

**CABINET**

**MEETING HELD AT THE COUNCIL CHAMBER, SOUTHPORT  
ON THURSDAY 2ND DECEMBER, 2021**

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

**69. APOLOGIES FOR ABSENCE**

No apologies for absence were received.

**70. DECLARATIONS OF INTEREST**

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

**71. MINUTES OF THE PREVIOUS MEETING**

**Decision Made:**

That the Minutes of the Meeting held on 4 November 2021 be approved as a correct record.

**72. COMMISSIONING DOMICILIARY CARE (DOMICILIARY CARE TENDERS)**

The Cabinet considered the report of the Executive Director of Adult Social Care and Health in relation to commissioning Domiciliary Care Services in Sefton and to commence a full procurement exercise based upon the development of a strategic plan around quality, sufficiency and workforce impact over the next 3 to 5 years.

**Decision Made:** That:

- (1) the Executive Director of Adult Social Care and Health be delegated and authorised to undertake, as required based on an analysis of associated market risks, any required procurement exercises to safely manage the Domiciliary Care market and to mitigate any future risks of market failure. Once a Domiciliary Care Strategy is developed and further consideration of any new purchasing arrangements are better understood, details will be brought back to Cabinet for relevant decisions needed beyond this time frame;
- (2) due to the need for urgent responses to manage the current market risks the Executive Director of Adult Social Care and Health be

granted delegated authority in consultation with the Cabinet Member for Adult Social Care and the Executive Director of Corporate Resources and Customer Services to make decisions with regards to contractual arrangements, service specifications, costs, the awarding of contracts and their durations, including any extension periods to the initial core contract period; and

- (3) the Executive Director of Adult Social Care and Health be granted delegated authority in consultation with the Cabinet Member for Adult Social Care and the Executive Director of Corporate Resources and Customer Services, to make decisions on the strategic approach to the commissioning of Domiciliary Care Services based on a new Sefton Domiciliary Care Market Strategy. The proposed Strategy will be recommended to Cabinet for approval in due course.

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

To ensure that commissioning arrangements for the provision of Domiciliary Care within Sefton are in place to meet the assessed need of Sefton's residents.

To ensure that both the immediate and longer-term strategic approaches to market sufficiency, safety and sustainability are in place in a timely manner and mitigate risks of market failure.

To develop a cohesive and inclusive Commissioning and Market Management Strategy to ensure that the longer term needs and risks of the market are further understood and can be used to develop new commissioning arrangements which will support sustainability and market sufficiency aligned to the Adult Social Care Vision.

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

The following options were considered and rejected;

- **Maintaining the status quo –**

This is to continue and extend the current arrangements with Knowsley Council and continue with a purchasing system established in 2018 through a tender exercise led by Knowsley Council. This is not considered a viable option because of the emerging market risks connected to the social care workforce.

The option to develop local purchasing and commissioning arrangements will be explored to ensure that Sefton is assured of local sufficiency and stability. The approach will be developed as part of a 3 to 5-year Commissioning and Market Management Strategy for Domiciliary Care.

### **73. DOMICILIARY CARE CONTRACT NOVATIONS**

The Cabinet considered the report of the Executive Director of Adult Social Care and Health that sought approval to novate the current contracts held in relation to Domiciliary care provision in Sefton.

#### **Decision Made:**

That the novation of the current contracts with Castlerock Recruitment Group Ltd / Health Care Resourcing Group to CRG Homecare Ltd who were a subsidiary company within the Group with effect from the 23<sup>rd</sup> September 2021, be approved.

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

CRG Homecare Ltd are a subsidiary of Castlerock Recruitment Group Ltd / Health Care Resourcing Group and so the novation would ensure that delivery of current services would remain with no disruption.

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

Consideration of seeking either new provision for individual packages or undertaking a full procurement exercise was rejected on the basis of the impact on current service users and limited capacity in the market to secure alternative provision. Services are provided through an agreed purchasing system whereby costs are set, and quality outlined within the specification and so there would be no advantage in undertaking a new procurement exercise. Services previously registered under Castlerock Recruitment Ltd were rated as good by the Care Quality Commission (CQC).

CRG Homecare Ltd are a subsidiary of Castlerock Recruitment Ltd and so the staff employed to provide the service would remain the same with no change and would offer the least disruptive approach for services users and stability of the provision.

