

CABINET

MEETING HELD AT THE COMMITTEE ROOM, TOWN HALL, BOOTLE ON THURSDAY 26TH MAY, 2022

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

1. APOLOGIES FOR ABSENCE

An apology for absence was received from Councillor Cummins.

2. DECLARATIONS OF INTEREST

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

3. MINUTES OF THE PREVIOUS MEETING

Decision Made:

That the Minutes of the meeting held on 7 April 2022 be approved as a correct record.

4. ADULT SOCIAL CARE FEES 2022/23

The Cabinet considered the report of the Executive Director of Adult Social Care and Health that sought to enable Cabinet to determine the fees payable for Sefton Adult Social Care Service sectors during the financial year period 2022/23 and for Direct Payment Recipients who buy their services directly from a Care Quality Commission (CQC) registered agency and to outline the future strategic direction for services in Sefton, linked to wider national work, linked to national policy issued by the Department of Health and Social Care.

Decision Made:

That

the contents of the report be noted and having given full consideration to the options outlined in the body of the report and the associated Appendices, including the responses to the consultation and the Equality Impact Assessments, the implementation of the following fee increases be authorised, which are higher than those originally consulted upon, having taken into account a range of factors including the response from providers, national context, risks raised in relation to additional costs,

regional averages and any other information available at the time of the consultation:

(1) **Residential & Nursing Care**

	Residential Care	EMI Residential	Nursing	EMI Nursing
2022/23 Fee	£561.10	£634.85	£576.98	£641.26
<i>2021/22 Fee</i>	<i>£523.51</i>	<i>£592.32</i>	<i>£538.33</i>	<i>£598.30</i>
<i>Weekly Increase</i>	<i>£37.59</i>	<i>£42.53</i>	<i>£38.65</i>	<i>£42.96</i>
<i>% Increase</i>	<i>7.18%</i>	<i>7.18%</i>	<i>7.18%</i>	<i>7.18%</i>
<i>Originally Proposed 2022/23 Fee</i>	<i>£558.11</i>	<i>£631.47</i>	<i>£573.91</i>	<i>£637.85</i>
<i>Originally Proposed Weekly Increase</i>	<i>£34.60</i>	<i>£39.15</i>	<i>£35.58</i>	<i>£39.55</i>
<i>Originally Proposed % Increase</i>	<i>6.61%</i>	<i>6.61%</i>	<i>6.61%</i>	<i>6.61%</i>

(2) the fact that for Residential and Nursing care services any existing placements which are costed based on an individual Service User assessment are increased based on the same percentage uplifts detailed in the table above, be noted;

(3) **Domiciliary Care**

Duration / Service Element	2022/23 Rate	<i>Originally Proposed 2022/23 Rate</i>	<i>2021/22 Rate</i>
1 Hour	£17.89	<i>£17.82</i>	<i>£16.68</i>
45 Minutes	£13.42	<i>£13.37</i>	<i>£12.51</i>
30 Minutes	£8.95	<i>£8.91</i>	<i>£8.34</i>
15 Minutes	£4.47	<i>£4.46</i>	<i>£4.17</i>
Sleep-in (8 Hour Night)	£87.40	<i>£87.40</i>	<i>£81.97</i>

Waking Night (8 Hour Night)	£143.12	£142.56	£133.44
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- (4) **Direct Payment recipients who access an Agency** - the above Domiciliary Care hourly rate be implemented and rates for night services be increased to the following:

Duration / Service Element	2022/23 Rate	<i>Originally Proposed 2022/23 Rate</i>	<i>2021/22 Rates</i>
1 Hour (Domiciliary Care & Community Support)	£17.89	£17.82	£16.68
Sleep-in (10 Hour Night)	£109.25	£109.25	£102.47
Waking Night (10 Hour Night)	£178.90	£178.20	£166.80

- (5) **Direct Payment recipients who utilise a Personal Assistant** - the following rates be held apart from an increase to the Sleep-in rate:

Duration / Service Element	2022/23	<i>2021/22 Rates</i>
1 Hour	£13.00	£13.00
Sleep-in (10 Hour Night)	£109.25	£102.47
Waking Night (10 Hour Night)	£130.00	£130.00

- (6) **Community Support Services**

Duration / Service Element	2022/23 Rate	<i>Originally Proposed 2022/23 Rate</i>	<i>2021/22 Rates</i>
1 Hour	£17.89	£17.82	£16.68

