

# Public Document Pack



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To: all Cabinet Members

Date: 8 February 2022

Our Ref:

Your Ref:

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Dear Councillor

## **CABINET - THURSDAY 10TH FEBRUARY, 2022**

I refer to the agenda for the above meeting and now enclose the following minutes that were unavailable when the agenda was published.

<b>Agenda No.</b>	<b>Item</b>
3.	<b>Minutes of the Previous Meeting</b> (Pages 175 - 184) Minutes of the meeting held on 3 February 2022

Yours sincerely,

D.Johnson

Chief Executive

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THE "CALL IN" PERIOD FOR THIS SET OF MINUTES ENDS AT 12 NOON ON WEDNESDAY 16 FEBRUARY 2022. MINUTE NO. 98 IS NOT SUBJECT TO "CALL-IN"

## CABINET

### MEETING HELD AT THE BALLROOM, TOWN HALL, BOOTLE ON THURSDAY 3RD FEBRUARY, 2022

PRESENT: Councillor Ian Maher (in the Chair)  
Councillors Atkinson, Cummins, Doyle, Fairclough,  
Hardy, Lappin, Moncur, Roscoe and Veidman

#### 91. APOLOGIES FOR ABSENCE

No apologies for absence were received.

#### 92. DECLARATIONS OF INTEREST

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

#### 93. MINUTES OF THE PREVIOUS MEETING

##### Decision Made:

That the Minutes of the Meeting held on 6 January 2022 be approved as a correct record.

#### 94. ST TERESA'S CATHOLIC INFANT SCHOOL - OUTCOME OF CONSULTATION

Further to Minute No. of 63 of the meeting held on 4 November 2021 the Cabinet considered the report of the Head of Education advising that Stage One of the consultation process had now been completed following the request from the Governing Body of St Teresa's Catholic Infant School that the Council begin the formal process to close the school; as the Governing Body had confirmed that they had exhausted all options to address the pupil numbers and financial situation at the school.

##### Decision Made:

That the publication of the statutory notice to close St Teresa's Catholic Infant School with effect from 31st August 2022 be approved:

##### Reasons for the Decision:

The Local Authority has the power to consider all options including closing a maintained school following the statutory process as detailed in the report.

##### Alternative Options Considered and Rejected:

# Agenda Item 3

CABINET- THURSDAY 3RD FEBRUARY, 2022

Alternative options have been explored by the Governing Body with support from Officers prior to the Governing Body making their request.

## **95. SACRED HEART CATHOLIC SECONDARY SCHOOL - APPROVAL OF LEGAL DOCUMENTATION FOR ACADEMY CONVERSION**

The Cabinet considered the report of the Head of Education that informed of the decision by the Secretary of State for Education to convert Sacred Heart Catholic High School, to the Pope Francis Multi Academy Trust in accordance with statutory requirements; and which sought authorisation for officers to sign the documentation required to by the academy conversion process. The report also informed that the Education and Skills Funding Agency had indicated that the date of conversion had still to be confirmed but the earliest this would be would be 1 April 2022, although this seemed likely to slip by due to consultation process / completion of conversion documentation.

### **Decision Made:**

That:

- (1) the statutory requirements regarding academy conversion at Sacred Heart Catholic High School be noted;
- (2) the financial implications to the Council of the academy conversion be noted; and
- (3) the Head of Education, the Executive Director of Corporate Resources and Customer Services and the Interim Executive Director of Children's Social Care and Education in consultation with the Cabinet Member – Education be authorised to complete the necessary agreements required as part of the academy conversion process as outlined in the report.

### **Reasons for the Decisions:**

Cabinet needs to authorise appropriate officers to enter into the agreements required as part of the academy conversion process.

### **Alternative Options Considered and Rejected:**

No other options are available. The Secretary of State has the powers to direct that the academy conversion process can continue if the agreements are not signed.