### **74. SUBSTANCE MISUSE RESIDENTIAL REHABILITATION PROGRAMME (DYNAMIC PURCHASING SYSTEM)**

The Cabinet considered the report of the Director of Public Health that reported on key findings of a review of the current commissioning arrangements for Substance Misuse Residential Rehabilitation Programmes for the residents of Sefton and sought authorisation to

commence a procurement process and continue to utilise a Dynamic Purchasing System for placements.

The report detailed that the Residential Rehabilitation was part of the local integrated treatment and recovery offer for substance users. Substance use treatment services had been central to sustaining low rates of HIV, injecting related infections and other drug and alcohol related harm. There was a strong body of evidence confirming that investment in drug and alcohol treatment was cost effective. While the health and social harms caused by substance use disproportionately affected the most disadvantaged in society, research continued to show a positive association between effective engagement with substance use treatment and a reduction in harm, crime and criminal activities associated with illicit substance use.

Consideration was therefore required on re-procuring Residential Rehabilitation Programmes due to the current extension term expiring on the 31<sup>st</sup> March 2022.

**Decision Made:** That:

- (1) the Director of Public Health be authorised to conduct an OJEU Light-Touch Regime tender exercise to establish a Dynamic Purchasing System for substance misuse Residential Rehabilitation to run for a period of three years from 1st April 2022 with the option of two further one-year extensions with a ceiling price of £270,000 per annum; and
- (2) the Director of Public Health in consultation with the Cabinet Member for Health and Wellbeing be granted delegated authority to award the contracts to the highest scoring bidders, within the context of the approved budget.

**Reasons for the Decisions:**

Residential Rehabilitation was an integral part of any drug treatment and recovery system and a vital option for some people requiring treatment for dependency to substances. A recent review of the service has demonstrated there is a need for Residential Rehabilitation placements, and this is ongoing. During 20/21 and the first 6months of 21/22 the demand for placements has virtually doubled since 19/20.

Effective substance use treatment and recovery requires a range of referral pathways and services collaborating to optimise the effect of treatment interventions. Individual stability and progress in recovery is dependent on stability in the treatment system. In line with calls from National Advisory Councils, the recommendation provides scope for longer contract duration and a greater degree of stability and continuity.

A Dynamic Purchasing System (DPS), as provided for within the 2015 Public Contracts Regulations, will enable Sefton Council to ensure that fair

and transparent commissioning arrangements are in place while enabling an individually tailored programme appropriate to the individual's needs and requirements. The key advantage of a DPS, is that the applicable legislation allows the Council to open the DPS to new applicants at points during its lifespan. This therefore gives the Council the flexibility to take advantage of beneficial changes within the marketplace which may take place over time.

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

To have no provision for Residential Rehabilitation. For those who have undergone a programme of treatment and detoxification and have not responded to community rehabilitation, residential rehabilitation programmes provide the opportunity for sustained recovery in a safe and therapeutic residential setting. The necessity for Residential Rehabilitation is more likely for complex clients and increases the likelihood of successful treatment outcome.

To establish a Framework Agreement for commissioning Residential Rehabilitation Programmes. Whilst a Framework Agreement would comply with procurement rules, it does not give the degree of flexibility required to remain responsive to on-going change, as importantly, new providers to the market are prevented from joining a Framework Agreement at any point during its lifespan, usually 4 years.

To "Spot Purchase" as and when Residential Rehabilitation is required. Spot Purchasing requires considerable time to identify and negotiate suitable placements and provides for less transparency and ability to benchmark costs. Also, spot purchasing placement tariffs are often subject to higher costs.

A DPS would enable longer-term contracts to be entered into with a range of approved Residential Rehabilitation Providers providing more service stability and better value in the contract cost.

#### **75. HIGH NEEDS FUNDING ALLOCATIONS**

The Cabinet considered the report of the Executive Director of Children's Social Care and Education in relation to High Needs Funding Allocations. The report set out that Sefton High Needs Block - Dedicated Schools Grant (DSG) funding closed with a financial deficit of £8.2m at the end of 2020/21 and that it was estimated to overspend by more than £1.8m in 2021/22 increasing the overall deficit to more than £10m at the end of 2021/22

The report detailed that the Government had changed the financial rules regarding the treatment of any financial deficit on the HN (DSG) Block in 2020/21 making it no longer possible for the Council to offset any DSG deficit against Council Reserves and so reducing the financial risk to the Council's current Medium Term Financial Plan. The report stated that, the continued increase in demand for High Needs support and the anticipated increase to the deficit on the HN Block over the next few years was still of

serious concern as there was no clarity from the Government over how future / accumulated DSG deficits would be resolved.

