (i.e. the exposed soil by the tree trunk) and if so, what size is the tree pit required to be?

Response

1. “Any works undertaken to the footway adjacent to trees firstly needs to be completed to remove any risk or hazard to pedestrians. Notwithstanding this, the works undertaken are to be completed with the welfare of the tree in mind. General principals are applied to facilitate this but each individual location needs to be considered on its own merits.”
2. “Permeable tarmac is not currently used and would not be used moving forward. This is an expensive product which could not be purchased in small batches hence operationally would be impractical to use.”

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3. “As detailed above, each tree pit has to be assessed separately, looking at such things as the visible root structure, intrusion to the footway, adjacent street furniture & structures etc. Due to this there is not standard tree pit size used for existing trees, they will be site specific.”

21. **Question submitted by Councillor Bliss to the Cabinet Member for Regulatory, Compliance and Corporate Services (Councillor Lappin)**

“With reference to item 10 on the Council Summons, there is a lack of clarity and a challenge to reconciling the source of funding, especially external funding, to expenditure; for example compare the details provided under Sections 2.4 and Sections 2.5.

In the interests of public scrutiny and transparency, can the Council please provide a reconcilable schedule of the source of grants and related expenditure?”

Response

“When the council’s capital programme is set as part of the overall budget setting process, or additions are made to the programme, the funding sources for each scheme are detailed for Members.

Within the annual capital outturn report, Members are provided with information on the delivery of the capital programme in terms of both scheme completion and levels of expenditure. To support the analysis of annual expenditure incurred, a breakdown of how this is funded is provided thus providing a clear audit trail. Likewise, details of schemes that have been completed or are nearing completion are also provided. This detail is also the subject of annual external audit review.”