- (7) **Supported Living**

Duration / Service Element	2022/23 Rate	<i>Originally Proposed 2022/23 rate</i>	<i>2021/22 Rates</i>
Hourly Rate	£16.76	£16.72	£15.56
Sleep-in (9 Hours)	£98.33	£98.33	£92.22

Sleep-in (10 Hours)	£109.25	£109.25	£102.47
Waking Night (9 Hours)	£150.84	£150.48	£140.04
Waking Night (10 Hours)	£167.60	£167.20	£155.60

- (8) **Extra Care Housing Services** - the rate be increased in line with the proposed increase to the Supported Living hourly rate to:

Duration / Service Element	2022/23 Rate	<i>Originally Proposed 2022/23 Rate</i>	<i>2021/22 Rate</i>
Hourly Rate	£16.76	£16.72	£15.56

- (9) **Individual Service Funds** be increased based on the proposed 7.71% increase awarded to Supported Living and Extra Care services:

Duration / Service Element	2022/23 Pilot Project Rates	<i>Originally Proposed 2022/23 rate</i>	<i>Current Pilot Project Rates</i>
1 Hour	£17.58	£17.54	£16.32
Sleep-in (9 Hour Night)	£98.33	£98.33	£92.22
Waking Night (9 Hour Night)	£158.22	£157.86	£146.88

- (10) the method applied to the calculation and payment of sleep-in services be maintained under the current Domiciliary Care, Direct Payment and Individual Service Fund contractual and policy guidelines and are in line with pilot project arrangements which is based on the expectation that Providers / Direct Payment recipients pay staff the hourly rate calculated within these rates; and
- (11) the fact that a specific workstream will be progressed in the 2022/23 financial year regarding the implementation of gross payment arrangements for Residential and Nursing care homes, and further reports will be submitted to the Cabinet on the outcome of this report and any associated recommendations for decision, at a future date, be noted.

Reasons for the Decision:

To enable the Council to set the fees payable for services, during the financial year period 2022/23.

Alternative Options Considered and Rejected:

1. **Not awarding increases** – this option was rejected in relation to all service areas as there is a requirement to ensure that fee levels are increased to consider the outcome of consultation in relation to the increase to Provider’s costs.
2. **Awarding fee increase originally proposed in the consultations** – this option was considered but rejected following the analysis of the consultation responses and wider impacts, principally current Consumer Price Index (CPI) estimates.
3. **Awarding higher increases to all the service areas which are recommended for decision** – this option was considered but was rejected as it was determined that the proposed increases were correct within the current context, but as referenced in this report, there is a requirement to continue to review fee rates (including through ongoing cost of care exercises) in line with national requirements within the ***People at the Heart of Care: adult social care reform*** policy paper and to inform the delivery of the future vision for Adult Social Care services in Sefton.
4. **Amending the proposals for increases to Sleep-in rates** – this option was considered and rejected as it was felt that the current rate calculations should be maintained under current contractual and Direct Payment arrangements. However, this is based on the continued expectation that Providers and Direct Payment Recipients are paying Staff / Personal Assistants the hourly rate calculated within these rates and if this is evidenced that this is not the case, Council Officers are authorised to review current contractual, Direct Payment and pilot project arrangements and adjust payments if appropriate.
5. **Awarding an increase (aside from an increase to the Sleep-in rate) to Direct Payment Recipients’ who utilise a Personal Assistant** – this option was considered but rejected as the current rate is considered sufficient, following the Council conducting benchmarking work on rates in place in other regional Local Authorities.
6. **Not seeking to progress workstream on implementation of Gross payments for Residential and Nursing homes** – this option was considered and rejected as there is a need to ensure that this workstream is progressed, particularly to ensure that the Council continues to meet Care Act obligations, and as part of ongoing work to support the sector.
5. **ST TERESA’S CATHOLIC INFANT SCHOOL - DETERMINATION OF PROPOSAL TO CLOSE**

Further to Minute No. 94 of the meeting held on 3 February 2022, the Cabinet considered the report of the Head of Education that sought a

determination on the proposal for the closure of St Teresa's Catholic Infant School, Southport. In accordance with the School Organisation (Establishment and Discontinuance of Schools) Regulations 2013 the decision maker for the proposal was the local authority. The Public Notice and Complete Proposal for St. Teresa's was attached to the report at Appendix A.

Cabinet Members paid tribute to the governing body of the School for its efforts made to explore alternative options for the School and expressed regret at the recommendation now under discussion.