The report further set out that the current funding model within the council that was used to support High Needs placements had not been reviewed and placement costs had not been uplifted since 2013/14. The financial forecasts for the 5 in-house Special Schools indicated that they will all face significant financial hardship over the next three years unless the existing funding values were increased. This would lead to Special Schools having to make significant financial savings in spending commitments reducing the number of places they could provide for children with SEND which in turn would mean more reliance in expensive Out of Borough placements for children increasing the cost pressures facing the High Needs Block further.

The report set out that through the current High Needs review, a key feature was to develop a new funding model for HN placements that was transparent, right-sized Special School budgets and provided stability for in-house placements. The new funding model had been produced in order that it could address the key actions required within the review however the cost of implementing the new funding model would increase the projected High Needs Block deficit by up to £2m per annum.

**Decision Made:** That the report be noted and referred to Council for approval.

**Reasons for the Decisions:**

Ensure the stability of existing / new in-house placements and support for SEND Children  
Provide transparency over the level of funding allocated to SEND placements  
Reduce requirements to use more expensive Out of Borough placements for SEND Children  
Provide clarity on the financial position facing the council and the proposed approach that the council will take in order that members can make informed decisions and the financial sustainability of the council is maintained

**Alternative Options Considered and Rejected:**

Retain the status quo and continue to fund placement costs to Special Schools and other SEND Resource Units at existing levels. However, unless funding levels are increased, all Sefton Special Schools will be required to make significant budget savings which will impact on the number of SEN children they can support and mean an increase in Out of Borough placements and higher placement costs.

## **76. SELECTIVE AND ADDITIONAL (HMO) LICENSING SCHEMES - INTRODUCTION OF THE BUSINESS CASE**

The Cabinet considered the report of the Head of Economic Growth and Housing in relation to the proposal to re-designate both the Selective Licensing Scheme and 2 x Additional HMO licensing schemes in designated areas of the borough and introduce the Business case to support the re-designation of the schemes.

The report also detailed the option of a 12-week consultation in relation to the re-designation of the selective licensing scheme and 2 additional HMO licensing schemes.

The Cabinet Member for Communities and Housing emphasised and noted the success of the Selective Licensing Schemes and drew Members attention to the positive impact that the application of the Schemes had on the lives of the most vulnerable residents living in Sefton's Communities.

### **Decision Made: That:**

- (1) the re-designation of the Selective Licensing Scheme in the Bootle area and 2 Additional HMO licensing schemes in central Southport and areas of Waterloo/Seaforth, be approved in principle (subject to public consultation);
- (2) a 12-week public consultation for the implementation of the schemes, be agreed;
- (3) the Head of Economic Growth and Housing, in consultation with the Cabinet Member for Communities and Housing, be granted delegated authority to;
  - (i) Procure and appoint consultants to undertake the required public consultation on the 3 proposed schemes, and
  - (ii) Agree any minor/technical changes to the Business Case in advance of the formal consultation;
- (4) the draft licensing conditions including the associated fees, be approved in principle;
- (5) a supplementary revenue estimate of £2,268,565 which will be fully funded by licence fee income, be approved in principle; and
- (6) it be noted that a further report will be submitted to Cabinet upon the conclusion of the consultations with recommendations to approve schemes as appropriate

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

Cabinet authority is required for the re-designation of a Selective and 2 Additional (HMO) Licensing schemes within the Borough. Authority is also required to procure and appoint consultants, carry out a public consultation and to approve in principle the draft licence conditions.

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

#### 1. Do nothing

Sefton could choose not to consult on a proposed re-designation of the current housing licensing schemes and revert back to a solely reactive service, responding to complaints, linked with more aggressive promotion of the Landlord Accreditation scheme. This option is unlikely to have significant impact due to Landlord Accreditation being a voluntary scheme, with only the better landlords obtaining accreditation status.

#### 2. Expand the Enforcement Regime

The Council also has a continued reactive enforcement approach in relation to privately rented properties, dealing with cases as they present themselves, generally from complaints from tenants. A more proactive approach could be taken to target the worst landlords. This would develop an outward facing image of enforcement in relation to rogue landlords.