## **96. CHILDREN AND YOUNG PEOPLES SEFTON PSEUDO DYNAMIC PURCHASING SYSTEM**

The Cabinet considered the report of the Executive Director of Children's Social Care and Education that sought approval to establish a

CABINET- THURSDAY 3RD FEBRUARY, 2022

commissioning and procurement approach for purchasing services for children and young people who were assessed as requiring residential care or a fostering placement; that this would enable Sefton to have greater oversight of the local provider market and work collaboratively and to ensure sufficiency and quality of provision.

The report advised that procurement was being undertaken by Sefton Council under the 'light touch regime' for social and other services as listed at Schedule 3 of the Public Contracts Regulations 2015 and would result in the establishment and growth of provision in Sefton to meet the needs of local children and young people.

The report also advised that current commissioning arrangements established within the Liverpool City Region (LCR) and regional purchasing systems would continue to be utilised as a contingency as required in relation to the access of available and suitable residential and fostering placements following the establishment of the Sefton Pseudo Dynamic Purchasing System (PDPS).

## **Decision Made:**

That:

- (1) the commencement of a commissioning and procurement exercise by Sefton Council for the provision of residential care and fostering placements for the children and young people of Sefton, including those with Special Educational Needs and Disabilities as outlined in this report be approved;
- (2) following the procurement exercise the establishment of the purchasing approach for individual placements be approved. This will include ensuring value for money services and support such as emergency provision, therapeutic wrap around support linked to evidenced need and the future development and consolidation of local provider partnerships within the Borough;
- (3) decisions regarding the procurement exercise which includes evaluation criteria, service specifications and contracted terms be delegated to the Executive Director of Children's Social Care and Education and to the Executive Director of Adult Social Care and Health in consultation with the Cabinet Member for Children's Social Care, based upon advice from procurement and legal colleagues to ensure such decisions are in line with the Councils Contract Procedure Rules and current procurement legislation/guidance. Such decisions will be made in advance of the commencement of any procurement exercises;
- (4) authorisation of contracts called off the Sefton Pseudo Dynamic Purchasing System be delegated to the Executive Director of Children's Care and Education and in alignment with the scheme of delegation and the Council's Constitution; and that to ensure

# Agenda Item 3

CABINET- THURSDAY 3RD FEBRUARY, 2022

effective governance regular reports on expenditure be made available to the Cabinet Member - Children's Social Care; and

- (5) where there may be an impact on Adult Social Care budgets due to the transition of young people into Adult Social Care authorisation be sought from the Executive Director of Adult Social Care and Health.

## **Reasons for the Decisions:**

- (1) The Commissioning Strategy and Market Position Statement for Children and Young People in Sefton was approved by Cabinet in January 2020 and included the need to encourage and develop the closer working relationships with local providers who can demonstrate good quality and value for money;
- (2) The Joint Commissioning Strategy for Special Educational Needs and Disability (SEND) 2020-2023 was agreed by the Health and Wellbeing Board in March 2020 which included the improvement of the local offer so that the experiences of children and young people with SEND and their carers and families received joined up services which were easy to navigate, accessible and available;
- (3) The market in Sefton has reached a point of significant concern which is mirrored nationally and regionally with the need to improve if not radically change its current purchasing and commissioning approach to improve outcomes for children and young people, improve the quality and safety of services and to reduce costs;
- (4) The current market approach is over reliant on the response of the regional purchasing arrangements and LCR Purchasing System which due to escalating demand and insufficient responsive capacity has led to increased costs and concern in relation to the quality of provision, placement of children and young people outside of the borough and variable outcomes for Sefton Children and Young People;
- (5) The development of a Sefton Pseudo Dynamic Purchasing system would enable the growth provision within Sefton which would focus on outcomes, would be more cost effective and responsive and would enable a partnership approach with providers; and
- (6) The Sefton Pseudo Dynamic Purchasing System would enable a stronger commissioning grip on quality and cost and would support the introduction of social value with a focus on local provision for local children with the continuation of the regional purchasing systems and LCR Partnership Agreement as and when required.