Decision Made:

That

- (1) the contents of the report be noted; and
- (2) the closure of St Teresa's Catholic Infant School, Southport, with effect from 31 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 detailed in the report.

Alternative Options Considered and Rejected:

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

6. APPOINTMENT TO OUTSIDE BODIES 2022/23

The Cabinet considered the report of the Chief Legal and Democratic Officer which sought approval of the appointment of Council representatives to serve on Outside Bodies set out in the report for 2022/23, or for periods longer than one year. Details of the proposed representation on Outside Bodies were set out in the report and appendices.

The appendices showed the proposed appointments for 2022/23 following nominations submitted by the Political Groups on the Council.

The following amendments were raised:

- Merseyside Strategic Flood and Coast Risk Management Partnership – Councillor Moncur to replace Councillor Hardman;
- Sefton New Directions Limited Board – Executive Director – Place (Stephen Watson) resigned during 2021/22; and
- Standing Advisory Committee for Religious Education (SACRE) – Cabinet Member – Education (Councillor Roscoe) is the chair of the Standing Committee.

Decision Made:

That:

- (1) subject to the following amendments, the proposed representation on the various Outside Bodies for a twelve-month period expiring in May 2023, as set out in Appendix 1 to the report, be approved:
 - (a) Sefton New Directions Limited Board – delete Executive Director – Place (Stephen Watson); and
 - (b) Standing Advisory Committee for Religious Education (SACRE) – inclusion of Cabinet Member – Education (Councillor Roscoe) as the chair of the Standing Committee;
- (2) to avoid delay in the appointment of Members to the Cheshire and Merseyside Integrated Care System Joint Health Scrutiny Committee authority be granted for the Leader of the Council to make the outstanding nominations, in accordance with political balance procedures and the political proportionality across the Cheshire and Merseyside local authorities;
- (3) the vacant position on the Joint Health Scrutiny Committee (where 3 or less local authorities request scrutiny of a substantial variation to a service), as referred to in paragraph 5 of the report, be nominated from the Labour Group; and
- (4) subject to the replacement of Councillor Hardman with Councillor Moncur on the Merseyside Strategic Flood and Coast Risk Management Partnership, the proposed representation on the various Outside Bodies for the term of office as indicated and set out in Appendix 2 to the report be approved.

Reasons for the Decision:

The Cabinet has delegated powers set out in Chapter 5, Paragraph 40 of the Constitution to appoint the Council's representatives to serve on Outside Bodies.

Alternative Options Considered and Rejected:

None.

7. BOOTLE CANALSIDE - BUSINESS PLAN

The Cabinet considered the report of the Executive Director – Place that updated on the progress of the Bootle Canalside Project and sought approval to the details of the project Business Case, attached to the report, and the subsequent investment of both capital and revenue

resources required to complete the project, as identified in the Business Case.

Decision Made:

That

- (1) the Canalside Business Case be agreed and approved;
- (2) the Executive Director - Place be authorised to implement the delivery plan outlined within the Canalside Business Case in consultation with the Cabinet Member – Regeneration and Skills;
- (3) the fact that the Cabinet Member - Regeneration and Skills in consultation with the Cabinet Member - Regulatory, Compliance and Corporate Services will be requested to approve a virement of £557k from the Economic Recovery Earmarked Reserve to the Capital Programme for the Economic Growth and Housing Service, be noted;
- (4) the Council be recommended to approve a supplementary capital estimate of £557k for the Bootle Canalside development;
- (5) the fact that the Cabinet Member - Regeneration and Skills, in consultation with the Cabinet Member - Regulatory, Compliance and Corporate Services, will be requested to approve a virement of £330k from the Growth Budget to the Economic Growth and Housing Service revenue budget, be noted;
- (6) any other key decisions required in the delivery of the project be delegated to the Executive Director - Place and Executive Director - Corporate Resources and Customer Services, in consultation with the Cabinet Member - Regeneration and Skills.

Reasons for the Recommendation(s):

To deliver the Canalside Project which will deliver economic and social benefits to the residents and businesses of Bootle.

Alternative Options Considered and Rejected:

Options for the delivery of the Canalside Project are dealt with in the Business Case report which are:

- Do Nothing and leave the site vacant pending future investment
- Deliver the Meanwhile Use project through a private sector operator
- Deliver the Meanwhile Use project managed through a Partnership.

In consideration of the above, the preferred option is to manage and operate the site through the Council to retain control pending the wider Strand transformation project delivery.