To practically do this would involve the need to increase the resourcing allocated to the Housing Standards Team by a minimum of 4 additional posts. This cost could be up to £210,161 per annum.

This is a more traditional enforcement approach and less of an enabling one than licensing has brought.

#### 3. Introduce a borough wide Selective Licensing Scheme

Officers also considered introducing a district-wide scheme but this was not taken forward because the evidence is not yet sufficient to introduce the whole district and therefore such an application is unlikely to be supported by the Secretary of State (who has to agree to the implementation of the scheme).

## **77. PROGRAMME OF MEETINGS – 2022/23 MUNICIPAL YEAR**

The Cabinet considered the report of the Chief Legal and Democratic Officer that sought approval of the Programme of Meetings for the 2022/23 Municipal Year.



**Decision Made:**

That the Programme of Meetings for the Cabinet, Public Engagement and Consultation Panel, Sefton Safer Communities Partnership and the Health and Wellbeing Board for 2022/23 as set out in Annexes A and D of the report be approved.

**Reasons for the Recommendation:**

To enable the business of the Council and its various Committees/bodies to be conducted during the 2022/23 Municipal Year.

**Alternative Options Considered and Rejected:**

None. The Council is required to produce a programme of meetings.

**78. RE-TENDER OF THE COUNCIL'S MANAGED PRINT SERVICE**

The Cabinet considered the report of the Executive Director of Corporate Resources and Customer Services that set out the background of the Council's current Managed Print Service, provided by Xerox, which was due to expire across a 15-month period device-by-device (spanning November 2021 to February 2023) and sought authority to run a procurement exercise for the tender of a new Managed Print Service.

**Decision Made:** That:

- (1) the Executive Director of Corporate Resources and Customer Services be authorised to conduct a procurement exercise for the retendering of a managed print service to cover all corporate sites with a requirement for printing, copying and scanning (noting that faxing is now provided through the Council's cloud telephony solution); and
- (2) the Executive Director of Corporate Resources and Customer Services in consultation with the Cabinet Member for Regulatory, Compliance and Corporate Services be granted delegated authority to award the Contract resulting from the procurement exercise.

**Reasons for the Recommendation(s):**

To have a suitable facility for Council Officers to print, copy, scan which aligns with both the Councils Contract Procedure Rules and Public Contract Regulations.

**Alternative Options Considered and Rejected:**

To continue with the existing fleet of Xerox devices, however this would be on an out of contract basis, and not in line with the Council's Contract Procedure Rules. It must also be highlighted that the current contract was awarded by the Council's previous ICT supplier, Arvato and novated to the Council mid-term, given the recent change in working practices and building footprint there is also an opportunity to rationalise the current MFD estate, thereby reducing costs

**79. 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 - DECEMBER UPDATE**

The Cabinet considered the report of the Executive Director of Corporate Resources and Customer Services informing the Cabinet 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 collection for 2021/22;
4. The monitoring position of the Council's capital programme to the end of October 2021:
  - The forecast expenditure to year end;
  - Variations against the approved budgets and an explanation of those variations for consideration by Members; and
  - Updates to spending profiles and proposed amendments to capital budgets necessary to ensure the efficient delivery of capital projects are also presented for approval.

The Cabinet Member for Regulatory, Compliance and Corporate Services, referred to the continued hard work of all officers throughout the Council and thanked them all for their support in managing the Councils budgets.

**Decisions Made:** That

**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;

### **Framework for Change 2020 Update- Sandway Homes Limited**

- (4) Further to Minute No: 54 of the Meeting of the Cabinet held on 7 October 2021 and the receipt of an exit strategy received from Sandway Homes Limited, the revisions to the Phase 1 Business Plan including a revised peak debt level of £8.3m be approved;

### **Capital Programme**

- (5) the spending profiles across financial years for the approved capital programme, as outlined within paragraph 7.1 of the report, be noted;
- (6) the latest capital expenditure position as at 31 October 2021 of £17.340m (paragraph 7.5); and that the latest full year forecast is £50.675m (paragraph 7.7), be noted;
- (7) the programme outputs and progress to September (paragraph 7.5), be noted;
- (8) the supplementary capital estimates (paragraph 7.10), be approved; and
- (9) it be noted that 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, as outlined within paragraph 7.11 of the report.

### **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.

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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:**

None.