## **Alternative Options Considered and Rejected:**

CABINET- THURSDAY 3RD FEBRUARY, 2022

- (1) Maintaining the Status Quo- this was not considered a viable option due to the lack of current market capacity and escalating costs associated to the current use of the regional and LCR Purchasing Systems which is the only option currently for the Children and Young People of Sefton;
- (2) There are increasing cost pressures and placement of children at distance which contravenes statutory requirements and good practice guidance; and
- (3) The Local Purchasing System will enable the collection of local placement data and intelligence which can be utilised to develop and strengthen a local commissioner and provider relationship with a clear line of sight to Sefton Children and Young People and associated costs

## **97. SEFTON HIGH NEED FUNDING ALLOCATION 2022/23 UPDATE**

Further to Minute No.s 75 and 81 (3) of the Cabinet and Council at their meetings held on 2 December 2021 and 20 January 2022 respectively the Cabinet considered the report of the Head of Education that advised of the confirmed High Needs Funding Block allocation for 2022/23 which were announced by the Department for Education on 16 December 2021 as part of the Dedicated Schools Grant settlement for 2022/23; and that some extra funding in 2022/23 for Schools and High Needs (£1.6bn) was announced in the Chancellor's Spending Review and Autumn Budget in late October; and that further guidance on the allocation of this additional funding had also been received by Local Authorities in December 2021.

### **Decision Made:**

That:

- (1) the estimated Outturn position for High Need Block 2021/22 and the projected accumulated High Needs deficit be noted;
- (2) the confirmed High Needs Block funding allocation for 2022/23 be noted; and
- (3) the additional Supplementary Grant funding allocation to support High Needs pressures in 2022/23 be noted.

### **Reasons for the Decisions:**

To provide Cabinet with an update on the estimated Outturn position 2021/22 and revised funding allocation for 2022/23 for Sefton's DSG - High Needs Block.

### **Alternative Options Considered and Rejected:**

No other options are available.

# Agenda Item 3

CABINET- THURSDAY 3RD FEBRUARY, 2022

## **98. ADOPTION OF THE FLOOD AND COASTAL EROSION RISK MANAGEMENT STRATEGY AND BUSINESS PLAN**

The Cabinet considered the report of the Head of Operational In-House Services that advised that the Flood and Water Management Act (FWMA) 2010 established Sefton Council as a Lead Local Flood Authority (LLFA) making it responsible for the management of local flood risk; that under Section 9 of the FWMA, a LLFA had a duty to develop, maintain, apply and monitor a Local Flood Risk Management Strategy; and that the previous strategy expired at the end of 2021 and the new strategy, once approved, would be in place from 2022 to 2030.

The report also advised that the strategy was also supported by a Business Plan which set out the actions the Council would undertake as LLFA over the next 12 months and would be reviewed and updated on an annual basis, whilst also forming the basis for the FCERM team's annual report to the Overview and Scrutiny Committee (Regeneration and Skills).

A copy of the Final Draft Sefton's Local Flood and Coastal Erosion Risk Management Strategy 2022-2030; and the Final Draft Sefton's Local Flood and Coastal Erosion Risk Management Business Plan 2022 were attached to the report.

### **Decision Made:**

That Council be recommended to approve the Local Flood and Coastal Erosion Risk Management Strategy and supporting Business Plan.

### **Reasons for the Decision:**

The Council needs to have an adopted Strategy as a requirement as a LLFA under the Flood and Water Management Act 2010.

### **Alternative Options Considered and Rejected:**

None. If the Council does not have an up to date Local Flood and Coastal Erosion Risk Management Strategy in place it will fail in its duties as a LLFA under the Flood and Water Management Act 2010.

## **99. SEFTON HOSPITALITY OPERATIONS LIMITED - BUSINESS PLAN**

Further to Minute No. 90 of 4 February 2021 the Cabinet considered the report of the Executive Director (Place) that detailed the proposed strategy and business plan for Sefton Hospitality Operations Limited; advised that the focus of the business would include, but not be limited to, operating the hospitality offer at Crosby Lakeside Adventure Centre (CLAC); and that this report followed on from the previous reports to Cabinet on the CLAC project.