8. EXCLUSION OF PRESS AND PUBLIC

To comply with Regulation 5(2) of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, notice has been published regarding the intention to consider the following matter(s) in private for the reasons set out below.

Decision Made:

That, under the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, the press and public be excluded from the meeting for the following item on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972. The Public Interest Test has been applied and favours exclusion of the information from the Press and Public.

9. PROVISION OF COUNCIL HOUSING AT BUCKLEY HILL LANE, NETHERTON - EXEMPT APPENDIX

The Cabinet considered the report of the Head of Economic Growth and Housing in relation to exempt information regarding Provision of Council Housing at Buckley Hill Lane, Netherton.

Decision Made:

That the exempt information be considered as part of the public report in relation to Provision of Council Housing at Buckley Hill Lane, Netherton, Minute No. 11 below refers.

Reason for the Decision:

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

Alternative Options Considered and Rejected:

None.

10. PUBLIC SESSION

Decision Made:

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

11. PROVISION OF COUNCIL HOUSING AT BUCKLEY HILL LANE, NETHERTON

The Cabinet considered the report of the Head of Economic Growth and Housing that sought approval to proceed with the acquisition of homes at

Buckley Hill Lane, Netherton through the provision of 13 homes for social rent and shared ownership.

Decision Made:

That

- (1) the Business Case for the acquisition of 9 homes for social rent and 4 homes for shared ownership from Sandway Homes at the Buckley Hill Lane development in Netherton be agreed and the Council be recommended to approve and financially support as a capital scheme committing the use of Section 106 affordable housing receipts and Historic Right to Buy receipts to fund the purchase;
- (2) authority be given to the Head of Economic Growth and Housing in consultation with the Cabinet Member - Communities and Housing and Cabinet Member - Regulatory Compliance and Corporate Services to negotiate and agree the financial terms with Sandway Homes as identified within the Business Case and formally submit an offer to acquire the homes subject to the Council being able to secure grant funding from Homes England to cover the viability gap;
- (3) authority be given to the Head of Economic Growth and Housing in consultation with the Cabinet Member - Communities and Housing and Cabinet Member - Regulatory Compliance and Corporate Services to submit a bid to Homes England for capital grant funding through the Affordable Homes Programme 2021-26 supporting the acquisition to cover the viability gap and subject to grant offer to enter into contract with Homes England;
- (4) authority be given to the Chief Legal and Democratic Officer to negotiate the contract terms and finalise all associated legal documentation for the purchase and acquisition;
- (5) officers be instructed to develop the operational requirements for the new council homes as set out in the Cabinet report and Business Case and delegate authority to the Executive Director - Place in consultation with the Cabinet Member - Communities and Housing to approve the details;
- (6) the intention to seek Council approval for a Supplementary Capital Estimate once negotiations have concluded and the overall costs of the scheme are known, be noted; and
- (7) the intention to seek Council approval for the net rental income from the scheme, including that received during the initial payback period, is reserved and reinvested into the Council Housing Programme, be noted.

Reasons for the Recommendation(s):

To progress with the delivery of council housing at Buckley Hill Lane through the acquisition of 9 apartments for social rent and 4 houses for shared ownership from Sandway Homes and apply for Homes England Affordable Homes Programme (AHP) 2021-26 grant funding to support the acquisition (Option 3 in the Business Case).

Alternative Options Considered and Rejected: (including any Risk Implications)

Option 1 – Do Nothing, choose not to provide council housing

The Council could choose not to provide council housing at Buckley Hill Lane, however this could limit the opportunity to provide new social housing aimed to meet identified housing need in Netherton and does not align with the strategic case for Council housing delivery. Further, this option would remove the complimentary offer of additional social housing provision thereby relying on Housing Associations to meet housing need.

Option 2 – Acquire 9 apartments for social rent with grant funding

Acquiring 9 homes for social rent would support the Council's ambition to provide affordable housing to households in housing need in Sefton. Applying for grant funding would enable the scheme to be financially viable to deliver. However, the further 4 shared ownership homes would need to be delivered by another Registered Provider.

Option 3 – Acquire either mix without Homes England grant funding

The Council could proceed with approval for the acquisition of homes at Buckley Hill Lane based on the Business Case but choose not to apply to Homes England for grant funding through the AHP and instead fund solely from its own financial resources. This option is not recommended on the basis that acquisition would not be financially viable for the Council to deliver.