CABINET- THURSDAY 3RD FEBRUARY, 2022

A copy of the Strategy and Business Plan document was attached to the report.

## **Decision Made:**

That:

- (1) the Strategy and Business Plan for the company, including its alignment with the Business Case for Crosby Lakeside Adventure Centre previously presented to Cabinet be noted;
- (2) the Strategy and three-year Business Plan for Sefton Hospitality Operations Limited be approved;
- (3) any material variations to this financial forecast be presented back to Cabinet for further decision; and
- (4) an updated Business Plan for the three years from the financial year 2023-24 be submitted to Cabinet for approval in advance of the start of that financial year.

## **Reasons for the Decisions:**

Sefton's Growth and Strategic Investment programme includes a number of projects that enhance and maximise the offer across the borough to residents and visitors alike. This offer goes beyond the physical assets themselves, and the role of Sefton Hospitality Operations Limited (SHOL) and its opportunity are to provide an experience for customers that aligns with the vision and objectives of the borough and the Council. Moreover, SHOL and its strategy will enable support for local people with access to higher-quality career opportunities in the hospitality sector.

## **Alternative Options Considered and Rejected:**

There are no alternative options to be considered.

## **100. FINANCIAL MANAGEMENT 2021/22 TO 2024/25 AND FRAMEWORK FOR CHANGE 2020 - REVENUE AND CAPITAL BUDGET UPDATE 2021/22 INCLUDING THE FINANCIAL IMPACT OF COVID-19 ON THE 2021/22 BUDGET - FEBRUARY UPDATE**

The Cabinet considered the report of the Executive Director of Corporate Resources and Customer Services that advised of:

- (1) the current financial implications of COVID-19 on the 2021/22 Budget;
- (2) the current position relating to the 2021/22 revenue budget;
- (3) the current forecast on Council Tax and Business Rates

# Agenda Item 3

CABINET- THURSDAY 3RD FEBRUARY, 2022

collection for 2021/22; and

- (4) the monitoring position of the Council's capital programme to the end of November 2021 in respect of:
- 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:

- (A) in respect of the Revenue Budget:
- (1) the current financial implications of COVID-19 on the 2021/22 Budget together with the key issues that will influence the final position be noted;
  - (2) the current position relating to the 2021/22 revenue budget be noted;
  - (3) the financial risks associated with the delivery of the 2021/22 revenue budget be recognised and it be acknowledged that the forecast outturn position will continue to be reviewed to ensure a balanced forecast outturn position and financial sustainability can be achieved; and
  - (4) the Government grant funding that has been received to support the Council and businesses with the response to the pandemic, and which will be distributed in accordance with central government guidance, including the scheme across the Liverpool City Region, funded by Additional Restriction Grant, which will provide additional support to local businesses be noted; and
- (B) In respect of the Capital Programme:
- (1) the spending profiles across financial years for the approved capital programme (paragraph 6.1) be noted;
  - (2) the latest capital expenditure position as at 31 December 2021 of £20.786m (paragraph 6.4); and the latest full year forecast being £41.882m (paragraph 6.6) be noted;

CABINET- THURSDAY 3RD FEBRUARY, 2022

- (3) the explanations of variances to project budgets (paragraph 6.7) be noted; and
- (4) it be noted that a deed of variation is required relating to the grant funding agreement with the Liverpool City Region Combined Authority relating to a housing development in Netherton being undertaken by Sandway Homes Limited, and that the total amount of funding available is unaltered (paragraph 6.10); and
- (5) it be noted that the capital resources will be managed by the Executive Director of Corporate Resources and Customer Services to ensure the capital programme remains fully funded and that capital funding arrangements secure the maximum financial benefit to the Council (paragraph 6.13).

### **Reasons for the Decisions:**

To ensure Cabinet are informed of the current position in relation to the 2021/22 revenue budget, including COVID19 pressures and additional funding being made available to the Council.

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 2021/22 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.

### **Alternative Options Considered and Rejected:**

Not applicable.

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